

# OVERVIEW

## Mackerel Committee Meeting

December 8, 2009

Atlantic Bach Sheraton Oceanfront

Atlantic Beach, North Carolina

The Mackerel Committee needs to: (A) receive a report on the Gulf Council's scoping for Joint Mackerel Amendment 18; (B) receive a presentation on legal issues surrounding the State of South Carolina's attempt to regulate dolphin prior to federal regulations; (C) provide direction to staff; and (D) receive a status report on the ASMFC's Spanish mackerel Public Information Document (PID).

### **A. Gulf Council's Scoping for Joint Mackerel Amendment 18**

The Gulf Council and the South Atlantic Council are preparing a joint amendment to address the new requirements of the Reauthorized-MSA. Rick Leard and Gregg Waugh discussed the two staffs' workloads and have proposed that Rick take the administrative lead for the Joint Mackerel Amendment and Gregg take the administrative lead for the Joint Spiny Lobster Amendment. The Gulf and South Atlantic Councils have approved this approach.

The South Atlantic Council has completed scoping as a part of the Comprehensive ACL Amendment scoping process. Scoping meetings were held as follows:

- (1) January 26, 2009 in Charleston, SC
- (2) January 27, 2009 in New Bern, NC
- (3) February 3, 2009 in Key Largo, FL
- (5) February 4, 2009 in Cape Canaveral, FL
- (5) February 5, 2009 in Pooler, GA

The Gulf Council held scoping meetings as shown below. Gregg Waugh attended the Key West and Marathon, Florida meetings. Summaries of the scoping meetings are included as **Attachment 1**.

- (1) September 21, 2009 in Key West, FL and Grand Isle, LA
- (2) September 22, 2009 in Marathon, FL; Biloxi, MS; and Corpus Christi, TX
- (3) September 23, 2009 in Madeira Beach, FL; Houston, TX; and Orange Beach, AL
- (4) September 24, 2009 in Panama City, FL

Gregg Waugh will review summaries of the scoping meetings (**Attachment 1**) and scoping letters (**Attachment 1**).

**The Gulf Council reviewed scoping input and approved the following mackerel motions (Attachment 2) at their October 21-22, 2009 meeting:**

Motion #1: To pull everything out of the joint scoping document that relates to Amendment 18, and the remaining document will become Amendment 20.

Motion carried.

Motion #2: To begin moving forward with a commercial LAPP program for the king mackerel fishery.

Motion carried.

Motion #3: To establish an Ad Hoc Mackerel LAPP AP for the commercial industry.

Motion carried.

Motion #4: To add blackfin tuna to Section 3.2.4, Option 1 of the scoping document and incorporate this into the options paper for Amendment 20.

Motion carried.

**REQUIRED COMMITTEE ACTION:**

1. Discuss the Gulf Council's actions for Amendment 18. Amendment 18 can now go forward with actions to meet the new requirements of the Reauthorized MSA. All remaining items will be addressed in future amendments.
2. Discuss the Gulf Council's actions for a LAPP. There will need to be some coordination for fishermen in Florida and the SAFMC needs to determine whether they are interested in exploring a LAPP for Atlantic Migratory Group King and/or Spanish Mackerel.
3. Provide guidance to staff as necessary
- 4.

**B. Presentation on Legal Issues**

Monica Smit-Brunello, NOAA GC, will provide a presentation on the legal issues surrounding the State of South Carolina's attempt to regulate dolphin prior to federal regulations. There is an issue concerning cobia harvest in South Carolina state waters during the spawning season and law enforcement concerns if there are no regulations in federal waters. The committee will use this information to consider alternatives for cobia management in Joint Mackerel Amendment 18.

**REQUIRED COMMITTEE ACTION:**

1. Provide guidance to staff on alternatives to be included in Joint Amendment 18 for cobia management.

### **C. Decision Document for Joint Amendment 18**

The decision document (**Attachment 3**) addresses items specific to the South Atlantic Council and includes decisions from the most recent review of the document by various groups (see cover for groups and dates reviewed). The South Atlantic Council's Mackerel AP reviewed this document during their August 18-19, 2009 meeting and their motions have been incorporated.

The Mackerel Committee should provide guidance to staff on any additional cobia alternatives to include in the joint amendment.

#### **REQUIRED COMMITTEE ACTION:**

1. Review the cobia measures in the Decision Document.
2. Provide guidance on cobia actions and alternatives to include in Mackerel Amendment 18.

### **D. ASMFC Spanish Mackerel Public Information Document (PID)**

The Atlantic States Marine Fishery Commission's Spanish Mackerel Public Information Document is included as **Attachment 4**. Council staff will present an overview of items included. This document also addresses spot and spotted sea trout; however, the SAFMC is only involved with Spanish mackerel. Public hearings will be held and the public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 PM (EST) on January 15, 2010**.

#### **Background**

In October 2008, the Commission's South Atlantic State-Federal Fisheries Management Board (Management Board) initiated the development of an amendment to the Spanish Mackerel Fishery Management Plan (FMP) to address three issues: compliance measures (because the current plan's measures are recommended), consistency with federal management in the exclusive economic zone (because the plan is intended to track federal Spanish mackerel measures), and alignment with Commission standards (because the current plan does not include *de minimis* criteria and other standard elements).

This item is provided for the Committee's/Council's information.

**E. Planning/Timing for Joint Amendment 18**

An Inter-Disciplinary Team (IPT) has been formed:

- A. SAFMC – Gregg Waugh (SAFMC Lead) and Kate Quigley.
- B. GMFMC – Rick Leard, GMFMC & Council Lead.
- C. NMFS SERO – Susan Gerhart (NMFS Lead), Steve Branstetter, John Vondruska (Economist); David Dale (HCD), Kate Michie, Karla Gore, Nikhil Mehta, Tracy Dunn (OLE), Jennifer Lee and Andy Herndon (NMFS PR), Karen Burns, and David Keys (NEPA).
- D. NMFS SEFSC – Mauricio Ortiz.
- E. NOAA GC – Shepherd Grimes.

A very rough timeline is proposed as follows:

- A. ✓Conference call on 3/12/09. The Council chairs, mackerel committee chairs, staff and possibly NOAA GC to discuss whether there is a need to hold an in-person joint committee meeting.
- B. ✓Council staff to work on options paper for June meetings.
- C. ✓Councils review draft options paper/scoping document – SAFMC June 7-12, 2009 meeting and GMFMC June 15-18, 2009 meeting.
- D. ✓SAFMC already completed scoping.
- E. ✓GMFMC to scope during September 2009.
- F. SSC provides OFL & ABC – Gulf SSC has provided their recommendations. The South Atlantic SSC may provide their recommendation in December 2009.
- G. Draft Amendment prepared by Gulf staff with assistance from NMFS and South Atlantic staff - \_\_\_\_\_
- H. NMFS determines whether EA or EIS and prepares appropriate notices and analyses - \_\_\_\_\_
- I. Draft Amendment/DEIS or EA ready for public hearings - \_\_\_\_\_
- J. Public Hearings - \_\_\_\_\_
- K. Review public comments and provide final guidance on document - \_\_\_\_\_
- L. Review and approve final document – by South Atlantic Council’s September or December 2011 meeting and the Gulf Councils \_\_\_\_\_.