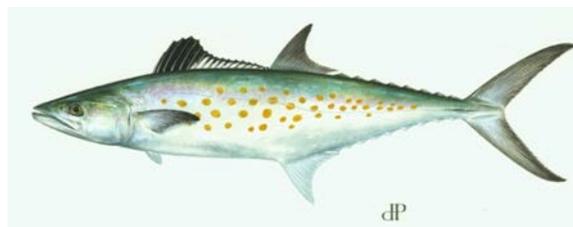


DECISION DOCUMENT
for
**SOUTH ATLANTIC
COASTAL MIGRATORY
PELAGICS
FRAMEWORK ACTION 2013**



**St Simons, GA
March 2013**

Framework Actions

1. Modify the Atlantic migratory group king mackerel minimum size limit.
2. Modify regulations for the Atlantic migratory group Spanish mackerel minimum commercial size limit.
3. Modify restrictions on transfer-at-sea and gillnet allowances for Atlantic migratory group Spanish mackerel.
4. Modify the king mackerel commercial trip limit in the East Coast Florida Subzone.

Expected Schedule

March 2013- Review actions and alternatives

April 2013- Review by Mackerel Advisory Panel and SSC

June 2013- Approve for public hearings

August 2013- Public hearings

September 2013- Final approval

Spring 2014- Implementation

**The framework actions will need to be approved by the Gulf Council.

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.

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.

Background:

- In 1998 the minimum size limit was increased from 20" FL to 24" FL to increase likelihood of spawning before being caught.
- Size at first spawning for females has been reported as small as 18 inches with most females mature by 35.5 inches. Males are usually mature at 28 inches.

Committee Actions

- 1) Clarify the intent of the action.
- 2) Would the size limits in Alternatives 2-4 apply year-round (e.g., would the lower minimum size limits apply in the Florida East Coast subzone only when fishing on Atlantic group – April 1- Oct 31)?
- 3) Does the committee approve the language for the action title and in the alternatives?
- 4) Does the committee want to add, remove, or modify any alternatives?
- 5) Does the committee want to select a Preferred Alternative?

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.

Background:

- Spanish mackerel migrate to warmer waters in North Carolina August and September, and smaller fish are caught in pound nets. An exemption from the minimum size limit during those months would reduce waste and increase economic benefits to the pound net fishermen.

Committee Actions

- 1) Does the committee approve the language for the action title and in the alternatives?
- 2) Does the committee want to add, remove, or modify any alternatives?
- 3) Does the committee want to select a Preferred Alternative/Sub-Alternative?

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.

Background:

- Prohibition of transfer at sea for fish under a trip limit.
- No more than two nets on board, each must be a different mesh size.

Committee Actions

- 1) Define portion of a net.

- 2) Does the committee approve the language for the action title and in the alternatives?
- 3) Does the committee want to add, remove, or modify any alternatives?
- 4) Does the committee want to select a Preferred Alternative?

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.

Background:

- 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).
- 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.
- April 1- October 31, the boundary shifts and the trip limit is 75 fish.

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

Committee Actions

- 1) Does the committee approve the language for the action title and in the alternatives?
- 2) Does the committee want to add, remove, or modify any alternatives?
- 3) Does the committee want to select a Preferred Alternative?

This action is suggested by the IPT to include in the framework actions. It is currently not in the amendment.

Possible Action 5. Modify the system of quota and trip limit adjustments for Atlantic migratory group Spanish mackerel.

Background: The adjusted quota was implemented through Amendment 6 in 1992. The adjustment was calculated based on the number of vessels and the catch rates at that time, and was intended to allow fishing by small vessels at 500 lbs for the rest of the year. However, both the number of vessels and the catch rates have changes in the past 20 years, making the 250,000-lb adjustment meaningless. Further, in Amendment 18, the Council chose to add an in-season closure when the quota is met or projected to be met. Consequently, the use of the adjusted quota is overly complicated and no longer accomplishes the original intention.

Amendment 18 also set an ACL that is lower than the TAC in place when the trip limit adjustments were established. Thus the allowance of unlimited catch on weekdays beginning December 1 may contribute to early closures in the spring under the lower quota. On the other hand, the trip limit reduction may help lengthen the open season, and may be retained but based on the full quota rather than the adjusted quota.

Alternative 1 (No Action). Retain the current quota system for the northern and southern zones of Atlantic migratory group Spanish mackerel, whereby the quota for both zones is 3.87 million pounds, and is adjusted to 3.62 million pounds and the fishing year begins March 1. Currently for the southern zone, the trip limit is 3,500 pounds starting March 1, and then starting December 1 trips are not limited on week days and are 1,500 pounds on weekends. This unlimited time period continues until 75 percent of the adjusted quota is landed, after which the trip limit is 1,500 pounds every day. When 100 percent of the adjusted quota is reached, the trip limit is reduced to 500 pounds until the end of the fishing year or until the full quota is met or projected to be met. In the northern zone, the trip limit is 3,500 pounds year-round.

	Southern Zone	Northern Zone
March 1- Nov 30	3,500 lbs	3,500 lbs
Dec 1- Feb 28(29)	No limit if 0-74% adjusted quota has been landed weekdays, 1,500 lbs weekends	3,500 lbs
	1,500 lbs if 75-99% adjusted quota has been landed	
	500 lbs if 100% adjusted quota has been landed	
	0 lbs if 100% quota has been landed	0 lbs if 100% quota has been landed

Alternative 2. Remove the use of an adjusted quota for Atlantic migratory group Spanish mackerel and:

Sub-Alternative 2a. Remove all trip limit changes for the southern zone. The trip limit would remain 3,500 lbs year-round. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

Sub-Alternative 2b. Reduce the southern zone trip limit from unlimited on weekdays to 1,500 pounds when 75% of the commercial ACL is landed, or projected to be landed. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

Sub-Alternative 2c. Reduce the southern zone trip limit from unlimited on weekdays to 500 pounds when 75% of the commercial ACL has been landed, or projected to be landed. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

Sub-Alternative 2d. Remove the period of unlimited trips for the southern zone that starts December 1 each year. The southern zone trip limit would start at 3,500 pounds on March 1 of each year. When 75% of the commercial ACL has been landed or projected to be landed the trip limit would be reduced to 1,500 pounds. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

Sub-Alternative 2e. Remove the period of unlimited trips for the southern zone that starts December 1 each year. The southern zone trip limit would start at 3,500 pounds on March 1 of each year. When 75% of the commercial ACL has been landed or projected to be landed the trip limit would be reduced to 500 pounds. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

AP Recommendation: **Alternative 3.** Retain the adjusted commercial ACL but remove the period of unlimited trips for the southern zone that starts December 1 each year. The southern zone trip limit would start at 3,500 pounds on March 1 of each year. When 75% of the adjusted commercial ACL has been landed or projected to be landed the trip limit would be reduced to 1,500 pounds. When 100% of the adjusted commercial ACL is reached, the trip limit is reduced to 500 pounds until the end of the fishing year or until the commercial ACL is met or projected to be met. Close commercial harvest of Atlantic migratory group Spanish mackerel when the commercial ACL is met or projected to be met.

Committee Actions

- 1) Does the committee want to add the action?
- 2) Does the committee approve the language for the action title and in the alternatives?
- 3) Does the committee want to add, remove, or modify any alternatives?
- 4) Does the committee want to select a Preferred Alternative?