

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.

Prior to the implementation of Amendment 26, the commercial king mackerel trip limits for the Atlantic Southern Zone were as follows:

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):

- *April 1 – October 31*: 3,500 pounds
- *November 1 – March 31*: No trip limit

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

- *April 1 – October 31*: 75-fish
- *November – March 31*: No trip limit

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). If implemented, commercial king mackerel trip limits will be modified as followed (**Figure 3**):

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:** Modify commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone.

Objectives for this meeting

- Review analysis and draft public hearing document
- Review IPT recommendations
- Select preferred alternative
- Approve for public hearings

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	No later than September 2020

Draft Purpose and Need Statement

Purpose for Actions

The *purpose* is to modify 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.

IPT Recommendations:

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

Committee Action:

REVIEW AND MODIFY THE SUGGESTED PURPOSE AND NEED STATEMENT
ACCEPT THE IPT'S RECOMMENDED CHANGES TO PURPOSE AND NEED
OTHER?

Proposed Action and Alternatives

Action. Modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone:**

Alternative 1 (No Action): The commercial trip limits for Atlantic king mackerel are:

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.

Alternative 2: Adjust the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2:

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: 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: Adjust the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2:

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: 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: Adjust the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2:

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: 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.

Note: Underlined language identifies the difference between the proposed alternative and Alternative 1 (No Action).

* Upon approval of Framework Amendment 6 to the Fishery Management Plan for Coastal Migratory Pelagics in the Gulf of Mexico and Atlantic Region the Season 1 trips limits south of the Flagler/Volusia County line will be as follows:

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

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

Discussion:

Analysis –

- The impact of increasing the trip limit was analyzed with two different methods.
 - **Method One (Low):** Assumes trips that harvested 25 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.
- 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. An average of the increase in pounds from the two different October 1st to January 31st fishing years (2017/2018 and 2018/2019) was calculated. Using the predicted landings and impact of the landings from the increase in the trip limit described earlier 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 (1,446,848 lbs) is predicted to be met (**Table 3**).

Table 3. 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

Note: Alternative 1 is the current trip limit. Alternatives 2 through 4 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.

- 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 4**).

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

	October 1 through January 31 st	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)

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** and **Alternative 4**, 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.
- 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.

- Commercial and recreational hook-and-line gear and commercial cast net gear, regularly used to target king mackerel, are not likely adversely affected these species.

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.
- **Alternative 1 (No Action)** would retain the current trip limits from October through January and in February and would have no beneficial or adverse economic effects.
- **Alternative 2** would increase landings by 52,784 lbs gw and increase total dockside revenue for the combined trips by \$120,875 (2017 dollars).
- **Alternative 3** would increase landings from October through February by 68,747 lbs gw and dockside revenue by \$157,430 (2017 dollars).
- **Alternative 4** would landings from October through February by 73,074 lbs gw and increase dockside revenue by \$167,340 (2017 dollars).
- These positive economic effects may be mitigated if the ex-vessel and subsequent supply chain prices of king mackerel drop due to the increase in landings.

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, and Alternative 4** 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, and Alternative 4**, 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.

IPT Recommendations:

Remove description of trip limits during season one from the alternatives:

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:

~~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.

Alternative 2: Adjust 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):

~~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: 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: Adjust 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):

~~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: 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: Adjust 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):

~~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: 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.

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.

Committee Action

REVIEW AND MODIFY ACTION 1 AND ALTERNATIVES AS NEEDED
ACCEPT THE IPT'S RECOMMENDED CHANGES TO ACTION 1
SELECT PREFERRED ALTERNATIVE
APPROVE FOR PUBLIC HEARINGS
OTHERS?

DRAFT MOTION: ACCEPT THE IPT'S RECOMMENDED CHANGES TO THE ACTION/ALTERNATIVES LANGUAGE.

DRAFT MOTION: SELECT ALTERNATIVE # AS PREFERRED.

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 8 FOR PUBLIC HEARINGS.