

# OVERVIEW

## Mackerel Committee Meeting

December 7, 2010  
Hilton New Bern/Riverfront  
New Bern, North Carolina

The Mackerel Committee need to: (A) approve minutes from the September 13, 2010 SAFMC Committee meeting; (B) review Draft Mackerel Amendment 18/EA, make any necessary changes, choose preferred alternatives for all actions, and approve for public hearings; and (C) provide guidance on public hearing and AP meeting.

### **A. Approval of Minutes**

The committee will review and approve the South Atlantic Committee minutes from September 13, 2010.

### **REQUIRED COMMITTEE ACTION:**

1. Review and approve minutes.

### **B. Draft Mackerel Amendment 18/EA**

Gregg Waugh, SAFMC Staff, will provide an overview of Amendment 18/EA (**Attachment 1**; 2<sup>nd</sup> briefing book) that was prepared by the Interdisciplinary Planning Team (IPT). The Committee will provide any suggested changes/modifications, choose preferred alternatives for all joint and South Atlantic actions (South Atlantic Council does not need to approve separate Gulf actions), and approve the amendment for public hearings. The Gulf Council will be approving for public hearings at their February 2011 meeting, so the South Atlantic Council will need to approve a motion allowing staff editorial license to make changes to the public hearing document and to add the changes/additions from the Gulf Council's February 2011 meeting.

The Committee will also provide guidance to staff on public hearings scheduled for April 2011. The Gulf Council has approved two public hearing in the Florida Keys at Key West & Marathon for mackerel; the intent would be to hold these as joint public hearings. [Note: Public hearings on Joint Spiny Lobster Amendment 10/DEIS will also be held in April and the Gulf Council has approved K Marathon in the Keys; this will be a joint SA/GM hearing.] The Committee also needs to provide guidance about when/where to hold a Mackerel AP meeting.

A joint Gulf/South Atlantic Mackerel Committee meeting is being scheduled during the Gulf Council's June 6-10, 2011 meeting at the Marriott Beachside in Key West. We are trying to hold this meeting on Wednesday, June 8<sup>th</sup> so that our committee members can stay at the hotel for the SAFMC meeting which runs June 13-17, 2011 at the same hotel. We are also scheduling a Joint Spiny Lobster Committee on the same day. The intent is to resolve all differences in Mackerel Amendment 18A/EA and have each committee recommend approval for formal review. The Gulf Council will take action on June 9-10 and then the South Atlantic Council will take action during their meeting the following week. Mackerel Amendment 18A/EA must be approved at the June

2011 meeting so that NMFS can implement the ACLs/AMs prior to the end of the 2011 statutory deadline.

### **Prohibition of Bag Limit Sales & Trip Limit Analyses**

**Note:** The Mackerel Amendment 18 IPT previously recommended that all changes to management measures be considered in a subsequent regulatory action. The Council considered the IPT's recommendation at their September 2010 meeting and indicated that they wanted the IPT to analyze alternatives considering a prohibition of bag limit sales and modifications to Spanish mackerel trip limits. The IPT discussed this and examined the data needed to analyze these alternatives and the enforceability of these alternatives. There is no Coastal Migratory Pelagics (CMP) dealer permit and therefore no requirement that permitted fishermen sell to permitted dealers and that permitted dealers only purchase from permitted fishermen. There is only one king mackerel commercial permit for both Atlantic and Gulf Migratory Groups of king mackerel and a separate permit for both groups of Spanish mackerel. There is no permit required to sell cobia; however, for-hire vessels are required to have a Coastal Migratory Pelagics for-hire permit. The IPT is recommending that the issue of prohibiting bag limit/recreational sales and Spanish mackerel trip limit modifications be examined in a separate amendment and that the Committee/Council consider the following in order to effectively implement the sale prohibition. The Committee/Council could provide guidance to the IPT so that when the other amendments with statutory deadlines are farther along, work can be begin on these analyses for the next mackerel amendment.

- A. Cobia commercial permit requirements
  - a. Atlantic Migratory Group Cobia only?
  - b. Separate Atlantic and Gulf Migratory Group permits?
  - c. Eligibility/qualification & transfer requirements
- B. Dealer permits for Atlantic CMP (Atlantic King Mackerel, Spanish Mackerel & Cobia)
  - a. Atlantic Migratory Groups only?
  - b. Separate Atlantic and Gulf Migratory Group permits?
  - c. One dealer permit for all Coastal Migratory Pelagics?
- C. Require permitted fishermen only sell to permitted dealers and permitted dealers only buy from permitted fishermen.
  - a. Atlantic only?
  - b. Atlantic and Gulf?
- D. Consider requiring separate Atlantic king mackerel & Spanish mackerel permits
  - a. Continue with one Atlantic and Gulf king mackerel permit and one Atlantic and Gulf Spanish mackerel permit?
  - b. Require separate king and Spanish mackerel permits for Gulf and Atlantic?
- E. Council clarify who can sell
  - a. Federal Commercial king mackerel permit holders - can sell Atlantic king mackerel
  - b. Federal Commercial Spanish mackerel permit holders - can sell Atlantic Spanish mackerel
  - c. Federal Commercial Cobia permit holders - can sell Atlantic Cobia
  - d. How to handle Gulf?

**REQUIRED COMMITTEE ACTION:**

1. Discuss all actions in Amendment 18/EA.
2. Provide guidance on any necessary changes/modifications to Amendment 18/EA.
3. Choose preferred alternatives for all Joint and SAFMC actions in Amendment 18/EA.
4. Approve Amendment 18/EA for public hearings.
5. Provide guidance on items for the next mackerel amendment addressing prohibiting bag limit sales.

**C. Draft Dates/Cites for Mackerel (CMP) Amendment 18/EA Public Hearings**

Public hearings would be held from 5-7 pm?

<b>GM Dates (April 2011) DRAFT</b>	<b>CMP Am 18 Gulf Approved</b>	<b>SA Dates (April 2011) DRAFT</b>	<b>CMP Am 18 SAFMC Planned</b>	<b>Spiny Lobster Am 10 Gulf Approved</b>	<b>Spiny Lobster Am 10 SAFMC Planned</b>
4/20	Key West, FL	4/20	Key West, FL		Key West, FL
4/19	Marathon, FL	4/19	Marathon, FL	Marathon, FL	Marathon, FL
?	Maderia Beach, FL	4/18	Cape Canaveral, FL		Cape Canaveral, FL
?	Panama City, FL	4/14	Jacksonville, FL		Jacksonville, FL
?	Orange Beach, AL	4/13	Savannah/Pooler, GA		Savannah/Pooler, GA
?	Biloxi, MS	4/12	Charleston, SC		Charleston, SC
?	Grand Isla, LA	4/11	New Bern, NC		New Bern, NC
?	South Houston, TX				
?	Port Aransas, TX				

**REQUIRED COMMITTEE ACTION:**

1. Discuss these dates/cities.
2. Provide guidance on public hearings and an AP meeting.
3. Provide guidance to staff so that a schedule can be finalized with the Gulf Council.

**D. Planning/Timing Public Hearings for Joint Mackerel Amendment 18/EA**

**Specific steps in 2010 and 2011:**

- A. √IPT meeting – 1/14/2010
- B. √SSC provides OFL & ABC – Gulf SSC has provided their recommendations. The South Atlantic SSC will provide their recommendations after their April 20-22, 2010 meeting.
- C. Draft Amendment prepared by Gulf staff with assistance from NMFS and South Atlantic staff - \_\_\_\_\_
  - a. √GMFMC reviews and provides input – February 1-4, April 12-15, and June 14-17, 2010  
√And October 25-28, 2010.

- b. ✓Joint Gulf/South Atlantic Committee meeting – June 8, 2010 from 8:30 am – 3 pm
  - c. ✓SAFMC reviews and provides input – March 1-5 and June 7-11 and September 13-17, 2010
- D. NMFS determines whether EA or EIS and prepares appropriate notices and analyses - \_\_\_\_\_ . Currently EA.
- E. IPT Schedule for Gulf Council’s October 2010 meeting:
- a. ✓Section to Rick – 9/20/10
  - b. ✓Compiled document to IPT – 9/24/10; done 9/27/10.
  - c. ✓IPT call – 10/1/10
  - d. ✓Comments to authors – 10/1/10
  - e. ✓Edited sections to Rick for Gulf briefing book – 10/8/10
- F. Document preparation schedule for Public Hearing Approval
- a. ✓Revised sections sent to Gregg – by October 22, 2010
  - b. ✓Revised document sent to IPT – by October 29, 2010. Done 11/3/10.
  - c. ✓Comments to authors – by November 5, 2010. Extended to 11/8/10.
  - d. ✓Revised sections sent to Gregg – by November 12, 2010. Done 11/15/10.
  - e. Revised document sent to IPT – by November 22, 2010.
  - f. Comments and additions to Gregg – by November 24, 2010.
  - g. Document revised and included in SAFMC 2<sup>nd</sup> Briefing Book – on November 29, 2010.
- G. Councils review Draft Amendment/EA (or DEIS) and approve for public hearings
- a. GMFMC – February 7-10, 2011 in Gulfport, MS.
  - b. SAFMC – December 6-10, 2010 in New Bern, NC.
- H. Public Hearings – April 2011 (Note: Hearings will be Joint Mackerel & Spiny Lobster; with GMFMC in Keys)
- I. Review public comments and provide final approval of Amendment 18/EA (or EIS) for formal review by SOC –
- a. GMFMC/SAFMC Mackerel Committee – June 8? During Gulf meeting?
  - b. GMFMC – June 6-9, 2011 in Key West, FL
  - c. SAFMC – June 13-17, 2011 in Key West, FL
- J. Send Mackerel Amendment 18/EA (or EIS)/Proposed rule for formal review – July 2011.
- K. NMFS Declares Transmit Date as \_\_\_\_\_/11.
- L. Notice of Availability of Amendment 18 published \_\_\_\_\_/11.
- (1) Comments due no later than 5 pm EST on \_\_\_\_\_/11.
  - (2) Send to Council, AP & SSC
  - (3) Post to website; Fishery Bulletin will be posted to website.
  - (4) Amendment approved on \_\_\_\_\_/11.
- M. Proposed Rule published \_\_\_\_\_/11.
- (1) Send to Council, AP & SSC
  - (2) Comments due by \_\_\_\_\_/11
- N. Final Rule published \_\_\_\_\_/11.
- (1) Send to Council, AP & SSC

The South Atlantic Council 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
- (4) February 4, 2009 in Cape Canaveral, FL
- (5) February 5, 2009 in Pooler, GA

The Gulf Council held scoping meetings as shown below.

- (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