

Framework Amendment 9 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Spanish Mackerel Trip Limits) Decision Document

Background

During their April 2018 and April 2019 meetings, the Mackerel Cobia Advisory Panel (AP) expressed concern about increased participation in the commercial Spanish mackerel portion of the Coastal Migratory Pelagics fishery and how this increase may affect Spanish mackerel in the long term. Of concern were recent in-season closures to commercial Spanish mackerel harvest in federal waters in the Atlantic Northern Zone due to reaching the quota and triggering the accountability measure to close harvest. AP members noted that communities in North Carolina, particularly Swan Quarter, Hatteras, Ocracoke, and Engelhard, base half of their year's work on Spanish mackerel. Regulatory discards are concern when the fishery is closed and because fishermen do not want to waste the Spanish mackerel they catch, the closures make it challenging for the gillnet fleet to work at all. Additionally, AP members were concerned that recent closures of other fisheries in North Carolina, such as southern flounder, and the movement of fish into northern waters will increase participation in the commercial Spanish mackerel fishery resulting in increasingly early closures.

The commercial fishing year for Atlantic Spanish mackerel is March through February. During the 2017/2018 season, 100,000 pounds of quota was transferred from the Atlantic Southern Zone (North Carolina/South Carolina boundary to the Miami-Dade/Monroe County, Florida, boundary) to the Atlantic Northern Zone to prevent an early closure. However, the

Atlantic Northern Zone quota was still projected to be met and federal waters were closed to commercial harvest of Spanish mackerel on November 7, 2018. The Atlantic Southern Zone did not close but harvested 95% its remaining quota. During the 2018/2019 season there was no transfer of quota between the two zones. The Atlantic Northern Zone was closed to commercial harvest on November 4, 2018, and the Atlantic Southern Zone was closed to commercial harvest on February 5, 2019.

During the 2019/2020 season, the Atlantic Northern Zone was closed to commercial harvest on August 24, 2019. The CMP FMP allows for North Carolina or Florida to transfer part or all of their respective zone's annual commercial quota to the other zone (50 C.F.R. § 622.384(c)(2)(iii)). A transfer of quota from the Atlantic Southern Zone to the Atlantic Northern Zone was requested by North Carolina, however, Florida denied the request due the Atlantic Southern Zone being projected to also close prior to the end of the fishing season.

During the June 2019 meeting, after reviewing the Mackerel Cobia AP's concerns, the South Atlantic Council requested that a control date be established for the open access commercial Spanish mackerel permit as of March 7, 2019, the date at which the Council first discussed limited-access for the commercial Spanish mackerel fishery. Additionally, the South Atlantic Council directed staff to prepare a white paper with a thorough analysis of effort in the commercial Spanish mackerel portion of the CMP fishery, and a discussion of possible avenues to control effort, including: a limited access commercial permit, a limited access gillnet endorsement in the Southern Zone, and collaboration with state agencies. After reviewing the white paper at their September 2019 meeting, the South Atlantic Council determined that addressing accountability measures and trip limits would provide a short-term solution to recent federal water closures of commercial Spanish mackerel while the South Atlantic Council developed long-term solutions.

During the December 2019 South Atlantic Council meeting, Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission (ASMFC), clarified that the ASMFC Interstate Fisheries Management Plan for Spanish mackerel does not require states to close their waters to commercial harvest of Spanish mackerel when a federal closure occurs. This allows the state of Florida to maintain a harvest, landing, and possession limit of 500-pounds of Spanish mackerel per vessel per day from the date the commercial harvest of Spanish mackerel in adjacent federal waters is closed until the end of the fishing season. Additionally, this provision allowed North Carolina to reopen state waters to commercial harvest of Spanish mackerel until November 15, 2019 during the 2019/2020 federal waters closure.

Based on the information provided by the ASMFC, the South Atlantic Council determined that it was no longer necessary to immediately address Spanish mackerel accountability measures, but that a trip limit reduction in the Northern Zone would help to extend the commercial Atlantic Spanish mackerel season in federal waters. The South Atlantic Council's Mackerel Cobia Committee intends to review management of Atlantic Spanish mackerel after the upcoming stock assessment for the species has been completed in mid-2022.

Action in this amendment

- **Action 1.** Modify the commercial trip limits for Atlantic migratory group Spanish mackerel in the northern and southern zones.

Objectives for this meeting

- Review public hearing comments
- Review updated purpose and need statement
- Review action and alternatives
- Review analysis and draft final document
- Consider approval for formal review (in order for this amendment to be enacted by Fall 2020, it must be approved at this meeting).

Expected amendment timing

	Process Step	Date
✓	Council directs staff to start work on a framework amendment.	September 2019
✓	Council approves actions/alternatives, reviews draft amendment, selects preferred alternative, and approves for public hearings.	December 2019
✓	Public Hearings	January 2020
	Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	March 2020
	CMP Framework Amendment 8 transmitted for Secretarial Review.	Spring 2020

Draft Purpose and Need Statement

Purpose for Actions

The *purpose* of the framework amendment is to revise accountability measures and the commercial trip limit for Atlantic migratory group Spanish mackerel in the Northern Zone.

Need for Actions

The *need* for the framework amendment is to extend the commercial season prevent commercial in-season closures, reduce regulatory discards, and achieve optimum yield for Atlantic migratory group Spanish mackerel.

IPT Recommendations:

- The IPT recommended changes to the Purpose and Need Statement reflect removal of the actions related to accountability measures and analysis indicating that the action in the amendment not prevent commercial in-season closures.

- Additionally, the IPT is concerned that the Purpose and Need is not being met by the Action in the document because the reduced trip limit is not predicted to sustainably extend the commercial season or reduce regulatory discards. Additional rationale from the Council will be necessary.

Committee Action:

REVIEW IPT SUGGESTED EDITS TO PURPOSE AND NEED STATEMENT
 MODIFY AS NECESSARY
 APPROVE PURPOSE AND NEED STATEMENT
 OTHER?

Proposed Action and Alternatives

Action 1. **Modify Reduce** the commercial trip limits for Atlantic migratory group Spanish mackerel in the northern **and southern** zones.

Alternative 1. (No Action). The commercial trip limit in the northern zone of the Atlantic exclusive economic zone for Spanish mackerel harvested from, possessed on board, or landed in a day, from a vessel for which a permit for Spanish mackerel has been issued is 3,500-pounds whole weight or gutted weight.

Preferred Alternative 2. Reduce the commercial trip limit for Spanish mackerel in the northern zone of the Atlantic exclusive economic zone harvested from, possessed on board, or landed in a day, from a vessel for which a permit for Spanish mackerel has been issued.

Sub-alternative 2a. 2,500-pounds whole weight or gutted weight

Preferred Sub-alternative 2b. 2,000-pounds whole weight or gutted weight

Sub-alternative 2c. 1,500-pounds whole weight or gutted weight

Discussion:

Biological Effects

- **Preferred Alternative 2** and its sub-alternatives would not differ from **Alternative 1 (No Action)** in terms of the risk of overfishing as overall harvest would be limited to the stock ACL, and AMs would be triggered if the stock ACL were reached.
- **Preferred Alternative 2** is anticipated to result in a closure date of October 10th (compared to October 8th under **Alternative 1 (No Actions)**) (**Table 1**). However, there is uncertainty associated with estimating closure dates based on historical landings due to future weather and decisions by Spanish mackerel fishermen.
- Longer fishing seasons due to lower trip limits have the potential to decrease discards because fish that are caught can be retained rather than being discarded. However, because the season is not projected to be changed substantially under any of the alternatives, the trip limit reduction is not expected to have substantial effects on discards or co-occurring species.

Table 1. Predicted closures dates for Northern Zone Atlantic Spanish mackerel following the trip limits proposed in Action 1.

	Alternative 1	Preferred Alternative 2		
	3,500 lbs	(2a) 2,500 lbs	(2b Preferred) 2,000 lbs	(2c) 1,500 lbs
Closure Date	8-Oct	9-Oct	10-Oct	13-Oct

The closure dates were determined from the date when the ACL of 662,670 lbs was met.

Economic Effects

- Assuming **Preferred Alternative 2** does not affect overall harvest and the Northern Zone quota continues to be harvested, overall gross revenue generated by Spanish mackerel landings may not noticeably change.
 - The lower trip limits may decrease revenue on some trips and decrease overall net revenue received for Spanish mackerel landings by requiring more trips to land the same amount of Spanish mackerel, thereby increasing total trip costs.
 - These negative economic effects may be mitigated through a prolonged harvest season or if ex-vessel prices increase due to restrictions on harvest.

Social Effects

- Generally, longer fishing seasons provide positive direct and indirect social effects through continued access for commercial fishermen and consistency for end users, so long as trip limits are sufficient to support commercial fishing activity and allow for harvest during periods when it is profitable to land Spanish mackerel.
 - **Sub-alternative 2c** is anticipated to result in the longest season, followed by **Preferred Sub-alternative 2b**, **Sub-alternative 2a**, and **Alternative 1 (No Action)**.

IPT Recommendations:

- The IPT recommended changes are intended to more accurately reflect the purpose of the Action and alternatives.

Public Comments:

Charles Lock (Commercial - Wanchese, NC):

- *Written Comment:* “The Northern sector was unfairly given a small quota without proper representation on the Mackerel AP at that time. We never had a problem till we went to the split sector management scheme that was pushed by some Florida fisherman as a way of "saving" them more fish. We need more quota bottom line!! It would be unfair to further restrict the Northern sector with reduced trip limits that aren't equal to the trip limits in the southern sector, after all this IS a Gill net fishery up here. We should keep the 3500lb trip limit but mirror the southern sector and reduce to 1500lbs once 75% of the quota is harvested and then keep the 500lb limit once 100% is reached. This should be the councils only action until the updated stock assessment and the new North Carolina representatives on the AP have a chance to work hand and hand with other members on a fair and equitable solution to this on going issue. Thank you Charlie Locke F/V Salvation”

- *Oral Comment:* “So here's my comment as a North Carolina fisherman that's originally from Florida, I moved up here in 1992 to North Carolina. I know all about the Spanish mackerel fishing in Florida. I know how it was, how it operated back in the heyday when there was eight nine million pounds caught out of Port Salerno and Fort Pierce, you know, just two ports. So the fishery that we have nowadays we're harvesting a lot smaller levels the stocks healthy, everybody knows that.

We were given this Northern quota without any representation on the AP from the northern fishermen. The northern sector was given this quota without any representation. We now have two seats on the Council, on the Mackerel AP, not the Council. I'm sorry. The Spanish AP, from North Carolina. I'm one of them. So, I wrote a public written comment was that you know, because now that you've determined there's no need to rush, The council determined it's no longer necessary to immediately address this we have, you know, knowing what the ASMFC has said. We know we have a stock assessment coming out 2001. We have two new members to the AP from the northern section.

My recommendation is to hold off on doing any measure until we have a chance to have the AP members get up to date on how to work an address this measure and also the stock assessment that's coming out, you know relatively shortly. When I look at the predicted closure date that you have here at a 3,500-pound trip limit, it's going to close on October 8th. At a 1,500-pound trip limit it is going to close on October 13th. Five days later. To me, that's not a big enough time, you have you have not saved anybody any time.

So, by reducing the trip limit all I see is you're getting back to your purpose. Your purpose and need for this for the Framework Amendment 9 is one of the needs of action is to reduce regulatory discard. What I see by having a 2,000-pound trip limit and I went back in my records. I have seven days over 2,000 pounds of fish that I caught last year in our Spanish season, you know 2,026 - 2,700 pounds.

So, what I've seen there by reducing the trip limit, now you created a discard. You've created a regulatory discard. That was what you're trying to keep from happening. So to gain five, not even five days, or really from 2,000 pounds, which is the preferred alternative is October 10, and so you really you're talking, you know from a 3,500 you're talking two days from your own records. 3,500-pound trip limit closing October 8th, 2,000 trip limit, October 10th. So, I see this starts happening. I see no difference, no gain, in the amount of time that we're going to get the fish.

Also, I will add this, the northern section, you know, the Northern Area we've gotten the smaller quota that nobody wanted, you know, we were the first ones to fish on it this came about because Florida was afraid we were going to catch too many fish and they weren't going to have enough left on the back end because we kind of got the first shot where this quote is starts in March. And I know for a fact that within a week or so you're going to go to 500 pounds in Florida. I've been talking to the guys down there. So, it's funny how we're still only addressing the northern quota and trying to reduce us even further. We've already got a small quota and now you're wanting to handicap us again with a 2,000 pound trip limit Yet, the south is having the same exact problems, but

nobody's talking about any kind of trip reduction or cap on the 300 cast net state water boats that are you know fishing down there.

Another thing to think about, chew on, this business a state water fishery. We have no federal water Spanish mackerel fishing up here. I mean we have permits. I have a permit, but 99% of all the Spanish mackerel are caught in state waters. So, it's really not a federal fishery up here. And so, I would really urge the council to hesitate. I would really urge the council to just pull back the reins here on this and you know, give the two new members a chance to be on the AP, get familiar with the situation and all the ins and outs. And let this new stock assessment come in 2001.

You know, we may be able to get it, but we need about a million pounds up here. That's about what we figured we need we need about a million pounds in the northern quote, you know, the northern sector we've got more fish longer in the year. The waters are staying warmer. The more states are fishing for them north of us, but we need about a million pounds to keep this from closing and so my comment, you know, I did a written comment but this is my verbal comment is to just let's hold off because all we're talking about is two days of gaining fishing time by reducing the 2,000 pounds. I can see discards, myself getting a ticket, which I don't need in the state, you know, having more than 2,000 pounds. It's just going to cause more problems than the gain. We're trying to get with only two days of gaining by reducing. So that's my comment and I appreciate you guys finally dealing with me on getting this through, but I appreciate your time on this and that's all I got.”

Susan West (Buxton, NC):

- *Written Comment:* “The public hearing document states that the need for Framework Amendment 9 is “to prevent commercial in-season closures, reduce regulatory discards, and achieve optimum yield” for the Spanish mackerel commercial fishery in the northern zone. According to the document, 98% of commercial Spanish mackerel trips harvested 1500 pounds or less. Based on information in the document, supplemented by reports that the Spanish mackerel range could be expanding and by observations on the social and economic health of a coastal community highly dependent on the Spanish mackerel fishery particularly in the fall months, a short-term solution is required until a new stock assessment is completed. A trip limit reduction to 1500 pounds in the northern zone with a 500 pound trip limit after the quota has been reached offers the best approach to addressing the needs identified in the public hearing document. The amendment objectives will not be reached without allowing a 500 pound trip limit after the quota has been met.”

Rob West (Commercial – Buxton, NC)

- *Written Comment:* “The unnecessary closure of the commercial Spanish mackerel fishery - a healthy fishery - in the northern zone that began August 24, 2019 had a very significant negative impact on the owner-operated boats out of small, rural coastal fishing villages on the Outer Banks that have traditionally participated in the fishery in the fall. Measures to extend the fishing season that include a reduced trip limit accompanied by the allowance of a 500 pound trip limit after the quota is reached would be appropriate steps to take while an updated stock assessment is underway.”

Dave Timpy (Private Recreational/For-Hire – Wilmington, NC)

- *Written Comment:* “According to the SAFMC public hearing documents, the “Majority of Atlantic Spanish mackerel trips in the Northern Zone harvested 500-lbs or less per trip (87.0%) and 98.5% of the trips harvested 1,500-lbs or less per trip. “ It is also stated that “The lower trip limits may decrease revenue on some trips and decrease overall net revenue received for Spanish mackerel landings by requiring more trips to land the same amount of Spanish mackerel, thereby increasing total trip costs. “ Based on this information, I support the Sub-alternative 2c. 1,500-pounds whole weight or gutted weight. This option appears very reasonable given that 99% of the trips catch 1,500lbs or less per trip. The ecological benefits of a longer season warrants this option. Future consideration: I request the the upcoming stock assessment for Spanish Mackerel evaluate a “limited access gillnet endorsement” in the NORTHERN zone. Moreover, I request the stock assessment to include an evaluation of the option of “prohibited gill net operations” for Spanish Mackerel. Last, the recreational Spanish Mackerel limit in North Carolina has been too high for many years. I recommend reducing the current recreational bag limit of 15 fish to 10 fish and a minimum size of 14 inches.”

Ben Ingraham (Commercial – Wilmington, NC)

- *Written Comment:* “I have been a commercial fisherman for over 40 years. I believe Spanish mackerel are an untapped resource, there is a great abundance of them to be resourced. I don't believe there should be any restrictions on them at all. Also, there NEEDS to be a northern and a SOUTHERN quota. We were completely shut out of our spanish mackerel season because the state quota from the Northern section had already been met. It cost us 3 months of income. That is hard to recover from.”

Advisory Panel Recommendations:*October 2019 Mackerel Cobia Advisory Panel Meeting –*

- North Carolina fishermen have indicated that they would like to consider a step-down system similar to the system currently in place in the Southern Zone:
 - For example, a step down to 1,500-pounds once 75% of the Northern Zone quota has been reached and then an additional step down to 500-pounds.
 - If the starting trip limit was lower, it may help prolong the season and ensure it was still open during the spot and croaker gillnet season preventing waste.
 - The state of North Carolina can implement changes in trip limits quickly via proclamation.

MOTION: CONSIDER A TRIP LIMIT IN THE NORTHERN ZONE STARTING AT 3,000 POUNDS WITH A STEP DOWN TO 1,500 POUNDS ONCE 75% OF THE NORTHERN ZONE QUOTA IS REACHED.

MOTION APPROVED (5 IN FAVOR, 3 OPPOSED, 3 ABSENTIONS)

Committee Action

REVIEW IPT SUGGESTED EDITS TO ACTION
MODIFY AS NECESSARY
APPROVE FOR FORMAL REVIEW
OTHER?

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 9 FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.