South Atlantic Coastal Migratory Pelagics Framework Action 2013

February 2013

DRAFT

Environmental Assessment Regulatory Impact Review Fishery Impact Statement
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Abbreviations and Acronyms Used in the FMP

ABC	acceptable biological catch
ACL	annual catch limits
AM	accountability measures
ACT	annual catch target
B	a measure of stock biomass in either weight or other appropriate unit
B_{MSY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
B_{OY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
B_{CURR}	The current stock biomass
CPUE	catch per unit effort
DEIS	draft environmental impact statement
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
F	a measure of the instantaneous rate of fishing mortality
$F_{30\%SPR}$	fishing mortality that will produce a static SPR = 30%
F_{CURR}	the current instantaneous rate of fishing mortality
F_{MSY}	the rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
F_{OY}	the rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	final environmental impact statement
FMP	fishery management plan
FMU	fishery management unit
M	natural mortality rate
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
OY	optimum yield
RIR	regulatory impact review
SAMFC	South Atlantic Fishery Management Council
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SIA	social impact assessment
SPR	spawning potential ratio
SSC	Scientific and Statistical Committee

South Atlantic Coastal Migratory Pelagics Framework Action with Environmental Assessment, Regulatory Impact Review, and Fishery Impact Statement

Proposed action:

Lead agency:

FMP Amendment – South Atlantic Fishery Management Council
Environmental Assessment – National Marine Fisheries Service (NMFS) Southeast Regional Office

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Chapter 1. Introduction

1.1 What Actions Are Being Proposed?

Framework actions include a modification to the Atlantic migratory group king mackerel minimum size limit (recreational and/or commercial); an exemption from the minimum size limit for commercial pound net harvest of Atlantic migratory group Spanish mackerel; modifications to the prohibition on transfer of fish at sea for Atlantic migratory group Spanish mackerel and the restriction on the number of gillnets allowed for each Spanish mackerel vessel; and changes to the commercial trip limit for king mackerel in the Florida East Coast subzone.

1.2 Who is Proposing the Actions?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing the actions with approval by the Gulf of Mexico Fishery Management Council. The South Atlantic Council develops the fishery management plans and amendments, and submits them to the National Marine Fisheries Service (NMFS) who ultimately approves, disapproves, or partially approves the actions in the amendment on behalf of the Secretary of Commerce. NMFS is an agency in the National Oceanic and Atmospheric Administration.

South Atlantic Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 13 voting members who are appointed by the Secretary of Commerce and 4 non-voting members
- Management area is from 3 to 200 mi off the coasts of North Carolina, South Carolina, Georgia, and Florida through the Atlantic side of Key West
- Develops management plans/amendments and recommends regulations to NMFS for implementation

1.3 Why is the South Atlantic Council Considering Action?

Atlantic Migratory Group King Mackerel

Changes for the Atlantic migratory group king mackerel fishery are being considered in response to concern about lost opportunities to fish for the species due to the current system of trip limits, which may increase the rate of harvest causing the fishery to close before Lent, the most lucrative part of the fishing season. Additionally, Atlantic migratory group king mackerel fishermen have questioned the utility of the current size limit restriction on the species (24 inches fork length (FL)) because any undersize king mackerel they capture in gillnets, in excess of the 5% allowance, would be discarded dead.

Atlantic Migratory Group Spanish Mackerel

Atlantic migratory group Spanish mackerel caught in North Carolina waters with pound nets in late summer are often smaller in size and do not meet the 12-inch FL minimum size requirement. An exemption from the size limit during August and September would allow fishermen harvesting Spanish mackerel with pound nets to keep smaller Spanish mackerel to reduce discards and maximize economic benefits in the pound net sector.

The South Atlantic Council is considering allowing a portion of a third net to be transferred from a vessel that has met the Spanish mackerel trip limit to another vessel, which has not yet reached its trip limit. This provision is intended to reduce dead discards and minimize waste when catch in one net exceeds the trip limit for the vessel by allowing Spanish mackerel to be transferred at sea by vessels holding a valid federal commercial permit for Spanish mackerel. Additionally, this amendment would modify the rule restricting federally-permitted Spanish mackerel vessels to a maximum of two gillnets on board in order to allow the use of a third net for Spanish mackerel harvest.

Atlantic migratory group Spanish mackerel are currently managed through a complicated system of trip limit step-downs throughout the fishing year with separate trip limits the weekends during a specific time of the year, and no trip limit at all during other parts of the year. The South Atlantic Council may wish to streamline the management system for Atlantic migratory group Spanish mackerel to remove the use of the "adjusted quota" and various other elements currently contained in the management regime to increase efficiency of Spanish mackerel management in the South Atlantic.

The current management objectives in the joint mackerel FMP as amended are:

1) The primary objective of this FMP is to stabilize yield at MSY, allow recovery of overfished populations, and maintain population levels sufficient to ensure adequate recruitment.
2) to provide a flexible management system for the resource which minimizes regulatory delay while retaining substantial Council and public input in management decisions and

which can rapidly adapt to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups or by areas.
3) to provide necessary information for effective management and establish a mandatory reporting system for monitoring catch.
4) to minimize gear and user group conflicts.
5) to distribute the TAC of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred during the early to mid-1970s, which is prior to the development of the deep water run-around gillnet fishery and when the resource was not overfished.
6) to minimize waste and bycatch in the fishery.
7) to provide appropriate management to address specific migratory groups of king mackerel.
8) to optimize the social and economic benefits of the coastal migratory pelagic fisheries.

The actions proposed in the amendment specifically help to meet FMP Objectives 1, 6, 7 and 8.

Purpose for Actions

The purpose of this amendment is to modify the following management measures in the Atlantic migratory group king mackerel and Atlantic migratory group Spanish mackerel: (1) minimum size limit for king mackerel, (2) regulations that prevent harvest of undersized Spanish mackerel in pound nets off of North Carolina, (3) the restrictions on transfer-at-sea and gillnet allowances for Spanish mackerel, (4) the king mackerel trip limit, and (5) the system of quota and trip limit adjustments for Spanish mackerel. .

Need for Actions

The need for the action is to modify current king and Spanish mackerel regulations to minimize dead discards and reduce the potential of lost fishing opportunities for mackerel fishermen in the Atlantic, and optimize utilization of the resource, while minimizing adverse biological impacts.

1.4 Which species and areas would be affected by the actions?

Three species—king mackerel, Spanish mackerel, and cobia—are included in the Coastal Migratory Pelagic (CMP) Joint fishery management plan (FMP). The proposed actions in this amendment would affect king mackerel and Spanish mackerel, and could affect fishermen harvesting king mackerel and Spanish mackerel in the federal waters of North Carolina, South Carolina, Georgia, the east coast of Florida and the Florida Keys.

The CMP FMP, approved in 1982 and implemented by regulations effective February 1983, treated king and Spanish mackerel each as one U.S. stock. The present management regime for mackerel recognizes two migratory groups of king and Spanish mackerel, the Gulf migratory group and the Atlantic migratory group.

King mackerel: These two migratory groups seasonally mix off the East Coast of Florida and in Monroe County, Florida. For management and assessment purposes, a boundary between these migratory groups of king mackerel was specified at the Volusia/Flagler County border on the Florida east coast in the winter (November 1 - March 31) and the Monroe/Collier County border on the Florida southwest coast in the summer (April 1 - October 31) (Figures 1-1 and 1-2).

Spanish mackerel: Although these two migratory groups mix in south Florida, abundance trends along each coast of Florida are different, indicating sufficient isolation between the two migratory groups. Consequently, the boundary for Spanish mackerel is fixed at the Miami-Dade/Monroe County border on Florida's southeast coast (Figure 1-3). Within the Atlantic migratory group there are different regulations in Florida (Atlantic Migratory group South) and north of Florida (Atlantic Migratory group North).

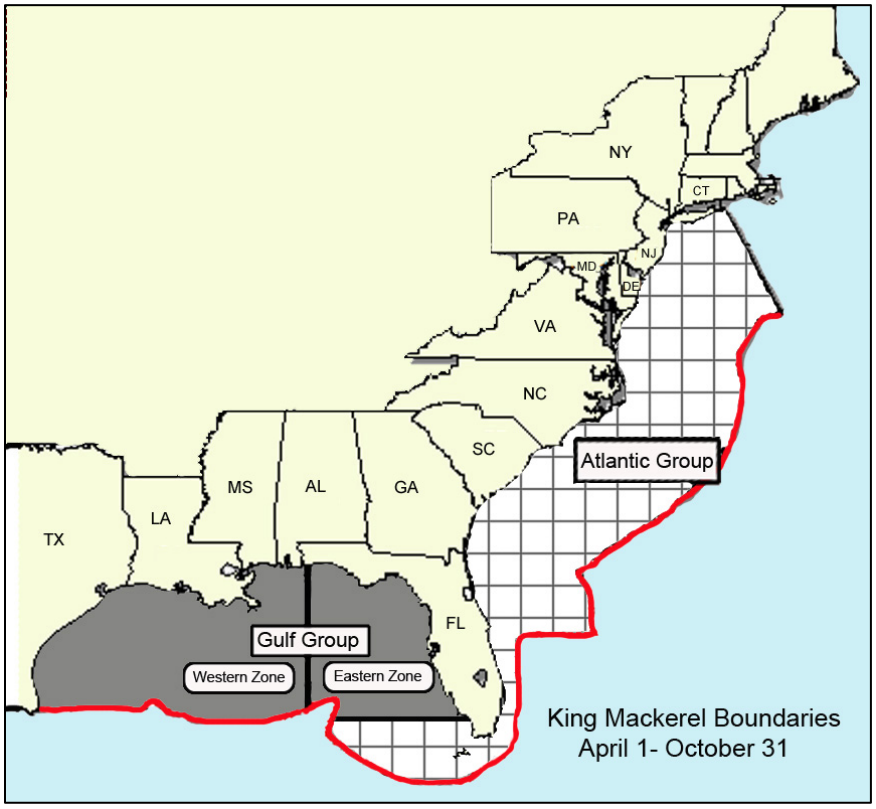

Figure 1-1. King mackerel seasonal boundaries April 1-October 31

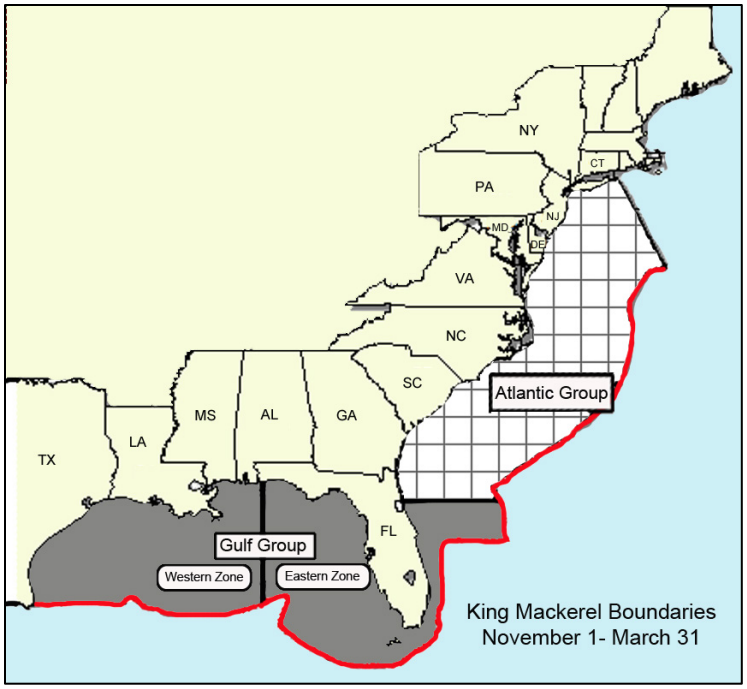

Figure 1-2. King mackerel seasonal boundaries November 1- March 31

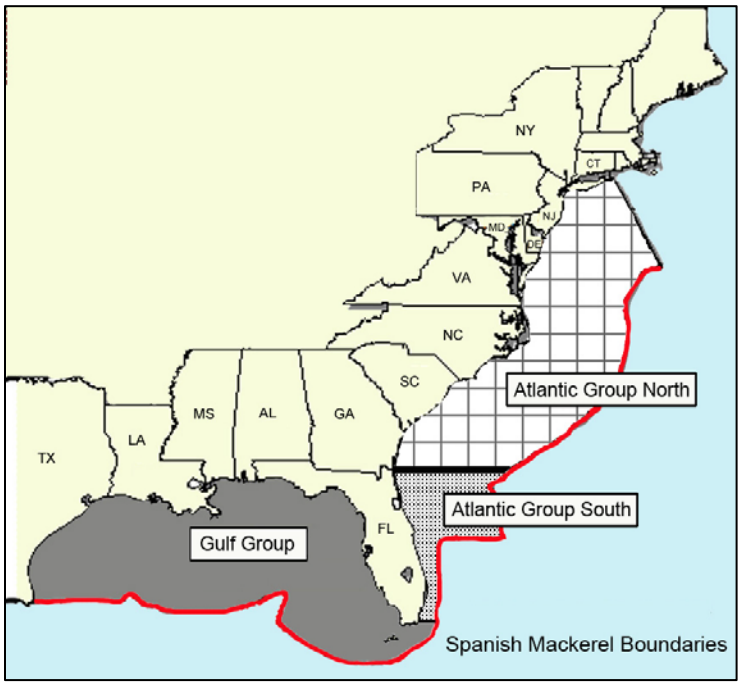

Figure 1-3. Spanish mackerel boundaries

Chapter 2. Proposed Actions

Action 1: Modify the Atlantic migratory group king mackerel minimum size limit.

Alternative 1 (No Action). Do not change the Atlantic migratory group king mackerel minimum size limit of 24 inches fork length (FL) for the commercial and recreational sectors.

Alternative 2. Reduce the Atlantic migratory group king mackerel recreational and commercial minimum size limit to 23 inches FL.

Alternative 3. Reduce the Atlantic migratory group king mackerel recreational and commercial minimum size limit to 22 inches FL.

Alternative 4. Reduce the Atlantic migratory group king mackerel commercial minimum size limit to 23 inches FL for the commercial sector only, from the Georgia/Florida line south to the Miami-Dade/Monroe County line. The commercial minimum size limit in areas north of the Georgia/Florida state line and South of the Miami-Dade/Monroe County line would remain 24 inches FL. The recreational minimum size limit would remain 24 inches FL.

****These alternatives will be reviewed by the Council in March 2013; the language has not been approved.**

Discussion

Amendment 9 to the Fishery Management Plan for the Coastal Migratory Pelagic Resource in the Southeast Region (Amendment 9) (1998) included an action to increase the minimum size limit for Gulf migratory group king mackerel from 20 inches FL to 24 inches FL with the intention of reducing risk of exceeding the total allowable catch (now known as an annual catch limit or ACL) and to improve likelihood that the fish would reach spawning size before harvest. The South Atlantic Fishery Management Council (South Atlantic Council) modified the Atlantic migratory group king mackerel minimum size limit from 20 inches FL to 24 inches FL through a Framework Adjustment in August 1998. The primary intention of the increased minimum size limit was to improve consistency for compliance and enforcement by having the same minimum size limit for both Gulf migratory group and Atlantic migratory group king mackerel in addition to the biological benefits noted by the Amendment 9 modification.

Recently the South Atlantic Council has resurrected discussions of the utility of the minimum size limit due to the increased chance of catching undersized king mackerel in late winter and early spring, and some concern about discard mortality, particularly in Florida. The South Atlantic Council is considering a reduction in the minimum size limit to reduce dead discards

and optimize use of the resource. There is no known harvest reduction target associated with this action.

Amendment 8 (GMFMC/SAFMC 1996) established the Councils' responsibilities for regulating the migratory groups of king mackerel, Spanish mackerel, and cobia, including allowing the South Atlantic Council to set regulations within what is now called the East Coast Subzone for Gulf migratory group king mackerel. Amendment 18 (GMFMC/SAFMC 2011) created a new framework for the CMP FMP that provided the Councils and NOAA Fisheries Service the flexibility to respond quickly to changes in the CMP fishery. Measures that can be changed under the procedure are identified, as well as the appropriate process needed for each type of change. However, the provision to allow each Council to set regulations for their respective migratory groups and to allow the South Atlantic Council to set regulations in the East Coast Subzone was inadvertently not retained. Amendment 20 proposes to correct that omission, but until that amendment is approved, both Councils must approve any action affecting the CMP fishery.

Note from IPT: The action would also affect the Florida East Coast Subzone, which is considered to contain Gulf migratory group king mackerel from November 1 through March 31. The original framework allowed the South Atlantic Council to set management measures in this subzone (Amendment 8 1998); however, changes to the framework in Amendment 18 inadvertently omitted this provision. Through the framework modification proposed in Amendment 20, the South Atlantic Council would have that authority reinstated. However, until Amendment 20 is approved, the Gulf Council would need to approve any changes to management in this subzone.

Action 2. Modify regulations for the Atlantic migratory group Spanish mackerel minimum commercial size limit.

Alternative 1 (No Action). Continue to prohibit harvest of undersized Atlantic migratory group Spanish mackerel except for vessels fishing under a quota for Spanish mackerel specified in Section 622.42(c)(2), which may possess undersized Spanish mackerel in quantities not exceeding five percent, by weight, of the Spanish mackerel on board. The current commercial and recreational minimum size limit is 12 inches fork length (FL).

Alternative 2. Allow commercial harvest of undersized Atlantic migratory group Spanish mackerel in waters off North Carolina with pound nets between August 1 and September 30 each year.

Sub-Alternative 2a. Decrease the minimum size limit to 11 inches FL.
Sub-Alternative 2b. Eliminate the minimum size limit.

Alternative 3. Allow commercial harvest of undersized Spanish mackerel with pound nets in waters within the Atlantic northern zone (GA-NY) between August 1 and September 30 each year.

Sub-Alternative 3a. Decrease the minimum size limit to 11 inches FL.
Sub-Alternative 3b. Eliminate the minimum size limit.

****These alternatives will be reviewed by the Council in March 2013; the language has not been approved.**

Discussion

Smaller Spanish mackerel in North Carolina waters in late summer are caught in pound nets but do not meet the 12-inch FL minimum size requirement. Reports from fishermen and North Carolina Division of Marine Fisheries indicate that smaller fish caught are around 11 inches, just below the minimum size limit. An exemption from the size limit during August and September would allow fishermen harvesting with pound nets to keep smaller Spanish mackerel and reduce discards. Sizes at first maturity differ depending the source. Males are thought to reach sexual maturity at 8 inches, while females are thought to reach sexual maturity at 11 inches, but other sources indicate females reach sexual maturity at 12 inches.

Action 3. Modify restrictions on transfer-at-sea and gillnet allowances for Atlantic migratory group Spanish mackerel.

Alternative 1 (No Action). No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm) (622.41(c)(3)(ii)(B)(*3*). A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ (§ 622.44).

Alternative 2: Modify commercial gear specifications for Atlantic migratory group Spanish mackerel.

Option a. Remove the maximum number of gillnets.
Option b. Remove the requirement for different mesh sizes.
Option c. Allow federally-permitted Spanish mackerel vessels to possess three gillnets.

Alternative 3. Allow transfer of a portion an Atlantic migratory group Spanish mackerel gillnet and its catch from one vessel that has reached its trip limit to another vessel that has not caught the trip limit.

a) Transfer is allowed if directed harvesting gear used to harvest the Spanish mackerel being transferred is allowable net gear. Spanish mackerel harvested with other than directed allowable net harvesting gear shall not be transferred.
b) Transfer shall only take place in the EEZ between vessels with valid Spanish mackerel commercial permits.
c) The Spanish mackerel removed from the directed harvesting gear aboard the harvesting vessel shall be isolated aboard the vessel and shall not exceed the applicable daily vessel limit specified in this subsection. All fish exceeding the applicable daily vessel limit shall remain entangled in the meshes of the net until another vessel operated by a person possessing a valid permit (applicable to himself or the vessel) is within 50 yards of the vessel from which the transfer shall take place. The fish shall then be removed from the net in a continuous process and transferred singly or in a container to the second vessel. The quantity of fish transferred to any single vessel shall not exceed the applicable daily harvest limit.
d) Vessels must transit together after transfer. Call-in and immediate termination of the fishing trip is required for both vessels.
e) Transfer allowed [x] times per year per vessel.

****These alternatives will be reviewed by the Council in March 2013; the language has not been approved.**

Discussion:
At times a vessel harvesting Spanish mackerel with gillnet will exceed the trip limit with one set. Overages are difficult to estimate when the gillnet is in the water and fish caught in this gear tend to not survive when released. Modification to the prohibition on trnasfer at sea and to gear specification for Spanish mackerel commercial harvest would provide provisions to allow part of the gillnet and its contents to be transferred to another vessel that has not met its trip limit would prevent waste in the fishery, because fish caught in gillnets have high discard mortality.

The South Atlantic Council considered allowing transfer at sea in the Spanish mackerel gillnet fishery when a trip limit had been exceeded in Amendment 8 but did not approve the alternative, concluding that transfer at sea precludes effective enforcement and may reduce the effectiveness of trip limits.

Action 4. Modify the king mackerel commercial trip limit in the East Coast Florida Subzone.

Alternative 1 (No Action). Retain the current commercial trip limit regulations in place for East Coast Florida Subzone king mackerel. In the Florida East Coast Subzone (Flagler/Volusia County line south to the Miami-Dade/Monroe County line, November 1 – March 31 each year), king mackerel in or from the EEZ may be possessed on board at any time or landed in a day from a vessel with a commercial permit for king mackerel as follows:

(A) From November 1 through January 31--not to exceed 50 fish.

(B) Beginning on February 1 and continuing through March 31--

(1) If 75 percent or more of the [Gulf group] Florida east coast subzone quota has been taken-- not to exceed 50 fish.

(2) If less than 75 percent of the [Gulf group] Florida east coast subzone quota has been taken --not to exceed 75 fish.

Alternative 2. Change the king mackerel commercial trip limit in the Florida East Coast Subzone to 50 fish for the entire fishing season (November 1- March 31).
AP Recommended.

Alternative 3. Change the king mackerel commercial trip limit in the Florida East Coast Subzone to 75 fish for the entire fishing season (November 1- March 31).

IPT Suggestion Alternative 4. In the Florida East Coast Subzone, king mackerel in or from the EEZ may be possessed on board at any time or landed in a day from a vessel with a commercial permit for king mackerel as follows:

(A) From November 1 through January 31--not to exceed 50 fish.

(B) Beginning on March 1 and continuing through March 31--

(1) If 75 percent or more of the [Gulf group] Florida east coast subzone quota has been taken-- not to exceed 50 fish.

(2) If less than 75 percent of the [Gulf group] Florida east coast subzone quota has been taken --not to exceed 75 fish.

IPT Suggestion Alternative 5. In the Florida East Coast Subzone, king mackerel in or from the EEZ may be possessed on board at any time or landed in a day from a vessel with a commercial permit for king mackerel as follows:

(A) From November 1 through January 31--not to exceed 25 fish.

(B) Beginning on February 1 and continuing through March 31--

(1) If 75 percent or more of the [Gulf group] Florida east coast subzone quota has been taken-- not to exceed 25 fish.

(2) If less than 75 percent of the [Gulf group] Florida east coast subzone quota has been taken --not to exceed 50 fish.

****These alternatives will be reviewed by the Council in March 2013; the language has not been approved.**

Discussion

The trip limit increase was originally implemented at the request of king mackerel fishermen because they were not harvesting the full quota before the end of the fishing season (July 2000 Regulatory Amendment). However, the percentage of quota reached by king mackerel commercial landings in the past two years has decreased earlier in the year, triggering the trip limit increase when the king mackerel are abundant. This in turn allowed the quota to be filled quickly, requiring NMFS to close the subzone in February or March (Table 2-1) which is around Lent, the most profitable time of the year for these fishermen. The South Atlantic Council may wish to reverse this trend and implement measures to slow the rate of harvest by enough to extend fishing opportunities through the Lent season each year.

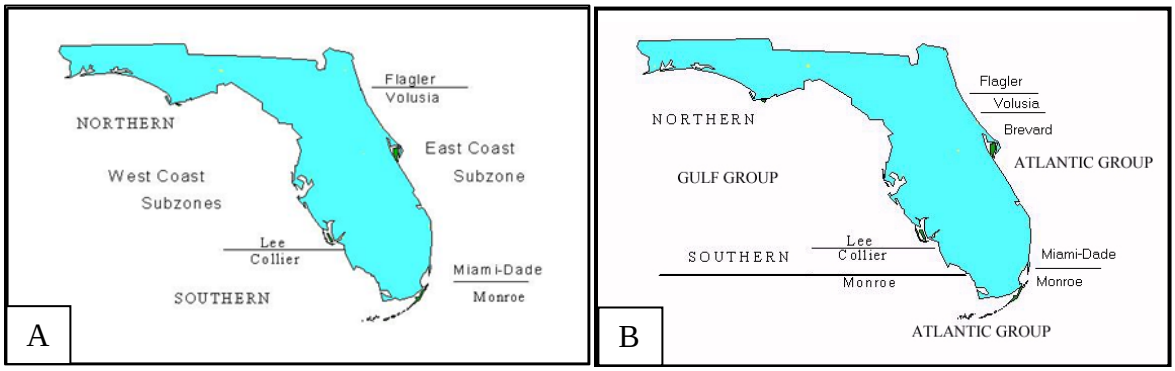

Figure 2-1. Gulf migratory group king mackerel Eastern zone subzones for A) November 1 – March 31 and B) April 1- October 31.

Table 2-1. Trip limit increases and closures dates for the Florida East Coast Subzone for the most recent 12 years. Note: This area is considered to contain Atlantic migratory group king mackerel beginning April 1, at which time harvesting can resume under the Atlantic quota.

Fishing Season	Trip limit increase to 75 fish?	Closure date
01/02	Yes	None
02/03	Yes	None
03/04	Yes	None
04/05	Yes	None
05/06	Yes	None
06/07	Yes	None
07/08	Yes	2/21/08

08/09	No	3/6/09
09/10	No	2/4/10 (reopened for an additional 6 days)
10/11	No	2/26/11
11/12	Yes	3/14/12
12/13	Yes	?

Chapter 3. Affected Environment

This section describes the affected environment in the proposed project area. The affected environment is divided into four major components:

- **Habitat environment** (Section 3.1)
- **Biological environment** (Section 3.2)
- **Human environment** (Sections 3.3)
- **Administrative environment** (Section 3.4)

3.1 Habitat Environment

3.1.1 Inshore/Estuarine Habitat

3.1.2 Offshore Habitat

3.1.3 Essential Fish Habitat

3.1.4 Habitat Areas of Particular Concern

3.2 Biological and Ecological Environment

3.2.1 Fish Populations Affected by this Amendment

3.2.2 Protected Species

3.3 Human Environment

3.3.1 Economic Description of the Fishery

3.3.2 Social and Cultural Environment

3.3.3 Environmental Justice (EJ)

3.4 Administrative Environment

3.4.1 The Fishery Management Process and Applicable Laws

3.4.1.1 Federal Fishery Management

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

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

The South Atlantic Council is responsible for conservation and management of fishery resources in federal waters of the U.S. South Atlantic. These waters extend from 3 to 200 mi offshore

from the seaward boundary of North Carolina, South Carolina, Georgia, and east Florida to Key West. The South Atlantic Council has thirteen voting members: one from NMFS; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. On the South Atlantic Council, there are two public members from each of the four South Atlantic States. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard, State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The South Atlantic Council has adopted procedures whereby the non-voting members serving on the South Atlantic Council Committees have full voting rights at the Committee level but not at the full South Atlantic Council level. South Atlantic Council members serve three-year terms and are recommended by state governors and appointed by the Secretary from lists of nominees submitted by state governors. Appointed members may serve a maximum of three consecutive terms.

Public interests also are involved in the fishery management process through participation on Advisory Panels and through council meetings, which, with few exceptions for discussing personnel matters, are open to the public. The South Atlantic Council uses its SSC to review the data and science being used in assessments and fishery management plans/amendments. In addition, the regulatory process is in accordance with the Administrative Procedure Act, in the form of "notice and comment" rulemaking.

3.4.1.2 State Fishery Management

The state governments of North Carolina, South Carolina, Georgia, and Florida have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. North Carolina's marine fisheries are managed by the Marine Fisheries Division of the North Carolina Department of Environment and Natural Resources. The Marine Resources Division of the South Carolina Department of Natural Resources regulates South Carolina's marine fisheries. Georgia's marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Marine Fisheries Division of the Florida Fish and Wildlife Conservation Commission is responsible for managing Florida's marine fisheries. Each state fishery management agency has a designated seat on the South Atlantic Council. The purpose of state representation at the South Atlantic Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters.

The South Atlantic States are also involved through the ASMFC in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries. It has significant authority, through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, to compel adoption of consistent state regulations to conserve coastal species. The ASFMC is also represented at the South Atlantic Council level, but does not have voting authority at the South Atlantic Council level.

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

3.4.1.3 Enforcement

Both the NMFS Office for Law Enforcement (NOAA/OLE) and the United States Coast Guard (USCG) have the authority and the responsibility to enforce South Atlantic Council regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in some circumstances, prosecute resultant violators through the state when a state violation has occurred.

NOAA General Counsel issued a revised Southeast Region Magnuson-Stevens Act Penalty Schedule in June 2003, which addresses all Magnuson-Stevens Act violations in the Southeast Region. In general, this penalty schedule increases the amount of civil administrative penalties that a violator may be subject to up to the current statutory maximum of $120,000 per violation. The Final Penalty Policy was issued and announced on April 14, 2011 (76 FR 20959).

Chapter 4. Environmental Effects and Comparison of Alternatives

4.1 Action 1: Modify the Atlantic migratory group king mackerel minimum size limit.

4.1.1 Biological Effects

4.1.2 Economic Effects

4.1.3 Social Effects

4.1.4 Administrative Effects

4.2 Action 2. Modify regulations for the Atlantic migratory group Spanish mackerel minimum commercial size limit.

4.2.1 Biological Effects

4.2.2 Economic Effects

4.2.3 Social Effects

4.2.4 Administrative Effects

4.3 Action 3. Modify restrictions on transfer-at-sea and gillnet allowances for Atlantic migratory group Spanish mackerel.

4.3.1 Biological Effects

4.3.2 Economic Effects

4.3.3 Social Effects

4.3.4 Administrative Effects

4.4 Action 4. Modify the king mackerel commercial trip limit in the East Coast Florida Subzone.

4.4.1 Biological Effects

4.4.2 Economic Effects

4.4.3 Social Effects

4.4.4 Administrative Effects

Chapter 5. Council's Choice for the Preferred Alternatives

5.1 Action 1: Modify the Atlantic migratory group king mackerel minimum size limit.

5.1.1 Mackerel Advisory Panel Comments and Recommendations

5.1.2 Law Enforcement Advisory Panel Comments and Recommendations

5.1.3 Scientific and Statistical Committee Comments and Recommendations

5.1.4 Public Comments and Recommendations

5.1.5 South Atlantic Council Choice for Preferred Alternative

5.2 Action 2. **Modify regulations for the Atlantic migratory group Spanish mackerel minimum commercial size limit.**

5.2.1 Mackerel Advisory Panel Comments and Recommendations

5.2.2 Law Enforcement Advisory Panel Comments and Recommendations

5.2.3 Scientific and Statistical Committee Comments and Recommendations

5.2.4 Public Comments and Recommendations

5.2.5 South Atlantic Council Choice for Preferred Alternative

5.3 **Action 3. Modify restrictions on transfer-at-sea and gillnet allowances for Atlantic migratory group Spanish mackerel.**

5.3.1 Mackerel Advisory Panel Comments and Recommendations

5.3.2 Law Enforcement Advisory Panel Comments and Recommendations

5.3.3 Scientific and Statistical Committee Comments and Recommendations

5.3.4 Public Comments and Recommendations

5.3.5 South Atlantic Council Choice for Preferred Alternative

5.4 **Action 4. Modify the king mackerel commercial trip limit in the East Coast Florida Subzone.**

5.4.1 Mackerel Advisory Panel Comments and Recommendations

5.4.2 Law Enforcement Advisory Panel Comments and Recommendations

5.4.3 Scientific and Statistical Committee Comments and Recommendations

5.4.4 Public Comments and Recommendations

5.4.5 South Atlantic Council Choice for Preferred Alternative

Chapter 6. Cumulative Effects

6.1 Biological

6.2 Socioeconomic

Chapter 7. List of Interdisciplinary Plan Team (IPT) Members

Name	Agency/Division	Title
Kari MacLauchlin	SAFMC	Interdisciplinary plan team (IPT) Lead/Fishery Social Scientist
Kate Michie	SERO /SF	IPT Lead/Fishery Biologist
Adam Brame		
Shannon Calay		
Brian Cheuvront	SAFMC	Fishery Economist
Nancie Cummings		
David Dale	SERO /HC	EFH Specialist
Anne Marie Eich	SERO	Technical Writer and Editor
Nick Farmer	SERO	Biologist
Stephen Holiman	SERO /SF	Economist
Denise Johnson	SERO/SF	Economist
David Keys	NMFS	Regional NEPA Coordinator
Mara Levy	NOAA GC	GeneralCounsel
Christopher Liese	SEFSC	Economist
Jack McGovern	SERO/SF	Fishery Scientist
Andy Strelcheck	SERO/SF	Fishery Biologist
Gregg Waugh	SAFMC	Deputy Director

NMFS = National Marine Fisheries Service, SAFMC = South Atlantic Fishery Management Council, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel

Chapter 8. Agencies and Persons Consulted

Responsible Agency

South Atlantic Coastal Migratory Pelagics
Framework Action 2013
South Atlantic Fishery Management Council
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Charleston, South Carolina 29405
(843) 571-4366 (TEL)
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(843) 769-4520 (FAX)
safmc@safmc.net

Environmental Assessment:
NMFS, Southeast Region
263 13th Avenue South
St. Petersburg, Florida 33701
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List of Agencies, Organizations, and Persons Consulted

SAFMC Law Enforcement Advisory Panel
SAFMC Snapper Grouper Advisory Panel
SAFMC Scientific and Statistical Committee
SAFMC Information and Education Advisory Panel
North Carolina Coastal Zone Management Program
South Carolina Coastal Zone Management Program
Georgia Coastal Zone Management Program
Florida Coastal Zone Management Program
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
North Carolina Sea Grant
South Carolina Sea Grant
Georgia Sea Grant
Florida Sea Grant
Atlantic States Marine Fisheries Commission
Gulf and South Atlantic Fisheries Development Foundation
Gulf of Mexico Fishery Management Council
National Marine Fisheries Service
- Washington Office
- Office of Ecology and Conservation
- Southeast Regional Office
- Southeast Fisheries Science Center

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Appendix A. Glossary

Appendix B. Alternatives Considered but Rejected

Appendix C. History of Management

Appendix D. Bycatch Practicability Analysis

Appendix E. Regulatory Impact Review

Appendix F. Regulatory Flexibility Analysis

Appendix G. Other Applicable Law