

**REVISED SUMMARY REPORT
FROM THE
MACKEREL COMMITTEE MEETING
St Simons Island, GA
March 4 & 7, 2013**

The Gulf of Mexico Mackerel Committee and South Atlantic Mackerel Committee met jointly to discuss joint Amendments 19 and 20. The Committees received an update on current commercial and recreational landings for king mackerel, Spanish mackerel, and cobia. Council staff reviewed Amendment 19 and the Committees made some changes to the actions and alternatives. The Joint Committee did not review Amendment 20 or the South Atlantic Framework Action, but the South Atlantic Committee reviewed Amendment 20 and the South Atlantic Framework Action on Thursday, March 7.

The South Atlantic Mackerel Committee made the following motions for Amendment 19:

Action 1: Sale of king mackerel and Spanish mackerel.

MOTION: Approve the wording in Alternatives 2 and 3.

Approved by Committee.

Alternative 2: Prohibit sale of king mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal king mackerel commercial permit. Prohibit sale of Spanish mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal Spanish mackerel commercial permit. All sales of king and Spanish mackerel during a commercial closure are prohibited.

Option a. The South Atlantic Council's jurisdiction

Option b. The Gulf Council's jurisdiction

Gulf Preferred Alternative 3: Prohibit sale of king and Spanish mackerel caught under the bag limit. For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel.

Option a. The South Atlantic Council's jurisdiction

Option b. The Gulf Council's jurisdiction

MOTION: Add "in or from the EEZ of the Gulf of Mexico or Atlantic" to Alternatives 1 and 2.

Approved by Committee.

South Atlantic Preferred Alternative 1: No Action - No federal permit requirement to sell king and Spanish mackerel. Sale of king and Spanish mackerel harvested under the bag limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of king or Spanish mackerel of the closed species, migratory group, subzone, or gear type, is prohibited, including any king or Spanish mackerel taken under the bag limits.

Alternative 2: Prohibit sale of king mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal king mackerel commercial permit. Prohibit sale of Spanish mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal Spanish mackerel commercial permit. All sales of king and Spanish mackerel during a commercial closure are prohibited.

Option a. The South Atlantic Council's jurisdiction

Option b. The Gulf Council's jurisdiction

MOTION: Add Alternative 4 to Action 1.

Approved by Committee.

IPT Suggested Alternative 4: Prohibit sale of king and Spanish mackerel caught under the bag limit with the exception of state-permitted tournaments. For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel. King or Spanish mackerel caught during a tournament may be donated to a dealer in exchange for a charitable donation if the tournament organizers have a permit from a state to conduct that tournament, and transfer and reporting requirements are followed.

Option a. The South Atlantic Council's jurisdiction

Option b. The Gulf Council's jurisdiction

Transfer and reporting requirements: A licensed wholesale dealer that is not part of the tournament must be present to accept the donated fish directly from the anglers. If any value is exchanged for a fish, both parties must be properly licensed. The wholesale dealer sells the fish and donates the money to charity. Tournaments should arrange for the donation of funds from the sale of fish directly to the charity. If any money comes back to the tournament, the exchange would constitute a sale. The wholesale dealer instructs the tournament what records participating anglers must provide (according to their trip ticket or other reporting requirements) and how fish must be handled and iced. The fish are reported through normal reporting procedures by the wholesale dealer and must be identified as tournament catch.

Direction to staff: Revise the alternative to specify that tournaments can be state-sanctioned and that a license (i.e., fee-required) will meet the criteria for the state to allow sale of king mackerel or Spanish mackerel caught during a tournament following the above transfer and reporting requirements. Additionally, address how a 501(c) organization can donate the proceeds from the sale under the transfer and reporting requirements.

MOTION: Select Alternative 4 under Action 1 as the Preferred.

Approved by Committee.

Action 2. Sale of Cobia

MOTION: Change the Preferred to Alternative 1.

Approved by Committee.

Gulf Preferred Alternative 1: No Action - No federal permit requirement to sell cobia. Sale of cobia harvested under the possession limit is allowed for persons that possess the necessary state permits. However, if a closure has been implemented, the sale or purchase of cobia of the migratory group, subzone, or gear type, is prohibited, including any cobia taken under the possession limit.

Action 3. Elimination of Latent King Mackerel Permits

MOTION: Move Alternative 3 in the Considered but Rejected Appendix.

Approved by Committee.

Alternative 3: Renew commercial king mackerel permits only if the permit had reported landings in:

Option a. The fishing year ending September 30, 2010

Option b. At least one of the five years preceding the September 30, 2010 control date

Option c. At least two of the five years preceding the September 30, 2010 control date

MOTION: Remove suboptions i and ii under Alternatives 2d, 4d, and 4e.

Approved by Committee.

Option d. The threshold for average reported landings would be:

Suboption i. 1 lbs

Suboption ii. 100 lbs

Suboption iii. 500 lbs

Suboption iv. 1,000 lbs.

MOTION: Remove Option c (five years 2006-2010) under Alternatives 2 and 4.

Approved by Committee.

Option c. Five years (2006-2010)

Suboption i. Average of all years

Suboption ii. At least one of the five years

MOTION: Change time series in Alternatives 2b and 4b to 2002-2011.

Approved by Committee.

Option b. Ten years (2001-2010)

MOTION: Add an alternative under Action 3 to allow for a 2-for-1 permit reduction in the KM fishery similar to the SG system.

Approved by Committee.

New Alternative 4: Allow two-for-one permit reduction in the king mackerel commercial fishery similar to the system for Snapper Grouper Unlimited Permits.

Direction to staff: Request a review and recommendation from the Mackerel Advisory Panel for a minimum number of permits (“cap”) for a reduction system under a two-for-one transfer requirement for king mackerel commercial permits.

Action 4. Federal Regulatory Compliance

MOTION: Move Action 4 to the Considered but Rejected Appendix.

Approved by Committee.

Action 5. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits

MOTION: Add Alternative 5 to Action 5 : To obtain or renew a commercial permit for king or Spanish mackerel, at least [Option A] 75% or [Option B] 50% of the applicant’s earned income must have been derived from commercial fishing or from for-hire fishing during one of the three calendar years preceding the application.

Approved by Committee.

The South Atlantic Mackerel Committee made the following motions for Amendment 20:

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

MOTION: Add IPT-suggested alternatives under Action 4.

Approved by Committee.

IPT SUGGESTION 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.

IPT SUGGESTION 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.

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

MOTION: Remove Options B and D under Alternatives 2 and 3 under Action 5.

Approved by Committee.

Option b- the average of the proportion of landings in North Carolina from 2007 through 2012 plus the proportion of the unused quota equal to North Carolina’s percentage of landings 2007-2012.

Option d- the average of the proportion of landings in North Carolina from 2003 through 2012 plus the proportion of the unused quota equal to North Carolina’s percentage of landings 2003-2012.

MOTION: Add another option under Alternatives 2 and 3 to look at the average proportion of landings for the past 15 years.

Approved by Committee.

New Option d- the average of the proportion of landings in North Carolina from 1998 through 2012.

MOTION: Add an alternative under Action 5 to allow for transfer of quota between General Atlantic Group KM/SM ACL and North Carolina KM/SM ACL.

Approved by Committee.

*New Alternative 4: Allow for transfer of quota between the General Atlantic Group king mackerel/Spanish mackerel ACLs and North Carolina king mackerel/Spanish mackerel ACLs.

Direction to staff: Check on confidentiality of North Carolina Spanish mackerel landings.

Direction to staff: Evaluate how the North Carolina allocation would work, including ACL monitoring and request for closure by North Carolina; examples of transfer provisions (summer flounder or horseshoe crab); when the North Carolina EEZ would be open/closed.

Action 6. Modify the Framework Procedure.

Select Alternatives 2, 4, and 5 as 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

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.

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

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

Motion: Add Action 7: modify the Gulf and Atlantic migratory group cobia ABCs, ACLs and ACTs.

Approved by Committee.

Direction to staff: Include the following options under Alternative 3:

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 yrs) landings to establish the percentage split for the Gulf ABC.
 - Option b: Use 2008-2012 (5 yrs) landings to establish the percentage split for the Gulf ABC.
 - Option c: Use Boyles law (which years?) *50% of landings from 2002-2012 + 50% of landings from 2008-2012?*
 - Option d: Use 1998-2012 (15 year)
 - Option e: based on yellowtail: 50% of average landings from 1993-2008 + 50% of average landings from 2006-2008 (75% SA and 25% Gulf)
 - Option f: based on mutton: 50% of average landings from 1990-2008 + 50% of average landings from 2006-2008 (82% SA and 18% Gulf)
- * Recreational estimates for 2012 will be ready by mid-April 2013, and will be provided for the June meeting.

The South Atlantic Mackerel Committee made the following motions for the South Atlantic Framework Action 2013:

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

MOTION: Approve the language for the title of the action and alternatives.

Approved by Committee.

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.

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

MOTION: Remove Action 2 from the Framework.

Approved by Committee.

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

MOTION: Approve the wording in the title of the action and alternatives, as revised.

Approved by Committee.

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.

Option d. Allow three gillnets for the vessel receiving transfer.

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 transfer. The quantity of fish transferred to any single vessel shall not exceed the applicable daily harvest limit.
- d) Call-in required for both vessels engaged in the transfer.

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

MOTION: Accept IPT recommendation for Alternative 2 and Alternative 4 with the addition to “end of February’ under (A) and change 75% to 70% under Sub-alternative B.

Approved by Committee.

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).

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~~ **end of February**--not to exceed 50 fish.

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

(1) If ~~75~~**70** 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~~**70** percent of the [Gulf group] Florida east coast subzone quota has been taken --not to exceed 75 fish.

MOTION: Approve the wording in the title of the action and alternatives, as revised.

Approved by Committee.

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

MOTION: Approve the wording in the title of the action and alternatives, as revised.

Approved by Committee.

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.

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. 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 2c. 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.

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.

Task and Timing Motion Suggested Language:

MOTION: ADOPT THE TIMING AND TASK ITEMS AS PRESENTED:

1. MAKE THE NECESSARY REVISIONS TO CMP AMENDMENT 19 AND PROVIDE THE REVISED DOCUMENT TO THE GULF COUNCIL FOR USE AT THEIR APRIL MEETING.
2. MAKE THE NECESSARY REVISIONS TO CMP AMENDMENT 20 AND PROVIDE THE REVISED DOCUMENT TO THE GULF COUNCIL FOR USE AT THEIR APRIL MEETING.
3. MAKE THE NECESSARY REVISIONS TO SOUTH ATLANTIC FRAMEWORK ACTION AND PROVIDE THE REVISED DOCUMENT AT THE JUNE 2013 MEETING.
4. TARGET APPROVAL OF CMP AMENDMENT 19, AMENDMENT 20, AND FRAMEWORK ACTION FOR PUBLIC HEARINGS AT THE JUNE 2013 MEETING.
5. TARGET FINAL APPROVAL OF CMP AMENDMENT 19, AMENDMENT 20, AND FRAMEWORK ACTION FOR SEPTEMBER 2013.