

DECISION DOCUMENT

for

AMENDMENT 20

to the joint Fishery Management Plan for
Coastal Migratory Pelagic Resources

of the

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



**Committee Meeting
Stuart, FL
June 2013**

Actions in Amendment 20

1. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.
2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel
3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone
4. Establish transit provisions for travel through areas that are closed to king mackerel fishing
5. Establish State Quotas for Atlantic Migratory Group King Mackerel and Spanish Mackerel for North Carolina
6. Modify the Framework Procedure
7. Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs).

Expected Schedule

June 2013- Gulf Council and South Atlantic Council approve for public hearings

July/August 2013- Public hearings

September 2013- South Atlantic Council final approval

October 2013- Gulf Council final approval

Spring 2014- Implementation

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 Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.

THIS ACTION WAS REMOVED BY THE GULF COUNCIL IN APRIL 2013.

Alternative 1: No Action – Retain the existing Northern and Southern Subzones and retain the existing allocations for these areas.

Alternative 2: Eliminate the current Northern and Southern Subzones and add the assigned allocation to the combined eastern zone.

Alternative 3: Modify the Florida west coast subzones and reallocate quota

Option a: Retain the subzones but modify the boundary between the Northern and Southern Subzones to the Dixie/Levy County line and set allocation based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Central Subzone.

Suboption ii. Reallocating 2% from the recreational sector allocation to the Central Subzone based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

Option b: Create a Central Subzone from the Collier/Lee County line to the Dixie/Levy County line with an allocation based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Central Subzone.

Suboption ii. Reallocating 2% from the recreational sector allocation to the Central Subzone based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

Option c: Retain the subzones but increase the allocation to the Northern Subzone based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Northern Subzone.

Suboption ii. Reallocating 2% from the recreational sector allocation to the Northern Subzone based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

Committee Actions

1) Does the committee want to remove this action?

Action 2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel.

Alternative 1: No Action – Retain the existing commercial hook-and-line trip limits.

- a. Western Zone at 3,000 pounds
- b. Eastern Zone Northern Subzone at 1,250 pounds until 75% of the quota is taken, at which time the trip limit decreases to 500 pounds
- c. Eastern Zone Southern Subzone at 1,250 pounds until 75% of the quota is taken, at which time the trip limit decreases to 500 pounds

Alternative 2: Set the commercial hook-and-line trip limit at 1,500 pounds with no reduction.

- Option a: For the Western zone
- Option b: For the Eastern Zone Northern Subzone
- Option c: For the Eastern Zone Southern Subzone

Alternative 3: Set the commercial hook-and-line trip limit at 2,000 pounds with no reduction.

- Option a: For the Western zone
- Option b: For the Eastern Zone Northern Subzone
- Option c: For the Eastern Zone Southern Subzone

Alternative 4: Set the commercial hook-and-line trip limit at 2,500 pounds with no reduction.

- Option a: For the Western zone
- Option b: For the Eastern Zone Northern Subzone
- Option c: For the Eastern Zone Southern Subzone

Alternative 5: Set the commercial hook-and-line trip limit at 3,000 pounds with no reduction.

- Gulf Preferred** Option a: For the Western zone
- Option b: For the Eastern Zone Northern Subzone
- Gulf Preferred** Option c: For the Eastern Zone Southern Subzone

Gulf Council Actions

In April 2013 the Gulf Council:

- removed Alternatives 2 and 3
- added new Alternative 6:

Alternative 6: Set the commercial hook-and-line trip limit at 1,250 with no reduction.

- Option a.** For the Western zone.
- Option b.** For the Eastern Zone Northern Subzone
- Option c.** For the Eastern Zone Southern Subzone.

- selected as the Preferreds:

- Alternative 5, Option a and Option c
- Alternative 6, Option b

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended that the South Atlantic should track Gulf decisions for Action 2 because the changes would affect Gulf fishermen.

South Atlantic Mackerel AP Recommendations (April 2012)

Support a trip limit of 3,000 lbs in the Gulf/Eastern/Southern Subzone (Alternative 5, Option c)

Gulf Mackerel AP Recommendations (May 2013)

The Mackerel AP recommended Alternative 1 (No Action) as the Preferred.

Committee Actions

- 1) Does the committee want to remove Alternatives 2 and 3?
- 2) Does the committee want to add new Alternative 6?

Alternative 6: Set the commercial hook-and-line trip limit at 1,250 with no reduction.

Option a. For the Western zone.

Gulf Preferred Option b. For the Eastern Zone Northern Subzone

Option c. For the Eastern Zone Southern Subzone.

- 3) Does the committee want to add, remove, or modify any alternatives?
- 4) Does the committee want to select Preferred Alternative(s)/option(s)?

The Gulf Preferred Alternatives/options are:

Alternative 5: Set the commercial hook-and-line trip limit at 3,000 pounds with no reduction.

Gulf Preferred Option a: For the Western zone

Gulf Preferred Option c: For the Eastern Zone Southern Subzone

Alternative 6: Set the commercial hook-and-line trip limit at 1,250 with no reduction.

Gulf Preferred Option b. For the Eastern Zone Northern Subzone

Action 3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone.

Alternative 1: No Action - the fishing season remains July 1 – June 30.

Gulf Preferred Alternative 2: Change the fishing season for Gulf group king mackerel season to September 1 – August 31.

Option a: For the Western Zone

Option b: For the Eastern Zone

Alternative 3: Change the fishing season for Gulf group king mackerel season to October 1 – September 30.

Option a: For the Western Zone

Option b: For the Eastern Zone

Alternative 4: Change the fishing season for Gulf group king mackerel season to November 1 – October 31.

Option a: For the Western Zone

Option b: For the Eastern Zone

Gulf Council Actions

In April 2013 the Gulf Council:

- selected Alternative 2 as the Preferred.
- removed Alternative 4.

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended Alternative 1 (No Action) as the Preferred Alternative.

South Atlantic Mackerel AP Recommendations (April 2012)

At the April 2012 meeting, the Mackerel AP recommended Alternative 1 (No Action) as the Preferred Alternative.

Gulf Mackerel AP Recommendations (May 2013)

The Gulf AP recommended Alternative 1 (No Action) for the Western Zone and Eastern Zone Southern Subzone, and Alternative 3, Option B for the Northern Subzone.

Committee Actions

- 1) Does the committee want to remove Alternative 4?

Alternative 4: Change the fishing season for Gulf group king mackerel season to November 1 – October 31.

Option a: For the Western Zone

Option b: For the Eastern Zone

2) Does the committee want to add, remove, or modify any alternatives?

3) Does the committee want to select a Preferred Alternative/option?

Gulf Preferred Alternative 2: Change the fishing season for Gulf group king mackerel season to September 1 – August 31.

Option a: For the Western Zone

Option b: For the Eastern Zone

Action 4. Establish Transit Provisions for Travel Through Areas That are Closed to King Mackerel Fishing

Alternative 1: No Action – do not establish a transit provision.

Alternative 2: Establish a provision allowing transit through the Florida west coast Northern and Southern Subzones when those zones are closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

Alternative 3: Establish a provision allowing transit through Collier County when the Florida west coast Southern Subzone is closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

South Atlantic Preferred Alternative 4: Establish a provision allowing transit through Collier County when the Florida west coast Southern Subzone is closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

Gulf Preferred Alternative 5: Establish a provision allowing transit through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing.

Alternative 6: Establish a provision allowing transit through the Florida west coast Northern Subzone when that area is closed for vessels possessing king mackerel that were legally harvested in the EEZ off Collier County.

Note: For Alternatives 2-4, the following conditions apply:

Only from April 1 – June 30

For Alternatives 2-6, the following conditions apply:

Only for vessels in direct and continuous transit and with gear stowed

Only for fishermen holding a federal commercial king mackerel permit

Gulf Council Actions

In April 2013 the Gulf Council:

- removed Alternative 3.
- selected Alternative 5 as the Preferred.

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended Alternative 5 as the Preferred Alternative.

South Atlantic Mackerel AP Recommendations (April 2012)

The alternatives have been modified since April 2012, but the AP supported a transit provision.

Gulf Mackerel AP Recommendations (May 2013)

The Gulf AP recommended Alternative 5 but only for vessels with VMS.

Committee Actions

1) Does the committee want to remove Alternative 3?

Alternative 3: Establish a provision allowing transit through Collier County when the Florida west coast Southern Subzone is closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

3) Does the committee want to add, remove, or modify any alternatives?

4) Does the committee want to change the Preferred Alternative?

Action 5. Establish State Quotas for Atlantic Migratory Group King Mackerel and Spanish Mackerel for North Carolina

Alternative 1: No Action - retain one commercial quota each for Atlantic migratory groups of king mackerel and Spanish mackerel

Alternative 2: Establish a separate commercial quota of Atlantic group king mackerel for North Carolina based on:

- Option a-** the average of the proportion of landings in North Carolina from 2007-08 through 2011-12.
- Option b-** the average of the proportion of landings in North Carolina from 2002-03 through 2011-2012.
- Option c-** 50% based on the proportion of landings in North Carolina 2002-03 through 2011-2012 and 50% based on the proportion of landings in North Carolina 2007-08 through 2011-12 (Boyles Law)
- Option d-** the average of the proportion of landings in North Carolina from 1997-98 through 2011-12.

Alternative 3: Establish a separate commercial quota of Atlantic group Spanish mackerel for North Carolina based on:

- Option a-** the average of the proportion of landings in North Carolina from 2007-08 through 2011-12.
- Option b-** the average of the proportion of landings in North Carolina from 2002-03 through 2011-2012.
- Option c-** 50% based on the proportion of landings in North Carolina 2002-03 through 2011-2012 and 50% based on the proportion of landings in North Carolina 2007-08 through 2011-12 (Boyles Law)
- Option d-** the average of the proportion of landings in North Carolina from 1997-98 through 2011-12.

Alternative 4: Allow for transfer of quota between the General Atlantic Group king mackerel and Spanish mackerel ACLs and the North Carolina king mackerel and Spanish mackerel ACLs.
[Example process for transfers below]

Table 1. Expected Allocations for King Mackerel under each option.

	North Carolina KM Allocation	General Atlantic Group KM Allocation
Option a	24.8%	75.2%
Option b	33.2%	66.8%
Option c	29%	71%
Option d	37.2%	62.8%

Comparison of Options under Alternative 2 (King Mackerel)

Table 2. Percentage and pounds that would be allocated to North Carolina under each option.

	North Carolina KM Commercial Allocation	
	% of Quota	Lbs under Current ACL
Option a NC proportion of total landings 2007/08-2011/12	24.8%	920,080
Option b NC proportion of total landings 2002/03-2011/12	33.2%	1,231,720
Option c Boyles Law (a+b)/2	29.0%	1,075,900
Option d NC proportion of total landings 1997/98-2011/12	37.2%	1,443,360

Year	North Carolina KM Landings (Lbs)
2002 - 2003	776,905
2003 - 2004	591,923
2004 - 2005	1,044,569
2005 - 2006	1,149,754
2006 - 2007	1,203,353
2007 - 2008	1,104,350
2008 - 2009	953,280
2009 - 2010	785,842
2010 - 2011	293,955
2011 - 2012	433,095

Table 3. Percentage and pounds for the General KM Commercial ACL under each option.

	General KM Commercial Allocation	
	% of Quota	Lbs under Current ACL
Option a NC proportion of total landings 2007/08-2011/12	75.2%	2,789,920
Option b NC proportion of total landings 2002/03-2011/12	66.8%	2,478,280
Option c Boyles Law (a+b)/2	71.0%	2,634,100
Option d NC proportion of total landings 1997/98-2011/12	62.8%	2,436,644

Year	SC/GA/FL KM Landings (Lbs)
2002 - 2003	960,412
2003 - 2004	1,131,807
2004 - 2005	1,687,341
2005 - 2006	1,094,525
2006 - 2007	1,790,148
2007 - 2008	1,554,957
2008 - 2009	2,154,260
2009 - 2010	2,778,048
2010 - 2011	3,111,369
2011 - 2012	1,622,665

Comparison of Options under Alternative 3 (Spanish Mackerel)

Table 4. Expected Allocations for Spanish Mackerel under each option.

	North Carolina SM Allocation	General Atlantic Group SM Allocation
Option a	18.7%	81.3%
Option b	16.7%	83.3%
Option c	17.7%	82.3%
Option d	18.2%	81.8%

Table 5.- Percentage and pounds that would be allocated to North Carolina under each option.

	North Carolina SM Commercial Allocation	
	% of Quota	Lbs under Current ACL
Option a NC proportion of total Landings 2007/08-2011/12	18.7%	677,323
Option b NC proportion of total landings 2002/03-2011/12	16.7%	604,880
Option c Boyles Law (a+b)/2	17.7%	641,101
Option d NC proportion of total landings 1997/98-2011/12	18.2%	569,660

Year	North Carolina SM Landings (Lbs)
2002 - 2003	698,827
2003 - 2004	456,968
2004 - 2005	455,616
2005 - 2006	445,975
2006 - 2007	471,631
2007 - 2008	487,209
2008 - 2009	415,074
2009 - 2010	961,865
2010 - 2011	911,897
2011 - 2012	871,275

Table 6.- Percentage and pounds for the General SM Commercial Allocation under each option.

	General SM Commercial Allocation	
	% of Quota	Lbs under Current ACL
Option a NC proportion of total Landings 2007/08-2011/12	81.3%	2,942,677
Option b NC proportion of total landings 2002/03-2011/12	83.3%	3,015,120
Option c Boyles Law (a+b)/2	82.3%	2,978,899
Option d NC proportion of total landings 1997/98-2011/12	81.8%	2,560,340

Year	SC/GA/FL SM Landings (Lbs)
2002 - 2003	2,353,648
2003 - 2004	3,151,032
2004 - 2005	2,631,953
2005 - 2006	3,163,591
2006 - 2007	3,155,226
2007 - 2008	2,520,799
2008 - 2009	2,591,088
2009 - 2010	3,073,962
2010 - 2011	3,600,523
2011 - 2012	3,094,138

Summer Flounder regulations in gray highlight

Example Process for Transfer

Quota transfer for commercial king mackerel or Spanish mackerel:

South Carolina, Georgia and Florida as a group may request approval from the Regional Administrator to transfer part of its annual quota to the North Carolina quota, and North Carolina may request approval from the Regional Administrator to transfer part of its annual quota to the General Atlantic group quota. All states may request approval from the Regional Administrator to combine their quotas or part of their quotas into an overall regional quota. Requests for transfer or combination of commercial quotas for king mackerel or Spanish mackerel must be made by an individual or joint letter (s) signed by the principal state official with marine fishery management responsibility and expertise, or his/her previously named designee, for each state involved. The letter(s) must certify that all pertinent state requirements have been met and identify the amount of quota to be transferred or combined.

(2) *Quota transfers and combinations.* Any state implementing a state commercial quota for **summer flounder** may request approval from the Regional Administrator to transfer part or its entire annual quota to one or more states. Two or more states implementing a state commercial quota for **summer flounder** may request approval from the Regional Administrator to combine their quotas, or part of their quotas, into an overall regional quota. Requests for transfer or combination of commercial quotas for **summer flounder** must be made by individual or joint letter(s) signed by the principal state official with marine fishery management responsibility and expertise, or his/her previously named designee, for each state involved. The letter(s) must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota to be transferred or combined.

(i) Within 10 working days following the receipt of the letter(s) from the states, the Regional Administrator shall notify the appropriate state officials of the disposition of the request. In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether:

(A) The transfer or combination would preclude the overall annual quota from being fully harvested;

(B) The transfer addresses an unforeseen variation or contingency in the fishery; and

(C) The transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

(i) Within 10 working days following the receipt of the letter(s) from the states involved, the Regional Administrator shall notify the appropriate state officials of the disposition of the request. In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether:

(A) The transfer or combination would preclude the overall annual quota from being fully harvested;

(B) The transfer addresses an unforeseen variation or contingency in the fishery; and

(C) The transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

(ii) The transfer of quota or the combination of quotas will be valid only for the calendar year for which the request was made;

(ii) The transfer of quota or the combination of quotas will be valid only for the calendar year for which the request was made;

(iii) North Carolina or South Carolina, Georgia and Florida may not submit a request to transfer quota or combine quotas if a request to which it is party is pending before the Regional Administrator. A state may submit a new request when it receives notice that the Regional Administrator has disapproved the previous request or when notice of the approval of the transfer or combination has been filed at the Office of the Federal Register.

(iii) A state may not submit a request to transfer quota or combine quotas if a request to which it is party is pending before the Regional Administrator. A state may submit a new request when it receives notice that the Regional Administrator has disapproved the previous request or when notice of the approval of the transfer or combination has been filed at the Office of the Federal Register.

(iv) If the North Carolina quota and General Atlantic quota is combined and there is an overage at the end of a fishing year in addition to the stock status designated as overfished and if the total ACL (commercial and recreational) has been exceeded, the overage will be deducted from the following year's total commercial ACL. The deduction will be proportional, based on the relative share of the total commercial ACL for the previous year for the North Carolina quota and the General Atlantic group quota. A transfer of quota or combination of quotas does not alter the percentage share of the total commercial ACL selected under Alternatives 2 and 3 in this action.

(iv) If there is a quota overage among states involved in the combination of quotas at the end of the fishing year, the overage will be deducted from the following year's quota for each of the states involved in the combined quota. The deduction will be proportional, based on each state's relative share of the combined quota for the previous year. A transfer of quota or combination of quotas does not alter any state's percentage share of the overall quota specified in paragraph (d)(1)(i) of this section.

Example Process for Accountability Measures

(1) *Commercial sector closure in EEZ off of South Carolina, Georgia and Florida.* The Regional Administrator shall close the EEZ off of South Carolina, Georgia and Florida to fishing for king mackerel or Spanish mackerel by commercial vessels for the remainder of the fishing year by publishing notification in the FEDERAL REGISTER if he/she determines that the General Atlantic group ACL for king mackerel or Spanish mackerel has been exceeded or is expected to be exceeded.

(a) *Commercial sector EEZ closure.* The Regional Administrator shall close the EEZ to fishing for **summer flounder** by commercial vessels for the remainder of the calendar year by publishing notification in the FEDERAL REGISTER if he/she determines that the inaction of one or more states will cause the commercial sector ACL to be exceeded, or if the commercial fisheries in all states have been closed. The Regional Administrator may reopen the EEZ if earlier inaction by a state has been remedied by that state, or if commercial fisheries in one or more states have been reopened without causing the sector ACL to be exceeded.

(2) *General Atlantic commercial landing quotas.* The Regional Administrator will monitor the General Atlantic commercial quotas for king mackerel and Spanish mackerel based on dealer reports

and other available information and shall determine the date when the General Atlantic commercial quota will be harvested. The Regional Administrator shall publish notification in the FEDERAL REGISTER that, effective upon a specific date, the General Atlantic commercial quota has been harvested and notifying vessel and dealer permit holders that no commercial quota is available for landing king mackerel or Spanish mackerel in South Carolina, Georgia and Florida.

(b) *State commercial landing quotas.* The Regional Administrator will monitor state commercial quotas based on dealer reports and other available information and shall determine the date when a state commercial quota will be harvested. The Regional Administrator shall publish notification in the FEDERAL REGISTER advising a state that, effective upon a specific date, its commercial quota has been harvested and notifying vessel and dealer permit holders that no commercial quota is available for landing **summer flounder** in that state.

(3) *North Carolina commercial landing quotas.* North Carolina will monitor the North Carolina commercial quotas for king mackerel and Spanish mackerel based on dealer reports and other available information and shall determine the date when the North Carolina commercial quota will be harvested. When this date has been determined, North Carolina will notify the Regional Administrator. The Regional Administrator shall publish notification in the FEDERAL REGISTER that, effective upon a specific date, the North Carolina commercial quota has been harvested and notifying vessel and dealer permit holders that no commercial quota is available for landing king mackerel or Spanish mackerel in North Carolina.

(4) *Commercial landings overage repayment.* All king mackerel and Spanish mackerel landed for sale in North Carolina shall be applied against North Carolina's annual commercial quotas, regardless of where the king mackerel or Spanish mackerel were harvested. Any landings in excess of the commercial quota in North Carolina, inclusive of any transfer between the North Carolina quota and the General Atlantic quota, will be deducted from North Carolina's annual quota for the following year **in the final rule that establishes the annual North Carolina quotas and General Atlantic quotas** if the stock is designated as overfished and the total ACL (commercial and recreational) has been exceeded. The overage deduction will be based on landings for the current fishing year and on landings for the previous fishing year that were not included when the overage deduction was made **in the final rule that established the annual North Carolina quotas and General Atlantic quotas for the current fishing year**. If the Regional Administrator determines during the fishing year that any part of an overage deduction was based on erroneous landings data that were in excess of actual landings for the period concerned, he/she will restore the overage that was deducted in error to the appropriate quota allocation. The Regional Administrator will publish notification in the FEDERAL REGISTER announcing such restoration.

If the General Atlantic king mackerel or Spanish mackerel commercial ACL is exceeded, the amount of the overage will be deducted from the subsequent year's General Atlantic commercial ACL if the total ACL (commercial and recreational) is exceeded and the stock is overfished.

(2) *Commercial landings overage repayment.* All **summer flounder** landed for sale in a state shall be applied against that state's annual commercial quota, regardless of where the **summer flounder** were harvested. Any landings in excess of the commercial quota in any state, inclusive of any state-to-state transfers, will be deducted from that state's annual quota for the following year in the final rule that establishes the annual state-by-state quotas, irrespective of whether the commercial sector ACL is exceeded. The overage deduction will be based on landings for the current year through October 31 and on landings for the previous calendar year that were not

included when the overage deduction was made in the final rule that established the annual quota for the current year. If the Regional Administrator determines during the fishing year that any part of an overage deduction was based on erroneous landings data that were in excess of actual landings for the period concerned, he/she will restore the overage that was deducted in error to the appropriate quota allocation. The Regional Administrator will publish notification in the FEDERAL REGISTER announcing such restoration.

(5) *Commercial ACL overage evaluation.* The commercial ACL will be evaluated based on a single-year examination of total landings. Landings from North Carolina and combined landings from South Carolina, Georgia and Florida will be evaluated in determining if the commercial ACL has been exceeded for the North Carolina quota and for the General Atlantic quota.

(1) *Commercial ACL overage evaluation.* The commercial sector ACL will be evaluated based on a single-year examination of total catch (landings and dead discards). Both landings and dead discards will be evaluated in determining if the commercial sector ACL has been exceeded.

Gulf Council Actions

In April 2013 the Gulf Council tracked all South Atlantic actions.

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended Option d under Alternatives 2 and 4 as the Preferred Alternative, and supported transfer provision under Alternative 4.

South Atlantic Mackerel AP Recommendations (April 2012)

At the April 2012 meeting, the AP supported Alternative 1 as the Preferred.

Gulf Mackerel AP Recommendations (May 2013)

The Gulf AP recommended Option d under Alternatives 2 and 4 as the Preferred Alternative, and supported transfer provision under Alternative 4.

Committee Actions

- 1) Does the committee want to add, remove, or modify any alternatives?
- 2) Does the committee want to select the Preferred Alternative(s)/option(s)?
- 3) Does the committee want to modify/approve the language for the transfer process?

Table 1. Expected Allocations for King Mackerel under each option.

	North Carolina KM Allocation	General Atlantic Group KM Allocation
Option a (5 yrs)	24.8%	75.2%
Option b (10 yrs)	33.2%	66.8%
Option c (Boyles)	29%	71%
Option d (15 yrs)	37.2%	62.8%

Table 4. Expected Allocations for Spanish Mackerel under each option.

	North Carolina SM Allocation	General Atlantic Group SM Allocation
Option a (5 yrs)	18.7%	81.3%
Option b (10 yrs)	16.7%	83.3%
Option c (Boyles)	17.7%	82.3%
Option d (15 yrs)	18.2%	81.8%

Action 6. Modify the Framework Procedure.

Alternative 1: No Action – Do not modify the framework procedure adopted through Amendment 18.

South Atlantic Preferred /Gulf Preferred Alternative 2: Modify the framework procedure to include changes to ABCs, ABC/ACL control rules and, accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closures and closure procedures
- Trip limit reductions or increases
- Designation of an IFQ program as the AM for species in the IFQ program
- Implementation of gear restrictions

Postseason AMs

- Adjustment of season length
- Implementation of a closed season
- Adjustment or implementation of bag, trip, or possession limit
- Reduction of the ACL to account for the previous year overage
- Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
- Implementation of gear restrictions
- Reporting and monitoring requirements

Alternative 3: Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closure procedures
- Trip limit reductions or increases

Postseason AMs

- Adjustment of season length
- Adjustment of bag, trip, or possession limit

South Atlantic Preferred /Gulf Preferred Alternative 4: Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

This pertains to:

Responsibilities of Each Council:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
 - a. The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for (1) the Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel and (2) the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia.

2. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the Council within whose management area that zone is located.
3. Both councils must concur on recommendations that affect both migratory groups.

South Atlantic Preferred /Gulf Preferred Alternative 5. Make editorial changes to the framework procedure to reflect changes to the Council advisory committees and panels.

Note: Alternatives 4 and 5 could be selected in addition to Alternative 2 or 3.

Gulf Council Actions

In April 2013 the Gulf Council approved the language in Alternative 4.

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended Alternatives 2, 4, and 5 as the Preferred Alternatives.

Gulf Mackerel AP Recommendations (May 2013)

The Gulf AP recommended Alternatives 2, 4, and 5 as the Preferred Alternatives.

Committee Actions

- 1) Does the committee want to add, remove, or modify any alternatives?
- 2) Does the committee want to change the Preferred Alternatives?

Action 7. Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs).

Alternative 1: No Action. The entire Gulf migratory group cobia ACL applies to the Gulf Council jurisdictional area and the entire South Atlantic migratory group cobia ACL applies to the South Atlantic jurisdictional area. The ACLs and ACTs that were established by Amendment 18 are as follows:

Gulf	South Atlantic
ACL = 1,460,000 lbs	ACL = ABC = OY = 1,571,399 lb Commercial ACL (8% ACL) = 125,712 lb Recreational ACL (92% ACL) = 1,445,687 lb
Stock ACT = 1,310,000 lbs	Recreational ACT = 1,184,688 lb

Alternative 2: The ACL = ABC as determined by the SSC for each migratory group. The entire Gulf migratory group cobia ACL applies to the Gulf Council jurisdictional area and the entire South Atlantic migratory group cobia ACL applies to the South Atlantic jurisdictional area. The ACLs and ACTs would be as follows:

Gulf	South Atlantic
ACL = x lbs	ACL = ABC = OY = x lb Commercial ACL (8% ACL) = x lb Recreational ACL (92% ACL) = x lb
Stock ACT = 90% ACL = x lbs	Recreational ACT = ACL [(1-PSE) or 0.5, whichever is greater] = x lb

Alternative 3: The ACL = ABC for each migratory group. The ACL for each jurisdictional area would be determined as follows:

- The Gulf migratory group cobia ACL (based on the ABC as determined by the SSC) would be divided into a Gulf jurisdictional ACL and an east coast of Florida ACL based on the options below.
 - Option a:** Use 2002-2012 (10 years) landings to establish the percentage split for the Gulf ABC.
 - Option b:** Use 2008-2012 (5 years) landings to establish the percentage split for the Gulf ABC.
 - Option c:** Use Boyles law: 50% of landings from 2002-2012 + 50% of landings from 2008-2012 to establish the percentage split for the Gulf ABC.
 - Option d:** Use 1998-2012 (15 years) landings to establish the percentage split for the Gulf ABC.
 - Option e:** Based on yellowtail: 50% of average landings from 1993-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.
 - Option f:** Based on mutton: 50% of average landings from 1990-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.

- The South Atlantic jurisdictional area ACL would be the ACL for the Atlantic migratory group cobia (based on the ABC as determined by the SSC) plus the portion of the Gulf migratory group ACL for the east coast of Florida.

The ACLs and ACTs would be as follows:

Gulf	South Atlantic
ACL = x lbs	ACL = ABC = OY = x lb Commercial ACL (8% ACL) = x lb Recreational ACL (92% ACL) = x lb
Stock ACT = 90% ACL = x lbs	Recreational ACT = ACL [(1-PSE) or 0.5, whichever is greater] = x lb

NOTE: NOAA GC advised that the portion of the Gulf group ACL allocated to the east coast of Florida cannot be added to the Atlantic group ACL. There will need to be a Florida East Coast ACL for Florida and an Atlantic group ACL for North Carolina, South Carolina and Georgia.

Alternative 3 needs to be revised as:

Alternative 3: ~~The ACL = ABC for each migratory group.~~ The ACL for each jurisdictional area would be determined as follows:

- The Gulf migratory group cobia ~~ABC ACL (based on the ABC as determined by the SSC) would be divided into a Gulf Zone ACL jurisdictional ACL and Florida East Coast ACL an east coast of Florida ACL (FL/GA border to Council jurisdictional boundary) based on the options below.~~
 - Option a:** Use 2002-2012 (10 years) landings to establish the percentage split for the Gulf ABC.
 - Option b:** Use 2008-2012 (5 years) landings to establish the percentage split for the Gulf ABC.
 - Option c:** Use Boyles law: 50% of landings from 2002-2012 + 50% of landings from 2008-2012 to establish the percentage split for the Gulf ABC.
 - Option d:** Use 1998-2012 (15 years) landings to establish the percentage split for the Gulf ABC.
 - Option e:** Based on yellowtail: 50% of average landings from 1993-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.
 - Option f:** Based on mutton: 50% of average landings from 1990-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.
- The South Atlantic ~~jurisdictional area ACL would be equal to the ACL ABC for the Atlantic migratory group cobia (based on the ABC as determined by the SSC). plus the portion of the Gulf migratory group ACL for the east coast of Florida.~~

The ACLs and ACTs would be as follows:

Gulf Migratory Group		South Atlantic Migratory Group
Gulf Zone	FL East Coast Zone	
ACL = x% ABC = x lbs	ACL = x% ABC = x lbs Commercial ACL (8% ACL) = x lbs Recreational ACL (92% ACL) = x lbs	ACL = ABC = OY = x lbs Commercial ACL (8% ACL) = x lbs Recreational ACL (92% ACL) = x lbs
Stock ACT = 90% ACL = x lbs	Recreational ACT = ACL [(1-PSE) or 0.5, whichever is greater] = x lbs	Recreational ACT = ACL [(1-PSE) or 0.5, whichever is greater] = x lbs

Table 5. Allocations to the Florida East Coast (FLEC) under Alternative 3.

Option	Method	Gulf Total	FLEC (AB1)	Gulf (AB1)	% for Opt
Opt A	AVG(2002-2012)	1,702,899	616,726	1,086,173	36.2163
Opt B	AVG(2008-2012)	1,528,211	671,623	856,588	43.9483
Opt C	(0.5*(AVG('02:'12)))+(0.5*(AVG('08:'12)))	1,615,555	644,175	971,381	39.8733
Opt D	AVG(1998-2012)	1,729,311	623,255	1,106,056	36.0407
Opt E	(0.5*(AVG('93:'08)))+(0.5*(AVG('06:'08)))	1,804,756	577,702	1,227,054	32.0100
Opt F	(0.5*(AVG('90:'08)))+(0.5*(AVG('06:'08)))	1,794,279	580,520	1,213,760	32.3539

Current Gulf ACL: 1,460,000

Current Gulf ACT: 1,310,000

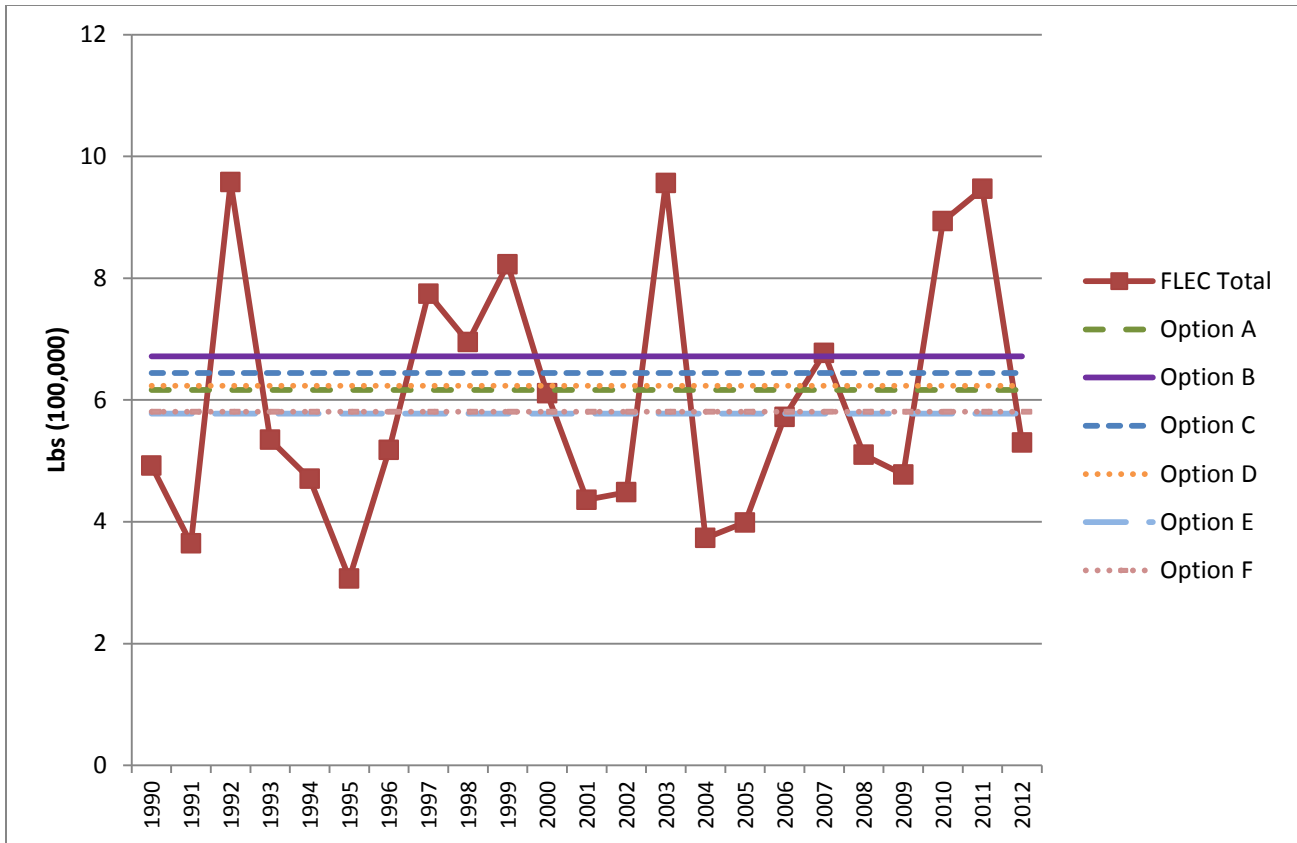


Figure 1. Comparison of Florida East Coast landings of cobia to allocation under Options A-F.

Gulf Council Actions

In April 2013 the Gulf Council added Action 7.

South Atlantic Mackerel AP Recommendations (April 2013)

At the April 2013 meeting, the Mackerel AP recommended setting ACL=ABC and to use the longest time period available when determining the allocation of the Gulf ACL to the Florida East Coast.

Gulf Mackerel AP Recommendations (May 2013)

The Gulf AP recommended Alternatives 2 as the Preferred Alternative, and will convene a web-based meeting to discuss the recommendations from the Gulf SSC on ABC for cobia.

Committee Actions

1) Approve the revision to Alternative 3.

Revised Alternative 3: The ACL for each jurisdictional area would be determined as follows:

- The Gulf migratory group cobia ABC (as determined by the SSC) would be divided into a Gulf Zone ACL and Florida East Coast ACL (FL/GA border to Council jurisdictional boundary) based on the options below.

Option a: Use 2002-2012 (10 years) landings to establish the percentage split for the Gulf ABC.

Option b: Use 2008-2012 (5 years) landings to establish the percentage split for the Gulf ABC.

Option c: Use Boyles law: 50% of landings from 2002-2012 + 50% of landings from 2008-2012 to establish the percentage split for the Gulf ABC.

Option d: Use 1998-2012 (15 years) landings to establish the percentage split for the Gulf ABC.

Option e: Based on yellowtail: 50% of average landings from 1993-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.

Option f: Based on mutton: 50% of average landings from 1990-2008 + 50% of average landings from 2006-2008 to establish the percentage split for the Gulf ABC.

- The South Atlantic ACL would be equal to the ABC for the Atlantic migratory group cobia (as determined by the SSC).

2) Does the committee want to add, remove, or modify any alternatives?

Does the committee want to add an alternative to set $ACL = Yield \text{ at } 75\%F_{msy}$?

3) Does the committee want to select a Preferred alternative/option?