

Framework Amendment 10 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Atlantic king mackerel catch levels)

Options Paper
December 2020

Background

In 2014, a stock assessment of both Gulf 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 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, all fishery indicators showed an increasing trend, including both recreational and commercial landings, and catch per unit effort. Based on the assessment, the Scientific and Statistical Committee (SSC) has made new catch level recommendations for the South Atlantic Council to consider. The assessment and SSC catch level recommendations incorporate revised recreational catch estimates based on the new Marine Recreational Information Program (MRIP) survey design.

Objectives for this meeting

- Review Mackerel Cobia Advisory Panel Comments
- Consider approval of Coastal Migratory Pelagics Framework Amendment 10 for scoping.

Tentative Timing for CMP Framework Amendment 10

	Process Step	Date
✓	Council directs staff to start work on a framework amendment.	June 2020
✓	Mackerel Cobia Advisory Panel reviews assessment and makes recommendations for actions to include in amendment.	November 2020
	Council reviews options paper and approves amendment for scoping.	December 2020
	Council reviews scoping comments and approves action/alternatives to be analyzed.	March 2021
	Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
	Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	June 2021
	Public Hearings	Summer 2021
	Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	September 2021
	CMP Framework Amendment 10 transmitted for Secretarial Review.	Fall 2021

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

What actions may be considered in CMP Framework Amendment 10?

Action 1. Revisions to the Atlantic King Mackerel Annual Catch Limit

The update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. In April 2020, the SSC reviewed the results of the SEDAR 38 Update (2020) and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel (**Table 1**). The South Atlantic Council may consider setting the Atlantic king mackerel annual catch limit (ACL) at the same level as the ABC recommended by the SSC in the table below or may consider including a buffer between the two values.

Table 1. South Atlantic SSC recommendations for overfishing limit (OFL) acceptable biological catch (ABC) in pounds whole weight for Atlantic migratory group king mackerel, using data resultant from SEDAR 38 update (2020).

Year	OFL Recommendations	ABC Recommendations
2021	34,300,000	33,300,000
2022	29,500,000	28,500,000
2023	26,300,000	25,400,000
2024	24,200,000	23,300,000
2025+	22,700,000	21,800,000

Mackerel Cobia Advisory Panel Comments

Questions Posed to the Advisory Panel

- Should the South Atlantic Council place a buffer between the acceptable biological catch (ABC) and the annual catch limit (ACL) to account for management uncertainty?
 - If yes, what buffer is appropriate? 5%, 10%, 15%?
- The catch levels recommended by the SSC are substantially higher than currently catch levels. Staff noted that previous ABCs and annual catch limits (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).
- Given the increase in catch levels, the Council should consider accommodating a buffer.
 - If the current catch is not reaching/exceeding the proposed ABC/ACL it makes sense to be cautious. Especially given that data for current and possibly future fishing years may be compromised due to the pandemic.
 - Due to MRIP data coming in waves or being otherwise delayed, a buffer instead of an annual catch target (ACT) would better account for management uncertainty.
 - Increased landings of king mackerel throughout the northern zone (North Carolina/South Carolina line to the New York/Connecticut/Rhode Island line) and into New England is a big source of management uncertainty warranting a buffer.
 - Especially recreationally, intercepts may not occur as often up north resulting in unreliable numbers.
 - Factoring climate change into management is especially important because we do not yet know if king mackerel are shifting northward or if their range is expanding.
- When looking at a buffer, it is important to make sure that commercial and recreational fisheries can remain open year-round.
- An alternative perspective was provided, stating the if landings are increasing in the northern zone a buffer should not be set because it is important to ensure all quota remains available to account for changes in landings.

Action 2. Modifications to Sector and/or Area Allocations

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. Councils were directed to establish triggers for consideration of allocation reviews. The South Atlantic Council chose several indicator-based criteria as triggers, including after a stock assessment is approved by the SSC. The South Atlantic Council will determine and document whether modifications to allocations are necessary. If it is determined that allocation revisions are necessary, they will be included in this framework amendment.

Current sector allocations for king mackerel were established in Amendment 1 to the CMP FMP (1985) which was the first amendment to recognize separate migratory groups of king

mackerel (Gulf and South Atlantic). Catch was allocated based on the largest number of years, beginning in 1979, for which concurrent recreational and commercial catch data were available. Catch data were used to calculate 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 CMP FMP contains regional allocations for Atlantic king mackerel. **The Northern Zone (the New York/Connecticut/Rhode Island line south to the North Carolina/South Carolina state line) is allocated 23.04% of the ACL. The Southern Zone (the North Carolina/South Carolina line south to the Miami-Dade/Monroe County boundary, Florida) is allocated 76.96% of the ACL.** These allocations were initially set in Amendment 20B to the CMP FMP (2014) using the proportion of landings in that zone from the 2002/2003 fishing season through the 2011/2012 fishing season. In Amendment 26 to the CMP FMP, the expected percentage of the quota for each zone was re-calculated using the same time period as specified in Amendment 20B, but with landings that would be counted as Atlantic king mackerel using the stock boundary and mixing zone from SEDAR 38.

Mackerel Cobia Advisory Panel Comments

Questions Posed to the Advisory Panel
<ul style="list-style-type: none"> • Do the current sector allocations for king mackerel need to be revised? Why? <ul style="list-style-type: none"> • If yes, what factors should the South Atlantic Council consider when reallocating? • Do the current regional allocations for king mackerel need to be revised? Why? <ul style="list-style-type: none"> • If yes, what factors should the South Atlantic Council consider when reallocating?

- Overall, the fishery has been functioning well with the current sector allocations, however regional allocations may need to be addressed in the future with changes in landings distributions due to climate change.
- The current allocations are historical and accurately represent the historical fishery. Especially with the increase in proposed catch levels, there is no need to alter sector allocations.
- The priority should be to get accurate recreational landings and discard estimates.
- Commercial king mackerel permits are limited access, helping to control effort in the fishery. It was noted that the price for king mackerel permits has increased in recent years (~\$15,000 per permit).
- It was noted that while there is no need to address regional allocations of king mackerel at this time, there needs to be a system in place to trigger consideration of reallocations related to increases in effort or if a sector/area is reaching its quota early.

MOTION #1: REQUEST THE COUNCIL DOES NOT CONSIDER REVISING SECTOR OR AREA ALLOCATIONS AT THIS TIME.

APPROVED BY AP (UNANIMOUS)

Action 3+. Modifications to Current Management Measures

In recent years, Atlantic king mackerel landings have been well below the ACL. Fishing mortality rates are well below target and the recent stock assessment (SEDAR 38 update) suggests that the ACL can be raised further. The South Atlantic Council could consider regulatory changes directed towards increasing commercial and recreational harvest.

Mackerel Cobia Advisory Panel Comments

Questions posed to the Advisory Panel
<ul style="list-style-type: none">• What management measures could be modified to increase commercial harvest?• What management measures could be modified to increase recreational harvest?• Stock status is good, but are there market or demand issues keeping commercial and/or recreational landings low?

Modifications to Current Management Measures: Bag Limits

- While the available catch is increasing, management measures do not need to be changed to increase recreational harvest. From a recreational perspective, there is nothing wrong with fish being left in the water, especially if it increases interaction rates.
- Under the current recreational bag limit, few for-hire customers want to keep a full limit of king mackerel.
- On the east coast of Florida, the recreational bag limit for king mackerel is 2-fish per person whereas the rest of the Gulf and Atlantic region has a 3-fish per person bag limit. The Council should consider increasing the Florida east coast bag limit to 3-fish per person to make it consistent with the rest of the coast.
 - Occasionally, there is demand for 3-fish per person, especially if king mackerel is all that is biting. The for-hire fleet on the east coast of Florida competes with boats north and south that can catch 3-fish per person.
 - Important that opportunity that is equal for all participants in the fishery.
- It was noted that fishermen in the St. Augustine, Florida have not expressed a desire to increase the bag limit to 3-fish per person.
 - This may be a clientele difference, in south Florida there are customers who prize king mackerel.
- When asked for feedback on the emergency rule implemented in September (4-fish per person bag limit throughout the South Atlantic and Mid-Atlantic region) and if an extension was warranted, AP members indicated that the increase did not incentive trips and there was no need to ask for an extension.
- In general, a bag limit higher than 3-fish per person is unnecessary.

Modifications to Current Management Measures: Size Limits/Cut Fish

- While fishermen are not currently keeping their bag limit, in the summer a lot of smaller king mackerel are released as dead discards. Decreasing the minimum size limit may increase recreational landings.
- Young/medium sized king mackerel are often more desirable. They are not targeted, but commonly caught when fishing for larger king mackerel or other species (especially Spanish mackerel).

- King mackerel can occasionally be fragile and released as dead discards.
 - This is especially common when king mackerel are caught incidentally when fishing for Spanish mackerel.
- A minimum size limit of 22-inches +/- an inch should be considered by the Council.
 - Based off the previous SEDAR assessment, 50% of females are mature around 22-inches.
- Currently, commercial fishermen are allowed to keep cut/damaged fish that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, this provision should be considered for the recreational sector.
 - Recommendation to mirror the highly migratory species (HMS) regulations for shark mutilated fish.

Committee Action:

DISCUSS RECOMMENDATIONS FROM MACKEREL COBIA AP MEETING
APPROVE AMENDMENT FOR SCOPING
OTHERS?

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK
AMENDMENT 10 FOR SCOPING.