

# REVISED OVERVIEW

## Mackerel Committee Meeting

December 6, 2011  
Holiday Inn Brownstone Hotel  
1707 Hillsborough Street  
Raleigh, NC

The Mackerel Committee need to: (A) approve minutes from the September 2011 Committee meeting; (B) receive status reports on commercial and recreational catches versus quotas; (C) receive a status report on Mackerel Amendment 18/EA; and (D) review and develop recommendations on Items Pending for Future Mackerel Amendments.

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

The committee will review and approve the September 2011 mackerel committee meeting minutes.

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

1. Review and approve minutes.

### **B. Status of Commercial and Recreational Catches versus Quotas for King & Spanish Mackerel**

The committee will receive briefings on the commercial catches versus quotas (**Attachment 1**) from the NMFS SERO and on the recreational catches (**Attachment 2**) versus quotas from the NMFS SEFSC. The committee will discuss the quota monitoring programs and take action as necessary.

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

1. Discuss commercial and recreational quota monitoring programs and current status.
2. Take action as may be necessary.

### **C. Status of Mackerel Amendment 18/EA**

NMFS SERO staff will provide a status report on Mackerel Amendment 18/EA. The Councils approved the amendment for formal review and implementation at their August meetings. The package was sent to NMFS on 9/26/11; the notice of availability published on 9/29/11 with the comment period ending on 11/28/11, and the proposed rule published on 10/24/11 with the comment period ending on 11/28/11.

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

1. Discuss status of Mackerel Amendment 18/EA.
2. Take action as may be necessary.

#### **D. Items Pending for Future Mackerel Amendments**

Gregg Waugh, SAFMC Staff, will review the pending list of items for Amendment 19 (**Attachment 3**) and future mackerel frameworks/amendments (**Decision Document in 2<sup>nd</sup> briefing book**). The Committee will develop recommendations on timing and amendments to address these items.

#### **AMENDMENT 19 ACTIONS/ALTERNATIVES**

##### **Action 1. Permits for Coastal Migratory Pelagic (CMP) species**

- a. No Action. Retain a single commercial king mackerel permit and a single commercial Spanish mackerel permit. Retain Gulf and South Atlantic Coastal Migratory Pelagic (CMP) charter/headboat permits.
- b. Create a single commercial cobia permit.
- c. Modify the existing requirements by establishing separate commercial permits for the Atlantic and Gulf group species based on the Gulf and South Atlantic Council boundary.
  - Option i. King Mackerel
  - Option ii. Spanish Mackerel
  - Option iii. Cobia
  - Option iv. Grandfather in all existing permit holders who have historically landed in both areas through issuance of a dual permit; when transferred it becomes either a Gulf or Atlantic permit.
  - Option iv. If separate Atlantic and Gulf permits are approved, establish some limited landings qualifications to obtain the different permits.
- d. Modify the existing requirements by establishing a single CMP charter/headboat permit.
- e. Modify the existing requirements for separate commercial permits for king mackerel (currently under a moratorium) and Spanish mackerel by establishing a single coastal migratory pelagic permit with endorsements for king mackerel, Spanish mackerel, and cobia while retaining the commercial gill net endorsement for Gulf group king mackerel.

##### **Action 2. Potential No Sale Provisions**

- a. Status quo - no federal permit requirement for selling CMP species. Proper state-issued permits are required to sell CMP species caught under the bag limit
- b. Prohibit the sale of recreationally caught fish (any fish caught under a bag limit) that are managed under the Coastal Migratory Pelagics FMP
- c. For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a commercial quota, and to sell king mackerel and Spanish mackerel in or from the EEZ of the Atlantic or Gulf of Mexico, a commercial vessel permit/endorsement for

each species taken must have been issued to the vessel and must be on board

- d. For a person aboard a vessel to be eligible to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, a commercial vessel permit/endorsement must have been issued to the vessel and must be on board
- e. Allow commercial sale of cobia with either a king mackerel or Spanish mackerel commercial permit/endorsement
- f. Prohibit the sale of recreationally caught coastal migratory pelagics except for allowing for-hire vessels that possess the necessary state and federal commercial permits to sell coastal migratory pelagics harvested under the bag limit in or from the South Atlantic Council's jurisdiction
- g. Require tournament organizers to obtain a federal permit to sell coastal migratory pelagic fish or prohibit sale of tournament-caught fish

### **Action 3. Future participation in the commercial king and Spanish mackerel fisheries**

#### **3.1 Elimination of latent permits**

##### **3.1.1 In the Gulf group king mackerel gillnet sector**

- a. No action
- b. Renew permits for commercial king mackerel gillnet vessels if:
  - Option a. The vessel had average reported landings of at least 20,000 pounds over the years 2001-2009.
  - Option b. The vessel had average reported landings of at least 20,000 pounds in five of the six years 2001-2009.
  - Option c. The vessel had average reported landings of at least 20,000 pounds over the years 2004-2009.
  - Option d. The vessel had average reported landings of at least 20,000 pounds in five of the six years 2004-2009.
- c. Renew permits for commercial king mackerel gillnet vessels if:
  - Option a. The vessel had reported landings of at least 20,000 pounds in at least one of the six years 2004-2009.
  - Option b. The vessel had reported landings of at least 20,000 pounds in at least two of the six years 2004-2009.
  - Option c. The vessel had reported landings of at least 20,000 pounds in at least three of the six years 2004-2009.
  - Option d. The vessel had reported landings of at least 20,000 pounds in at least one of the nine years 2001-2009.

Option e. The vessel had reported landings of at least 20,000 pounds in at least two of the nine years 2001-2009.

Option f. The vessel had reported landings of at least 20,000 pounds in at least three of the nine years 2001-2009.

d. Renew permits for commercial king mackerel gillnet vessels if the vessel had reported landings in the fishing year ending June 30, 2009.

### **3.1.2 In the king mackerel hook-and-line sector**

Alternative 1. No action

Alternative 2. Do not renew permits for commercial king mackerel hook and line vessels if:

Option a. The vessel did not have reported landings of at least 5,000 pounds in at least one of the six years 2004-2009.

Option b. The vessel did not have reported landings of at least 5,000 pounds in at least two of the six years 2004-2009.

Option c. The vessel did not have reported landings of at least 5,000 pounds in at least three of the six years 2004-2009.

Alternative 3. Do not renew permits for commercial king mackerel hook and line vessels if:

Option a. The vessel did not have reported landings of at least 5,000 pounds in at least one of the nine years 2001-2009.

Option b. The vessel did not have reported landings of at least 5,000 pounds in at least two of the nine years 2001-2009.

Option c. The vessel did not have reported landings of at least 5,000 pounds in at least three of the nine years 2001-2009.

Alternative 4. Do not renew permits for commercial king mackerel hook and line vessels if the permittee did not have landings:

Option a. In the fishing year ending June 30, 2009.

Option b. In at least one of the five years preceding the June 30, 2009 Control date.

Option c. In at least two of the five years preceding the June 30, 2009 Control date.

### **3.1.3 In the Spanish mackerel hook and line sector**

Alternative 1. No action

Alternative 2. Do not renew permits for commercial Spanish mackerel hook and line vessels if:

Option a. The vessel did not have reported landings of at least 2,500 pounds in at least one of the six years 2004-2009.

Option b. The vessel did not have reported landings of at least 2,500 pounds in at least two of the six years 2004-2009.

Option c. The vessel did not have reported landings of at least 2,500 pounds in at least three of the six years 2004-2009.

Alternative 3. Do not renew permits for commercial Spanish mackerel hook and line vessels if:

Option a. The vessel did not have reported landings of at least 2,500 pounds in at least one of the nine years 2001-2009.

Option b. The vessel did not have reported landings of at least 2,500 pounds in at least two of the nine years 2001-2009.

Option c. The vessel did not have reported landings of at least 2,500 pounds in at least three of the nine years 2001-2009.

Alternative 4. Do not renew permits for commercial Spanish mackerel hook and line vessels if the permittee did not have landings:

Option a. In the fishing year ending March 31, 2010.

Option b. In at least one of the five years preceding the March 31, 2010 Control date.

Option c. In at least two of the five years preceding the March 31, 2010 Control date.

### **3.2 Do not renew permits that were obtained after the 2009 and 2010 control dates**

**Option a. King mackerel – June 30, 2009**

**Option b. Spanish mackerel – March 31, 2010**

**3.3 In order to renew a commercial king mackerel hook and line permit, the permittee must possess two valid permits at the time of transfer(~~renewal~~), and only one permit will be reissued, and the other will be retired.**

## **Action 4. Federal Regulatory Compliance**

Alternative 1. No action. All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter permits are subject to applicable federal CMP regulations when fishing in the EEZ, and are subject to applicable state CMP regulations when fishing in state waters.

Alternative 2. All vessels with federal commercial king and/or Spanish mackerel permit, as well as CMP charter permits must comply with the more restrictive of state or federal reef fish regulations when fishing in state waters.

**Action 5. Modify or Eliminate Income Requirements for Gulf Commercial Coastal Migratory Pelagic Permits**

- a. No Action – Maintain existing income requirements for Gulf commercial king and Spanish mackerel permits. To obtain or renew a commercial vessel permit for king or Spanish mackerel, at least 25 % of the applicant’s earned income, or at least \$10,000, must have been derived from commercial fishing or from charter fishing during one of the three calendar years preceding the application.
- b. Establish an income requirement for a commercial vessel permit for cobia, if a cobia permit is established, that is consistent with the requirements for king and Spanish mackerel permits.
- c. Eliminate income requirements for commercial king and Spanish mackerel permits.

Alternative 3: Replace the current income requirements with a Coastal Migratory Pelagic landings requirement, such that in one of the two years preceding the application, landings must be greater than:

- Option a: 500 lbs of king mackerel, Spanish mackerel, or cobia
- Option b: 1,000 lbs of king mackerel, Spanish mackerel, or cobia
- Option c: 5,000 lbs of king mackerel, Spanish mackerel, or cobia
- Option d: 10,000 lbs of king mackerel, Spanish mackerel, or cobia

Alternative 4: Modify the current income requirements to allow the Gulf or South Atlantic Council to suspend the renewal requirements by passage of a motion specifying: (a) the event or condition triggering the suspension; (b) the duration of the suspension; and (c) the criteria establishing who is eligible for the suspension. The affected Council would then request that the Regional Administrator suspend income requirements according to the terms outlined in the motion.

**Action 6. Spanish mackerel gillnet endorsement: (This may fit better under #1 and could be added to 1(d) – with additional discussion)**

Establish a Spanish mackerel gillnet endorsement with qualifying poundages for a commercial gillnet endorsement based on the new control dates and average landings during the most recent 5, 10, or 15 years prior to these control dates (March 31, 2010 for Gulf group Spanish mackerel and September 17, 2010 for Atlantic group Spanish mackerel )

- 1) 30,000 pounds
- 2) 20,000 pounds
- 3) 10,000 pounds

## **Action 7. Dealer Permits**

- a. No Action. Do not require a dealer permit to buy CMP species.
- b. Establish a single CMP dealer permit
- c. Establish separate Gulf and Atlantic CMP dealer permits based on the Gulf and South Atlantic Council boundary.
- d. Establish separate king mackerel, Spanish mackerel, and cobia dealer permits.

### **Amendment 19 Decisions:**

**OPTION 1: APPROVE DRAFT SCOPING DOCUMENT FOR CMP (MACKEREL) AMENDMENT 19 FOR SCOPING IN JANUARY/FEBRUARY 2011**

**OPTION 2: MODIFY ACTIONS/ALTERNATIVES AND APPROVE MODIFIED DRAFT SCOPING DOCUMENT FOR CMP (MACKEREL) AMENDMENT 19 FOR SCOPING IN JANUARY/FEBRUARY 2011**

**OPTION 3: OTHERS??**

## **JOINT GULF & SOUTH ATLANTIC FRAMEWORK ACTIONS/ALTERNATIVES**

### **Joint GM/SA Framework Amendment for Size Limits, Bag Limits, Trip Limits, and Quota Modifications**

- 1. Change the Gulf group king mackerel commercial trip limit** in the northern and southern subzones of the eastern zone to 1,500 lbs with no step-down. Also, consider changes to the trip limit in the western zone from 3,000 lbs.
- 2. Change the king mackerel size limit.**
  - a) 23 inches
  - b) 22 inches
  - c) No Action (24 inches)

Rationale: in the late winter and early spring we catch predominately smaller kings, a number of which are under size. 23 inches will solve most of the discard problem. 22 inches will virtually eliminate all discards. lowering the size limit substantially reduces discard mortality as the smaller kings are more susceptible to hook mortality.

- 3. Retention of 1 king mackerel greater than 50 inches.**

Rationale: this was a motion from a recreational fisherman. My concern is how does the average recreational fisherman get a large king in the boat and measured without significantly reducing its chance of survival?

[4.2) 60 Spanish mackerel recreational boat limit. Was discussed in amendment 18.]

- 4. Commercial trip limits; Spanish mackerel:**

Option 1: April 1st- March 31st, Monday-Friday, 3,500 pounds; weekends 1,500 pounds reduce trip limit to 1,500 pounds when 75% of quota is landed. 500 pound trip limit after quota is caught. This is an adjusted allocation which compensates for estimated catches of 500 pounds per vessel per day to end of season. based on previous 3 year average landings?

Option 2: April 1st- September 30, 3,500 pounds. October 1st-November 30, 5,000 pounds (Monday-Friday, 1,500 pounds weekend) Dec 1-March 31 1,500 pounds. 500 pound set aside.

Option 3: April 1-November 30, 3,000 pounds, December 1, 2,000 pounds until 80% of quota is landed. 500 pounds until quota is caught.

Rationale: the unlimited season is no longer needed. Most fish houses have limited their gillnet vessels to 3,500-5,000 pounds due to quality and marketing concerns. The above options are designed to generate discussion at the scoping level. The seasonal fall gillnet fishery in FL is usually over by mid-November.

## **5. King mackerel trip limit:**

Increase trip limit for the shark driftnet fishery. This option was designed to coincide with a limited access plan for the shark fishery. This option is not appropriate until the number of vessels in the shark driftnet fishery are limited.

4.1.1.5 state king and Spanish mackerel commercial allocations:

- 1) allocations by individual states.
- 2) split the king and Spanish mackerel commercial allocations into a combined NC/SC and GA/FL state commercial quotas.

## **6. Eliminate the commercial trip limit reduction at 75% of quota for the Gulf eastern zone, southern subzone.**

## **7. State by State quotas for Atlantic Migratory Group king mackerel, Spanish mackerel, and cobia.** [Mackerel chair, Ben Hartig, has requested a presentation at the March South Atlantic Council meeting on state by state quotas.]

### **Potential Timing for South Atlantic Actions:**

1. Public comment at March 5-9, 2011 meeting
2. SSC review and input at April 3-5, 2011 meeting
3. AP review after SSC
4. Final public comment at June 11-15, 2011 meeting
5. South Atlantic Council final approval at June or September 2011 meeting

### **Framework Decisions:**

**OPTION 1: APPROVE DRAFT LIST OF ITEMS & TIMING FOR CMP (MACKEREL) FRAMEWORK AND DIRECT STAFF TO PREPARE DOCUMENT FOR MARCH 2011 MEETING**

**OPTION 2: MODIFY ACTIONS/TIMING AND APPROVE MODIFIED DRAFT LIST OF ITEMS & TIMING FOR CMP (MACKEREL) FRAMEWORK AND DIRECT STAFF TO PREPARE DOCUMENT FOR MARCH 2011 MEETING**

**OPTION 3: ADD TO SCOPING MEETINGS IN JANUARY/FEBRUARY 2011**

**OPTION 4: OTHERS??**

The following information is from the Council's follow-up document:

## 2. Coastal Migratory Pelagics (Mackerel) FMP Amendment 19 - Gregg

### IPT Team

- a. √SAFMC Team: Gregg Waugh (SAFMC Lead), Kari MacLauchlin, Brian Chevront, Roger Pugliese (EFH), and Anna Martin (Coral issues)
- b. √GMFMC Team: Rick Leard (GMFMC Lead) and Assane Diagne (Ava Lasseter – GM?)
- c. √NMFS SERO Team: Susan Gerhart (NMFS Lead), Nikhil Mehta, Denise Johnson, David Dale, Jennifer Lee, and David Keys.
- d. √NMFS SEFSC Team: Christopher Liese and Nancie Cummings
- e. √NOAA GC Team: Mara Levy

### Items:

- A. Prohibit sale of Coastal Migratory Pelagics
- B. Address permit issues (e.g., cobia has no permit requirement)
- C. Pursue jointly with the Gulf Council if they are interested.

Steps : due to work on other amendments, this will resume in 2012

- A. √March 2011 meeting – Council reviews Discussion Paper and provide guidance
- B. √June 2011 meeting – Council reviews Discussion Paper and provide guidance
- C. Develop timing and steps to complete – IPT after Amendment 18 is complete

## 3. Coastal Migratory Pelagics (Mackerel) FMP Amendment 20

- A. LAPP – jointly with Gulf Council
- B. Other Items???

**4. Allocation of Commercial Quota- will be addressed if necessary in Amendment XX**

[Note: Mackerel Amendment 21 is contained in CEBA 2.]

- A. √Scoping
  - a. √ Notice of Intent – Rick to draft by \_\_\_\_\_; NMFS to publish by \_\_\_\_\_;
    - i. Published in FR on \_\_\_\_\_. See Item B below.
  - b. √Scope at December 2007 Council meeting.
- B. Other scoping in February 2008.
- C. Other Scoping
  - a. √Approve for scoping – December 3-7, 2007 meeting.
  - b. √NOI
    - i. √(i) Rick to draft by 12/13/07. SAFMC staff changes sent to NMFS on 1/10/08.
    - ii. √(ii) NMFS to review, revise and publish in FR by \_\_\_\_\_.
      - 1. √Published in FR on 1/22/08.
  - c. √Scope in February 2008 (along with Snapper Grouper Amendment 17 & 18 Scoping; and Comprehensive Allocation Amendment Scoping).
    - i. √NOI for all items – Rick provided draft material to SERO; reviewed notices on 1/9/08.
    - ii. √Meeting locations – Cindy; done 1/9/08.
    - iii. [Scoping meeting hours all run 2 – 5 pm & 6 – 8 pm]

<p><b><u>Monday, February 4, 2008</u></b>            The Mutiny Hotel            2951 South Bayshore Drive            Coconut Grove, Florida 33133            Phone: 305-441-2100</p>	<p><b><u>Tuesday, February 5, 2008</u></b>            Radisson Resort at the Port            8701 Astronaut Boulevard            Cape Canaveral, Florida 32920            Phone: 321-784-0000</p>
<p><b><u>Wednesday, February 6, 2008</u></b>            Quality Inn            125 Venure Drive            Brunswick, Georgia 31525            Phone: 912-265-4600</p>	<p><b><u>Thursday, February 7, 2008</u></b>            Sheraton New Bern            100 Middle Street            New Bern, North Carolina 28560            Phone: 252-638-3585</p>
<p><b><u>Wednesday, February 20, 2008</u></b>            Hilton Garden Inn            5265 International Blvd.            North Charleston, South Carolina 29418            Phone: 843-308-9331</p>	

- i. √Federal Register Notice – Kim; done 1/9/08.
      - ii. √Scoping Documents
      - iii. √Staff presentations
      - iv. √Transcribe scoping comments ASAP for inclusion in 2<sup>nd</sup> briefing book on February 25, 2008.
      - v.
- D. √Options on commercial allocation and final results from SEDAR assessment reviewed at December 2008 meeting. The Council approved motions to address king and Spanish mackerel

changes (TAC, quotas, bag limits, etc.) through the Comprehensive ACL Amendment and approved a list of items to be scoped for the Comprehensive ACL Amendment.

## **5. Coastal Migratory Pelagics (Mackerel) FMP Amendment XX**

[Note: Mackerel Amendment 21 is contained in CEBA 2.]

- A. Potential items: Other changes as indicated in the scoping document (including item requested by MAFMC).
- B. List of items from SAFMC decision document.