

Amendment 34

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



(Atlantic king mackerel catch levels and Atlantic King
and Spanish Mackerel Management Measures)

Decision Document

March 2022

Background

In 2014, a stock assessment of both Gulf of Mexico and Atlantic migratory groups of king mackerel was completed (SEDAR 38) and indicated that neither migratory group was overfished or experiencing overfishing. In addition to revised yield streams, the stock assessment redefined the spatial and temporal extent of the mixing zone between the migratory groups to be south of the Florida Keys during winter months. The stock assessment and subsequent amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP) (Amendment 26) also redefined the geographic boundary between the migratory groups to be at the Dade/Monroe County, Florida line.

An update to SEDAR 38 was completed in April 2020 (SEDAR 38 Update 2020) and indicated, consistent with the original stock status determined by SEDAR 38, that Atlantic migratory group king mackerel (Atlantic king mackerel) was not overfished or undergoing overfishing. Additionally, recreational and commercial landings and catch per unit effort all showed an increasing trend. Based on the results of SEDAR 38 update, the Scientific and Statistical Committee (SSC) has made new Atlantic king mackerel catch level recommendations for the

South Atlantic Fishery Management Council (South Atlantic Council) to consider (**Table 1**). The assessment and SSC catch level recommendations incorporate revised recreational catch estimates based on the new Marine Recreational Information Program (MRIP) survey design.

Table 1. South Atlantic SSC recommendations for acceptable biological catch for Atlantic migratory group king mackerel, using data resultant from SEDAR 38 update (2020).

Year	OFL Recommendations (lbs)	ABC Recommendations (lbs)
2022/2023	33,900,000	32,800,000
2023/2024	29,400,000	28,400,000
2024/2025	26,300,000	25,400,000
2025/2026	24,200,000	23,300,000
2026/2027+	22,800,000	21,800,000

The SEDAR 38 update includes revised recreational landings that are based on MRIP’s newer Fishing Effort Survey (FES) method, which is considered more reliable and robust compared to the Coastal Household Telephone Survey (CHTS) method. As a result of the change in methodology, the Council is considering revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector. Current sector allocations are based on landings from 1979 through 1983.

The South Atlantic Council is also considering action to modify management measures for Atlantic king and Spanish mackerel based on input from the South Atlantic Council’s Mackerel Cobia Advisory Panel (AP). The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. The AP has requested the South Atlantic Council consider raising the bag limit in federal waters off the east coast of Florida to allow all fishermen the same opportunity to harvest king mackerel. The AP also suggested the Councils consider decreasing the minimum size limit for Atlantic king mackerel because many smaller king mackerel are often caught when fishing recreationally for other species, such as Spanish mackerel, and are released as dead discards. Finally, commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the Councils consider a similar provision for the recreational sector.

Actions in this amendment

- Action 1.** Revise the stock total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.
- Action 2.** Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.
- Action 3.** Revise the recreational annual catch target for Atlantic migratory group king mackerel.
- Action 4.** Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.
- Action 5.** Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.

Objectives for this meeting

- Review draft Council rationale.
- Review Law Enforcement Advisory Panel input.
- Consider approval for formal review.

Tentative Timing for CMP Amendment 34

	Process Step	Date
✓	South Atlantic Council directs staff to start work on an amendment.	June 2020
✓	Mackerel Cobia Advisory Panel reviews assessment and makes recommendations for actions to include in amendment.	November 2020
✓	South Atlantic Council reviews options paper and approves amendment for scoping.	December 2020
✓	South Atlantic Council reviews scoping comments and approves action/alternatives to be analyzed.	March 2021
✓	Gulf Mackerel Cobia Advisory Panel reviews amendment	March 2021
✓	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives.	June 2021
✓	Gulf Council reviews document and provides direction to staff.	June 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	September 2021
✓	Gulf Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	October 2021
✓	Public Hearings	Fall 2021
✓	South Atlantic Council reviews the draft amendment, modifies the document as necessary.	December 2021
✓	Gulf Council reviews the draft amendment, modifies the document as necessary.	January 2022
	South Atlantic Council approves for formal review.	March 2022
	Gulf Council approves for formal review.	April 2022
	CMP Amendment 34 transmitted for Secretarial Review.	Spring 2022

Opportunities to provide public comment in-person include South Atlantic Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.

Purpose and need statement

The *purpose* of this amendment is to revise the catch limits for Atlantic migratory group king mackerel; to revise recreational and commercial allocations for Atlantic migratory group king mackerel; and to revise or establish management measures for Atlantic migratory group king and Spanish mackerel.

The *need* for this amendment is to ensure catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group king and Spanish mackerel fisheries, while increasing social and economic benefits through sustainable and profitable harvest of Atlantic migratory group king and Spanish mackerel.

Committee Action

NONE NECESSARY.

Actions and Alternatives

Action 1. Revise the acceptable biological catch, total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel.

Purpose of Action: update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

Alternative 1 (No Action). Retain the acceptable biological catch, total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel as implemented in 2017 by Amendment 26 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Regions. The current catch levels are inclusive of recreational estimates from the Marine Recreational Information Program’s Coastal Household Telephone Survey.

Alternative 2. Revise the acceptable biological catch, total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel, based on the acceptable biological catch recommendation from the South Atlantic Fishery Management Council’s Scientific and Statistical Committee. The total annual catch limit and annual optimum yield are equal to the **recommended** acceptable biological catch level. The recommended acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program’s Fishing Effort Survey.

Fishing Year	Alternative 2 (ACL=ABC) (lbs)
2022/2023	32,800,000
2023/2024	28,400,000
2024/2025	25,400,000
2025/2026	23,300,000
2026/2027+	21,800,000

South Atlantic and Gulf Council Preferred Alternative 3. Revise the acceptable biological catch, total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel, based on the acceptable biological catch recommendation from the South Atlantic Fishery Management Council’s Scientific and Statistical Committee. The total annual catch limit and annual optimum yield are equal to 95% of the **recommended** acceptable biological catch level. The recommended acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program’s Fishing Effort Survey.

Fishing Year	Alternative 3 (ACL=95%ABC) (lbs)
2022/2023	31,160,000
2023/2024	26,980,000
2024/2025	24,130,000
2025/2026	22,135,000
2026/2027+	20,710,000

Alternative 4. Revise the acceptable biological catch, total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel, based on the acceptable biological catch recommendation from the South Atlantic Fishery Management Council’s Scientific and Statistical Committee. The total annual catch limit and annual optimum yield are equal to 90% of the **recommended** acceptable biological catch level. The recommended acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program’s Fishing Effort Survey.

Fishing Year	Alternative 4 (ACL=90%ABC) (lbs)
2022/2023	29,520,000
2023/2024	25,560,000
2024/2025	22,860,000
2025/2026	20,970,000
2026/2027+	19,620,000

Alternative 5. Revise the acceptable biological catch, total annual catch limit and annual optimum yield of Atlantic migratory group king mackerel, based on the acceptable biological catch recommendation from the South Atlantic Fishery Management Council’s Scientific and Statistical Committee. The total annual catch limit and annual optimum yield are equal to the constant catch level of 21,800,000 pounds. The recommended acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program’s Fishing Effort Survey.

Fishing Year	Alternative 5 (Constant Catch) (lbs)
2022/2023	21,800,000
2023/2024	21,800,000
2024/2025	21,800,000
2025/2026	21,800,000
2026/2027+	21,800,000

Discussion:

- The update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. The SSC reviewed the results and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel.
 - The South Atlantic Council may consider setting the Atlantic king mackerel total annual catch limits (ACL) at the same level as the ABCs recommended by the SSC (**Alternative 2**) or may consider including a buffer between the two values (**Alternatives 3-5; Table 2**).

Table 2. Annual catch limits based on revised MRIP estimates for Atlantic migratory group king mackerel under **Action 1** proposed alternatives.

Fishing Year	Alternative 1 (No Action)	Annual Catch Limits (lbs.)			
		Alternative 2 (ACL=ABC)	Preferred Alternative 3 (ACL=95% ABC)	Alternative 4 (ACL=90% ABC)	Alternative 5 (Constant Catch)
2021/22	Not BSIA, not a viable alternative.	32,800,000	31,160,000	29,520,000	21,800,000
2022/23		28,400,000	26,980,000	25,560,000	21,800,000
2023/24		25,400,000	24,130,000	22,860,000	21,800,000
2024/25		23,300,000	22,135,000	20,970,000	21,800,000
2025/26+		21,800,000	20,710,000	19,620,000	21,800,000

Note: The current ABC is 12,700,00 pounds. However, previous ABCs and ACLs and the proposed ABCs are not directly comparable because the updated assessment includes changes in the recreational catch estimates based on new methodology used in the Marine Recreational Information Program (MRIP).

DRAFT Council Rationale

The South Atlantic and Gulf of Mexico Fishery Management Councils selected **Preferred Alternative 3**, which places a smaller buffer in between the ABC and ACL than the other alternatives considered, based on a recommendation from the Mackerel Cobia Advisory Panel to be precautionary due to uncertainty with the new MRIP FES numbers. The Council felt that a buffer was appropriate for this stock because of the substantial increase in the recommended ABC from the SSC and analysis that showed it was unlikely for the proposed ACL to be met..

Committee Action

REVIEW DRAFT COUNCIL RATIONALE, MODIFY AS NECESSARY

Action 2. Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.

Purpose of Action: The South Atlantic Council's Allocation Trigger Policy includes indicator-based criteria as triggers, including after a stock assessment is approved by the SSC. Allocations need to be reviewed considering recreational data from the Marine Recreational Information Program using the Fishing Effort Survey method.

Note: The revised total annual catch limit in Alternatives 1 (No Action) through 5 reflect **Preferred Alternative 3 in Action 1**. The revised total annual catch limit includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method where appropriate, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 38 Update 2020).

South Atlantic and Gulf Council Preferred Alternative 1 (No Action). Retain the current recreational sector and commercial sector allocations of 62.9% and 37.1%, respectively, of the revised total annual catch limit for Atlantic migratory group king mackerel.

Alternative 2. Allocate 77.3% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector and 22.7% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. This allocation is based on approximately maintaining the current commercial annual catch limit beginning in the 2026/2027 fishing season and allocating the remaining revised total annual catch limit that is inclusive of Marine Recreational Information Program Fishery Effort Survey estimates to the recreational sector.

Alternative 3. Allocate 68.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector and 31.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. This allocation is based on average landings for Atlantic king mackerel for the years 2014 – 2019, inclusive of Marine Recreational Information Program Fishery Effort Survey estimates.

Sector allocation = (50% * average of Atlantic migratory group king mackerel long catch range (lbs) 2000-2008 + (50% * average of recent catch trend (lbs) 2017-2019).

Discussion:

- The Fisheries Allocation Review Policy (NMFS Policy Directive 01-119) and the associated Procedural Directive on allocation review triggers (NMFS Procedural Directive 01-119-01) established the responsibility for the Regional Fishery Management Councils to set allocation review triggers and consider three types of trigger criteria: indicator, public interest, and time.
 - The South Atlantic Council chose several indicator-based criteria as triggers, including after a stock assessment is approved by the SSC.
- The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer FES method, the Council may want to consider revising current sector allocations.

- Current sector allocations for king mackerel were established in Amendment 1 to the CMP FMP (1985). Catch was allocated based on the largest number of years, beginning in 1979 using the average percent distribution of catch between commercial and recreational fishermen, resulting in the current allocation of **37.1% to the commercial sector and 62.9% to the recreational sector.**
 - In addition to sector allocations, the commercial sector has regional allocations. The Northern Zone (New York/Connecticut/Rhode Island line to the North Carolina/South Carolina line) is allocated 23.04% of the commercial ACL and the Southern Zone (North Carolina/South Carolina line to the Miami-Dade/Monroe County line, Florida) is allocated 76.96% of the commercial ACL.
 - Additionally, the commercial fishing year for Atlantic king mackerel in the Southern Zone is March through February. Season 1 is March 1 through September 30, and Season 2 is October 1 through the end of February. Sixty percent of the Atlantic king mackerel quota for the Southern Zone is allocated to Season 1 and 40% is allocated to Season 2.

Table 3. Current and proposed Atlantic king mackerel sector allocations for Alternatives 2-6.

Action 2 (Allocations)	Commercial Allocation	Recreational Allocation	Basis
Preferred Alternative 1 (No Action)	37.1%	62.9%	Council rationale.
Alternative 2 ¹	22.7%	77.3%	Maintains current commercial ACL beginning in 2026/2017 season and allocates the remainder to the recreational sector.
Alternative 3	31.1%	68.9%	Average landings 2014-2019.

¹The percentages for Alternative 3 reflect **Preferred Alternative 3 in Action 1** in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the FES method, as well as updates to commercial and for-hire landings.

Table 4. Current and revised sector allocations (lbs) for Atlantic king mackerel based on the revised total ACL from Preferred Alternative 3 in Action 1.

Fishing Year	Total ACL	Preferred Alternative 1 (No Action)		Alternative 2		Alternative 3	
		Commercial (37.1%)	Recreational (62.9%)	Commercial (22.7%)	Recreational (77.3%)	Commercial (31.1%)	Recreational (68.9%)
2022/23	31,160,000	11,560,360	19,599,640	7,073,320	24,086,680	9,690,760	21,469,240
2023/24	26,980,000	10,009,580	16,970,420	6,124,460	20,855,540	8,390,780	18,589,220
2024/25	24,130,000	8,952,230	15,177,770	5,477,510	18,652,490	7,504,430	16,625,570
2025/26	22,135,000	8,212,085	13,922,915	5,024,645	17,110,355	6,883,985	15,251,015
2026/27+	20,710,000	7,683,410	13,026,590	4,701,170	16,008,830	6,440,810	14,269,190

Note: The revised ACLs in Alternatives 1 (No Action) through 3 reflect **Preferred Alternative 3 in Action 1** in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

Table 5. Current and revised commercial northern and southern zone allocations (lbs) for Atlantic king mackerel based on the revised total ACL from Preferred Alternative 3 in Action 1.

Fishing Year	Preferred Alternative 1 (No Action)		Alternative 2		Alternative 3	
	Northern Zone (23.04%)	Southern Zone (76.96%)	Northern Zone (23.04%)	Southern Zone (76.96%)	Northern Zone (23.04%)	Southern Zone (76.96%)
2022/23	2,663,507	8,896,853	1,629,693	5,443,627	2,232,751	7,458,009
2023/24	2,306,207	7,703,373	1,411,076	4,713,384	1,933,236	6,457,544
2024/25	2,062,594	6,889,636	1,262,018	4,215,492	1,729,021	5,775,409
2025/26	1,892,064	6,320,021	1,157,678	3,866,967	1,586,070	5,297,915
2026/27+	1,770,258	5,913,152	1,083,150	3,618,020	1,483,963	4,956,847

Note: The revised ACLs in Alternatives 1 (No Action) through 3 reflect Preferred Alternative 3 in Action 1 in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

Table 6. Current and revised commercial southern zone seasonal allocations (lbs) for Atlantic king mackerel based on the revised total ACL from Preferred Alternative 3 in Action 1.

Fishing Year	Preferred Alternative 1 (No Action)		Alternative 2		Alternative 3	
	SZ Season 1 (60%)	SZ Season 2 (40%)	SZ Season 1 (60%)	SZ Season 2 (40%)	SZ Season 1 (60%)	SZ Season 2 (40%)
2022/23	5,338,112	3,558,741	3,266,176	2,177,451	4,474,805	2,983,204
2023/24	4,622,024	3,081,349	2,828,031	1,885,354	3,874,527	2,583,018
2024/25	4,133,782	2,755,854	2,529,295	1,686,197	3,465,246	2,310,164
2025/26	3,792,012	2,528,008	2,320,180	1,546,787	3,178,749	2,119,166
2026/27+	3,547,891	2,365,261	2,170,812	1,447,208	2,974,108	1,982,739

Note: The revised ACLs in Alternatives 1 (No Action) through 3 reflect Preferred Alternative 3 in Action 1 in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

DRAFT Council Rationale

The South Atlantic and Gulf Councils selected **Preferred Alternative 1 (No Action)** because Atlantic king mackerel is a management success story, and it would be beneficial to preserve the historic makeup of the fishery. Additionally, in recent years the commercial sector has come close to meeting its ACL, while the recreational sector as remained well below their ACL. Maintaining the allocation percentages set in the 1980s would shift poundage toward the commercial sector. However, even with maintaining current percentage allocations neither sector is anticipated to experience a closure due to their respective ACL being met.

Committee Action

REVIEW DRAFT COUNCIL RATIONALE, MODIFY AS NECESSARY

Action 3. Revise the recreational annual catch target for Atlantic migratory group king mackerel.

Purpose of Action: update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

Note: The revised recreational annual catch target in Alternatives 1 (No Action) through 4 reflect **Preferred Alternative 3 in Action 1** and **Preferred Alternative 1 (No Action) in Action 2**. The revised annual catch limit includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method where appropriate, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 38 Update 2020).

South Atlantic and Gulf Council Preferred Alternative 1 (No Action). Revise the recreational annual catch target to reflect the updated recreational annual catch limit level. The recreational annual catch target equals sector ACL[(1-PSE) or 0.5, whichever is greater].

Alternative 2. Revise the recreational annual catch target to reflect the updated recreational annual catch limit. The recreational annual catch target equals 90% sector ACL.

Alternative 3. Revise the recreational annual catch target to reflect the updated recreational annual catch limit. The recreational annual catch target equals 85% sector ACL.

Discussion:

- The recreational ACT is currently codified and utilized in the post-season recreational accountability measure for Atlantic king mackerel and needs to be updated based on the SEDAR 38 Update.
- Current Accountability Measure
 - If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, reduce the bag limit for the following fishing year by the amount necessary to ensure landings achieve the recreational ACT, but do not exceed the recreational ACL.
 - If the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic king mackerel are overfished, reduce the recreational ACL and ACT for that following year by the amount of any overage in the prior fishing year.
- The current recreational ACT is based on adjusting the recreational ACL by 50% or one minus the five-year average proportional standard error (PSE) from the recreational sector, whichever is greater, as established in Amendment 18 to the CMP FMP.

Table 7. Proportional Standard Errors (PSEs) for Atlantic king mackerel from weight estimates for all modes.

Fishing Year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	5-Year Average
PSE Value	15.0	15.1	12.6	12.8	12.9	13.7

Table 8. Proposed recreational annual catch targets for Atlantic migratory group king mackerel.

Fishing Year	Recreational ACL	Recreational ACT		
		Preferred Alternative 1 (No Action) ¹	Alternative 2	Alternative 3
2022/23	19,599,640	16,914,489	17,639,676	16,659,694
2023/24	16,970,420	14,645,472	15,273,378	14,424,857
2024/25	15,177,770	13,098,416	13,659,993	12,901,105
2025/26	13,922,915	12,015,476	12,530,624	11,834,478
2026/27+	13,026,590	11,241,947	11,723,931	11,072,602

¹The five-year average PSE for the recreational data was 0.137. The resulting recreational ACT would be equal to the recreational ACL multiplied by (1-0.137), or 0.863, setting the recreational ACT at 86.3% of the recreational ACL.

Note: The revised total ACTs reflect **Preferred Alternative 3 in Action 1** and **Preferred Alternative 1 (No Action) in Action 2** in Amendment 34 to the CMP FMP and Atlantic Region.

DRAFT Council Rationale

The South Atlantic and Gulf Councils selected **Preferred Alternative 1 (No Action)** because it maintains the current method for setting the ACT and updates based on the new catch levels selected in previous actions.

Committee Action

REVIEW DRAFT COUNCIL RATIONALE, MODIFY AS NECESSARY

Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.

Purpose of Action: included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to create consistency in the recreational bag limit throughout the king mackerel management jurisdiction.

Alternative 1 (No Action). The daily bag limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida is two fish per person. The daily bag limit specified by Florida for its waters is two fish per person.

Gulf and South Atlantic Preferred Alternative 2. Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the exclusive economic zone off Florida.

Discussion:

- The current bag limit for Atlantic king mackerel and Gulf king mackerel is three fish per person except for the east coast of Florida to the Miami-Dade/Monroe Count line where the bag limit is set to match the daily bag limit specified for Florida state waters (currently two fish per person).
 - Fishermen and Mackerel Cobia Advisory Panel (AP) members have requested to raise the east coast of Florida bag limit in federal waters to three fish per person to match the rest of the CMP FMP management area.
- Percent increase in landings was calculated with two different methods.
 - Method 1: assumes all the trips that met the 2-king mackerel bag limit would also meet the 3-king mackerel bag limit.
 - Method 2: isolated the trips that met the 2-king mackerel bag limit and allowed them to meet the 3-king mackerel bag limit if these trips also had discarded king mackerel.

Table 9. Percent increase in Atlantic king mackerel recreational landings generated from data for the years of 2017 to 2019.

Bag Limit	Method 1	Method 2
2 to 3 Fish in East Florida	14%	3%

DRAFT Council Rationale

The South Atlantic and Gulf Councils selected **Preferred Alternative 2** in order to create consistency in the recreational bag limit in federal waters and to provide the same opportunity for harvest throughout the entirety of the king mackerel management area.

Committee Action

REVIEW DRAFT COUNCIL RATIONALE, MODIFY AS NECESSARY

Action 5. Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins intact.

Purpose of Action: included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to increase recreational harvest and address the increase in shark and barracuda depredation.

Alternative 1 (No Action). Cut-off (damaged) Atlantic migratory group king mackerel or Atlantic migratory group Spanish mackerel caught under the recreational bag limit may not be possessed.

Gulf and South Atlantic Preferred Alternative 2. Cut-off (damaged) fish caught under the recreational bag limit, that comply with the minimum size limits, may be possessed, and offloaded ashore.

Gulf and South Atlantic Preferred Alternative 2a. Atlantic migratory group king mackerel

Gulf and South Atlantic Preferred Alternative 2b. Atlantic migratory group Spanish mackerel

Discussion:

- Commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the South Atlantic Council considered a similar provision for the recreational sector.
 - Cut/damaged fish would still be subject to established recreational bag limits.

Law Enforcement Advisory Panel Comments

The Law Enforcement AP was asked to comment on Action 5 in CMP Amendment 34, which considers allowing recreational fishermen to possess and offload ashore, cut-off (damaged) Atlantic king and Spanish mackerel that comply with the minimum size limit. Note: this provision already exists for the commercial sector. The AP had the following comments:

- General concern that allowing retention of cut or damaged fish in the recreational sector for king and Spanish mackerel will create the expectation that this practice should be allowed for other species. King mackerel are not difficult to identify, but other species may present identification issues that would make such an allowance problematic.
- AP members offered that officer discretion is generally the norm as to whether a fish that has been depredated is allowed to be retained under current regulations. However, because allowing discretion can get lost over the years, it is best to have a formal regulation.
- AP members offered that officer discretion is generally the norm as to whether a fish that has been depredated is allowed to be retained under current regulations. Officer discretion is based on the totality of the circumstances and should be considered on a case-by-case basis. Officer discretion does not replace enforcement as an option but rather gives the Officer flexibility to utilize education or warnings as a tool. Officer discretion should not be utilized in place of regulations or policies as a normal procedure.

The stakeholder must always be educated based on the regulations and not discretion. Over the years knowledge of certain discretionary considerations can be lost, it is best to address inconsistencies through regulation or policy.

- It was noted that the commercial sector is already allowed to retain cut/damaged fish that meet the minimum size limit requirement and there are no enforcement issues with that regulation.
- Some South Atlantic states currently have avenues in place to amend regulations quickly to match those in federal waters.
- If the proposed change is implemented, education and outreach to the angling public will be important to emphasize that the retained portion of the depredated/damaged fish still must meet the recreational minimum size limit.

Recommendation: The proposed federal regulation would be in direct conflict with state regulations and each state would have to accommodate with this regulation in state waters.

DRAFT Council Rationale

The South Atlantic and Gulf Councils selected **Preferred Alternative 2a** and **Preferred Alternative 2b** to create consistency between commercial and recreational management measures related to the possession and offloading of cut-off (damaged) fish. Additionally, the selected preferred alternatives address the increase in shark and barracuda depredation reported by stakeholders.

Committee Action

REVIEW DRAFT COUNCIL RATIONALE, MODIFY AS NECESSARY

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS AMENDMENT 34 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.