

Framework Amendment 8 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(King Mackerel Trip Limits) Decision Document

Background

The current regulations for king mackerel established in Amendment 26 to the CMP FMP (Amendment 26) became effective on May 11, 2017 (68 FR 17387; April 11, 2017), including updated commercial trip limits for the Atlantic Southern Zone. The fishing year for Atlantic king mackerel is March through February, and the commercial quota is divided between two seasons. Season 1 is March 1 through September 30 with 60 percent of the quota, and Season 2 is October 1 through the end of February with 40 percent of the quota. Areas in the Atlantic Southern Zone have specified trip limits:

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- *March 1 – March 31 (Season 1):* 50-fish
- *April 1 – September 30 (Season 1):* 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish
- *October 1 – January 31 (Season 2):* 50-fish
- *February 1 – end of February (Season 2):* 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

The primary function of the split season structure and trip limit system implemented through Amendment 26 was to ensure the longest commercial fishing season possible for Atlantic king mackerel and to provide continued access to commercial king mackerel fishermen. Fishermen operating along the east coast of Florida indicated the importance of providing year-round access to king mackerel for fishermen and communities that harvest the fish at various times throughout the year. However, fishermen on the Florida east coast have also expressed concern about the Amendment 26 trip limits. Framework Amendment 6 to the CMP FMP addressed concerns related to low trips limits in Season 1 (March 1 through September 30) in the EEZ from the Flagler/Volusia County line to the Volusia/Brevard County line (Volusia County). Implemented in September 2019, commercial king mackerel trip limits will be as follows for the 2020/2021 season and onward:

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Volusia/Brevard line (28°47.8' N):

- March 1 – March 31 (Season 1): 75-fish
- April 1 – September 30 (Season 1): 3,500 pounds
- October 1 – January 31 (Season 2): 50-fish
- February 1 – end of February (Season 2): 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

South of the Volusia/Brevard line (28°47.8'N) to the Miami-Dade/Monroe line (25°20'24"N):

- March 1 – March 31 (Season 1): 75-fish
- April 1 – September 30 (Season 1): 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish
- October 1 – January 31 (Season 2): 50-fish
- February 1 – end of February (Season 2): 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

At the April 2019 meeting of the Council's Mackerel Cobia Advisory Panel (AP), AP members and other stakeholders expressed their concerns about the low trip limit in Season 2, stating that the established 50-fish commercial trip limit makes it challenging for commercial fisherman targeting king mackerel south of the Flagler/Volusia County, Florida, boundary to earn enough money to pay for the cost of a trip, potentially causing undue hardship to fishermen and their communities. The AP passed a motion asking the Council to consider an emergency action to raise the king mackerel commercial trip limit to 75-fish south of the Flagler/Volusia County, Florida, boundary for the 2019/2020 fishing season. During the public comment period at the June 2019 Council meeting, commercial king mackerel fishermen asked the Council to take emergency action and raise the trip limit during Season 2.

New information presented at the June Council meeting shows that, since the implementation of Amendment 26, the commercial king mackerel Season 2 quota is not being harvested (**Table 1**). Comments from commercial king mackerel fishermen at the June Council meeting indicate the current Season 2 commercial trip limit of 50 fish in the southern zone is preventing them from fully utilizing the available resource, and this lower trip limit during Season 2 prevents them from being able to carry crew or make profitable trips.

Table 1. Commercial landings (pounds) of Atlantic migratory group king mackerel from the 2017/2018 and 2018/2019 fishing year, by season.

Fishing Year	Season One Landings	Season One Quota	Season Two Landings	Season Two Quota (with rollover)
2017-2018 ^a	1,451,763	2,724,384	710,729	1,816,256 (3,088,877)
2018-2019 ^a	1,435,552	2,401,152	929,000	1,600,768 (2,566,368)

Source: SERO ACL Monitoring, June 18, 2019

^a Preliminary landing estimates.

In a letter dated June 21, 2019, the Council requested that the NMFS implement an emergency rule to increase the commercial trip limit for king mackerel from 50-fish to 75-fish beginning in October for the 2019/2020 fishing season in the Atlantic Southern Zone south of the Flagler/Volusia County, Florida, boundary. The higher trip limit would reduce inefficiencies, increase economic opportunities, and enhance social benefits but would not increase the overall Season 2 quota or annual catch limits (ACL) for king mackerel. Since commercial king mackerel landings have not reached the quota in recent years, the South Atlantic Council and NMFS have determined that it is unlikely that increasing the trip limit would result in an early closure. Nonetheless, the ACLs and accountability measures would continue to constrain harvest and prevent overfishing.

Unless modified via Framework Amendment 8, commercial king mackerel trip limits will revert to what is currently in place if the emergency rule is approved and once it expires at the start of the 2020/2021 season (March 1, 2020).

Action in this amendment

- **Action:** Increase commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone.

Objectives for this meeting

- Review updated analysis and draft document
- Review public hearing comments
- Consider approval for formal review

Expected amendment timing

	Process Step	Date
✓	Council directs staff to start work on a framework amendment.	March 2019
✓	Council reviews options paper and approves action/alternatives to be analyzed.	June 2019
✓	Council reviews draft amendment, selects preferred alternative, and approves for public hearings.	September 2019
✓	Public Hearings	Fall 2019
	Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	December 2019
	CMP Framework Amendment 8 transmitted for Secretarial Review.	January 2019
	Implementation	Prior to expiration of emergency rule

Draft Purpose and Need Statement

Purpose for Actions

The *purpose* is to increase the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone during Season 2 (October 1 to the end of February).

Need for Actions

The *need* is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the annual catch limit and providing for year-round access.

Committee Action:

REVIEW PURPOSE AND NEED STATEMENT
 MODIFY AS NECESSARY
 OTHER?

Proposed Action and Alternatives

Action. Increase the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone ^{ab}:

Alternative 1 (No Action): The commercial trip limits for Atlantic king mackerel in Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N) are: 75 fish for October 2019 – February 29, 2020, via the emergency rule. After February 29, 2020:

- October 1 – January 31 (Season 2): 50-fish
- February 1 – end of February (Season 2): 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

Alternative 2: Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- October 1 – January 31: 75-fish
- February 1 – end of February: 75-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 100-fish.

Alternative 3: Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- October 1 – January 31: 100-fish
- February 1 – end of February: 100-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 150-fish.

Alternative 4: Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- October 1 – January 31: 150-fish
- February 1 – end of February: 150-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 175-fish.

Preferred Alternative 5: Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- October 1 the end of February: 100-fish

Discussion:

Analysis –

- The impact of increasing the trip limit was analyzed with two different methods.
 - **Method One (Low):** Assumes trips that harvested 26 to 75 king mackerel will now catch the new proposed trip limits (75, 100, or 150-fish).
 - **Method Two (High):** Assumes every trip that harvested between 1 and 75 king mackerel will now catch the new proposed trip limits.

- Average weight of king mackerel (7.38 pounds whole weight) was determined from the Trip Intercept Program (TIP). The TIP data was filtered to isolate Florida’s east coast king mackerel data from Volusia County to Miami-Dade County and so only data after May of 2017 remained since the current trip limit was implemented through Amendment 26 in May 2017 (**Table 3**).

Table 3. Commercial king mackerel trip limits proposed in Alternative 1 (No Action) through Alternative 4.

	October 1 through January 31st	February: if NMFS determines more than 70% of the Season 2 quota has been landed.	February: if NMFS determines less than 70% of the Season 2 quota has been landed.
Alternative 1 (No Action)	50 fish (369 lbs ww)	50 fish (369 lbs ww)	75 fish (553.5 lbs ww)
Alternative 2	75 fish (553.5 lbs ww)	75 fish (553.5 lbs ww)	100 (738 lbs ww)
Alternative 3	100 (738 lbs ww)	100 (738 lbs ww)	150 (1107 lbs ww)
Alternative 4	150 (1107 lbs ww)	150 (1107 lbs ww)	175 (1291.5 lbs ww)
Preferred Alternative 5	100 (738 lbs ww)	100 (738 lbs ww)	100 (738 lbs ww)

- The increase in pounds landed generated from the two methods was done for October 1st to January 31st for the 2017/2018 and 2018/2019 fishing years. Using the predicted landings and impact of the landings from the increase in the trip limit described it was determined, first, if the trip limit was increased in February if landings are less than 70% of quota and second, if the Season 2 quota is predicted to be met (**Table 4**).

Table 4. Prediction table for the king mackerel Atlantic Southern Zone Season 2 determining if 70% of the quota is reached by February 1, and if the entire quota was reached before February 28.

Alternative	Trip Limit	70% of Season 2 Quota Met before February 1?	February Trip Limit	Quota Met before February 28?
1	50 Fish	No	75	No
2	75 Fish Method 1 (Low)	No	100	No
	75 Fish Method 2 (High)	Yes (Jan-12)	75	22-Feb
3	100 Fish Method 1 (Low)	No	150	No
	100 Fish Method 2 (High)	Yes (Dec 24)	100	23-Jan
4	150 Fish Method 1 (Low)	Yes (Dec 30)	150	7-Feb
	150 Fish Method 2 (High)	Yes (Dec 11)	150	23-Dec
5	100 Fish Method 1 (Low)	No Trip Limit Increase	100	No
	100 Fish Method 2 (High)	No Trip Limit Increase	100	23-Jan

Note: Alternative 1 is the current trip limit. Alternatives 2 through 5 used two different methods to account for the increase in trip limit. The quota is 1,446,848 lbs and 70% of it is 1,012,794 lbs.

- Amendment 26 established a carryover provision where any remaining quota under from Season 1 (March 1st to September 30th) would transfer the pounds to the Season 2 (October 1st to the end of February) quota. Additionally, in September 2019, Framework Amendment 6 was approved increased the trip limits in Season 1 beginning in the 2020/2021 season. An analysis of the Season 1 logbook landings was done where trips that met the 50 fish trip limit would now reach the 75 fish trip limit.
 - The analysis predicts the Season 1 landings will increase by 6.1% due to the increase in the trip limits implemented in Framework Amendment 6.
- Applying the predicted increase in landings (6.1%) to the 2017/2018 and 2018/2019 Season 1 landings results in an adjusted average pounds under the quota of 662,280 lbs. These landings (662,280 lbs) were added to the Season 2 quota of 1,446,848 lbs to generate a new quota of 2,109,128 lbs (**Table 5**).

Table 5. Prediction table for the king mackerel Atlantic Southern Zone Season 2 determining if 70% of the quota is reached by February 1, and if the entire quota was reached before February 28 including carryover from Season 1.

Alternative	Trip Limit	70% of Season 2 Quota Met before February 1?	February Trip Limit	Quota Met before February 28?
1	50 Fish	No	75	No
2	75 Fish Method 1 (Low)	No	100	No
	75 Fish Method 2 (High)	No	100	No
3	100 Fish Method 1 (Low)	No	150	No
	100 Fish Method 2 (High)	Yes (Jan 26)	100	No
4	150 Fish Method 1 (Low)	No	150	No
	150 Fish Method 2 (High)	Yes (Dec 24)	150	23-Jan
5	100 Fish Method 1 (Low)	No Trip Limit Increase	100	No
	100 Fish Method 2 (High)	No Trip Limit Increase	100	No

The table provides the results for determining if 70% of the adjusted quota is reached by February 1, details about the February trip limit, and if the entire quota was reached before February 28. Alternative 1 is the current trip limit. Alternatives 2 through 5 used two different methods to account for the increase in trip limit. The adjusted quota is 2,109,128 lbs and 70% of it is 1,476,390 lbs.

Biological Effects –

- Because **Alternative 1 (No Action)** would not increase the trip limit, it could be expected to have the greatest biological benefit to the stock, followed by **Alternative 2, Alternative 3, Alternative 4,** and **Preferred Alternative 5** which would each increase the trip limits (**Table 4**).
 - However, annual catch limits (ACL) are in place to prevent overharvesting, and accountability measures are in place to take action if ACLs are exceeded.
 - Regulatory discards may increase if the fishing season closes early, constituting a negative biological effect.

- Establishing commercial trip limits would not be expected to have any impact on essential fish habitat, habitat areas of particular concern, protected species or bycatch

Economic Effects –

- Trip limits, especially those that restrict larger landings per trip, can introduce economic inefficiencies by increasing the number of trips and associated trip costs to harvest the same overall poundage of fish.
- In general, positive aspects of trip limits could be that the season would stay open longer.
 - Another potential positive aspect of trip limits may occur should the limits restrict the amount of fish coming to market, which may provide some positive support for ex-vessel prices.
- Given the ACL for king mackerel restricts maximum harvest to sustainable levels, the alternative with the largest trip limit would be expected to result in the smallest number of trips to land the same amount of king mackerel and would have the lowest associated trip costs; however, that is dependent on the carrying capacity of permitted vessels and other factors.

Social Effects –

- **Alternative 1 (No Action)** would continue to cause low trip efficiency and result in negative direct and indirect social effects for fishermen in communities south of the Flagler/Volusia County, Florida boundary.
- **Alternative 2, Alternative 3, Alternative 4, and Preferred Alternative 5** would be expected to directly benefit fishermen operating in the EEZ by allowing for larger landings and thereby increasing trip efficiency.
 - Low trip limits that result in decreased earnings could have negative indirect effects on coastal communities such lower job opportunities for crew in addition to lowering the supply of king mackerel to fish houses in the area.
- The higher trip limits proposed in **Alternative 2, Alternative 3, Alternative 4, and Preferred Alternative 5**, may result in a lower market price for king mackerel and have an overall negative effect on coastal communities. This will ultimately depend on how increased trip limits effect the amount of catch available and the capacity of the market.
- **Alternative 2, Alternative 3, Alternative 4**, propose a higher potential increase in the trip limit come February 1st if less than 70% of the ACL has been caught. This step-up will help ensure that the full commercial king mackerel ACL has an opportunity to be caught and that all associated social benefits are realized. Alternatively, **Preferred Alternative 5** does not include a step up during the month of February which may help to ensure that the fishery does not close before the end of the fishing year (the end of February).

Advisory Panel Recommendations:

April 2019 Mackerel Cobia Advisory Panel Meeting –

- The king mackerel fishery is incredibly important to fishermen in Florida and increasing the commercial trip limit as soon as possible is vital for the sustainability of their businesses.

- With a 50-fish trip limit, vessels are unable to carry crew. This is burdensome on fishermen and is preventing a new generation of fishermen from getting involved in the fishery.
- The king mackerel fishery is well tracked and as a result there isn't much danger in going over the annual catch limit.
- All options suggested to the Council during public comment should be considered during development of CMP Framework Amendment 8.
- A trip limit of 100-fish was suggested for season two.
 - Possibly 100-fish or 1250-pounds, whichever comes first.
 - This trip limit would help the smaller fish (if you're catching five-pound fish, you're going to be taking less to the dock with a 100-fish trip limit).
 - Not all fishermen will catch 100-fish every trip, however when the opportunity presents itself, it would be nice for fishermen to be able to make the trip worthwhile. This is especially true when trips are limited due to weather.
- Unused quota from season one rolls over into season two, creating an even higher quota available for harvest.

Public Comment:

Public Hearings – October 2019 (three comments received)

- Consider the time of year that fishermen can make a living. Consider how small businesses work and the limited amount of other fish available during the king mackerel seasons.
- More fish on the market would mean lower prices. As a result, fishermen will have to work twice as hard to make the same amount of money. This commenter did not support the emergency rule increase or an increase to 100-fish.
- Directed Sustainable Fisheries supports the Preferred Alternative 5 as the proper business solution for the commercial fishermen who operate in the Florida east coast mixing zone constrained by a trip limit using numbers instead of a weighted quota utilized in other areas.

Committee Action

REVIEW ACTION AND ALTERNATIVES
REVIEW DRAFT COUNCIL CONCLUSIONS
MODIFY AS NECESSARY
APPROVE AMENDMENT FOR FORMAL REVIEW
OTHERS?

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 8 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.