

Discussion Document

Coastal Migratory Pelagics Joint Amendment 28

(Separate management plans/ permits)

South Atlantic Mackerel Committee
June 2015



May 14, 2015

Background

The Gulf and Atlantic stocks of king mackerel, Spanish mackerel, and cobia are managed jointly by the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council. The South Atlantic Council manages the Atlantic groups of all three stocks through the Mid-Atlantic region.

In March 2015, the South Atlantic Council approved a motion to stop development of Amendment 28, which would include actions for separate permits or FMPs. The Gulf Council is currently moving forward with Amendment 28 with scoping in April 2015 and the Councils will discuss next steps for Amendment 28 at the joint meeting on June 11, 2015.

AP Recommendations and Scoping Comments

South Atlantic Mackerel AP (April 2015):

There was some support for separate permits or FMPs, but overall the majority of the AP did not support separate management. This was primarily due to concern that South Atlantic fishermen could lose access to Gulf stocks, which would especially impact traveling fishermen. The AP also commented that separate management would not be practical for Florida. There was some support for separate management if there were fair measures implemented to allow South Atlantic fishermen to continue to fish in the Gulf.

South Atlantic Scoping Comments (January 2014):

- Support for separating permits, primarily at the Cocoa Beach meeting so that the Councils could address specific problems in their region without impacting the other region.
- Some opposition to separate permits (Key West and Jacksonville) because of fishermen harvesting in both regions, and impact on new entrants who want to work both regions
- Some meeting attendees supported removal of king mackerel permits with no or low landings so that full-time mackerel fishermen could have access to the ACL (primarily in Cocoa Beach)
- Some opposition to any action that would take away king mackerel permits with no or low landings (NC, Jacksonville, Key West) because the Councils should not take away any more permits. It was also noted in Key West that a higher trip limit would increase the number of active permits, so the Councils should consider increasing trip limits before any action to address latent permits.
- Some opposition to a two-for-one requirement on king mackerel permits because of impact on new entrants and increased capital required to enter the fishery
- Some support for a two-for-one requirement (Cocoa Beach)
- Some support for an endorsement for the king mackerel mixing zone
- If permits are split, support for qualifying for both permits if the permit holder has landings in both areas, and use a very recent control date

South Atlantic Scoping Comments (January 2015):

- Several discussion participants did not support splitting permits because they want access to both regions.
- One commenter supported separating permits or the FMP.
- Several commenters supported a two-for-one requirement for commercial king mackerel permits (same as the snapper grouper permit) to reduce the number of king mackerel permits over time.

Gulf Mackerel AP (March 2015):

AP members thought it crucial to determine the goals of CMP 28, which they felt were not clearly outlined. To do this, they queried their membership in attendance, and were in consensus on the following:

1. The Gulf commercial king mackerel fishery is overcapitalized
2. The current commercial king mackerel permit should be split into separate Gulf and Atlantic permits
3. The Joint CMP Fishery Management Plan (FMP) should be divided into separate FMPs for the Gulf and South Atlantic Councils
4. The current commercial Spanish mackerel permit should be split into separate Gulf and Atlantic permits

Motion: The CMP AP recommends splitting the current federal commercial king mackerel permit into two separate permits for the Gulf and Atlantic.

Motion carried unanimously

Determination of Gulf Commercial King Mackerel Permit Eligibility

AP members voiced support for protecting the interests of historical fishermen from both the Gulf and the Atlantic; however, reducing the number of participants traveling from the east coast of Florida was also identified as a priority. AP members determined that approximately 10% of the current number of commercial king mackerel permits could harvest the entire Gulf commercial ACL. Eliminating permits was not considered desirable, but preventing permits with little to no landings over long time periods from being transferred was deemed worthy of further consideration. AP members seemed confident that splitting the commercial king mackerel fishing permit into separate Gulf and Atlantic permits could solve several issues currently faced by Gulf commercial fishermen. The ultimate goal expressed by the AP was to move towards strategies which would increase ex-vessel prices.

After lengthy debate and considerable collaboration amongst AP members, the following motion was passed after some revision:

Motion: The CMP AP recommends that the Council include the following in the appropriate place in the CMP Amendment 28 Scoping Document:

Pending the division of the current federal king mackerel permit into separate Gulf and South Atlantic permits, the Gulf permit would be further split into two separate classes. Permit holders would only qualify for one of the two types of permits as cited below:

1. Fully transferable: Gulf permit holders will be issued a fully transferable king mackerel permit so long as they have met one of the following landings thresholds for king mackerel in the Gulf of Mexico.
 - a. 5,000 lbs of king mackerel in any one year between 1994-2009
 - b. 10,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - c. 20,000 lbs of king mackerel annually in at least 4 years between 2010-2014

- d. Other
- 2. Non-transferable: any Gulf king mackerel permit holder who does not qualify for the fully transferable permit. The non-transferable Gulf permit would be specific to a single commercial gulf zone. The permit holder must meet the following criteria:
 - a. Commercial landings of any species in the Gulf of Mexico
 - b. That the hailing port listed for the Gulf of Mexico is on the current federal commercial king mackerel permit as of January 1, 2015
 - c. Develop an appeals process

Motion carried 12 to 1

The above motion was designed to allow all those commercial king mackerel fishermen currently fishing in the Gulf the opportunity to continue fishing there. The motion would also serve as the qualification criteria for determining which existing permit holders would receive one of the two types of Gulf permits following the splitting of the current commercial king mackerel fishing permit. The number of fully transferable permits is expected to be less than those which would be non-transferable. Most fully transferable permits would be expected to be awarded to historical Gulf and traveling fishermen, while non-transferable permits would be more likely to be awarded to part-time and recent entrants into the fishery.

Splitting of Commercial Spanish Mackerel Permits

In keeping with the desired division of the commercial king mackerel fishing permit, and the previous consensus statements, the AP passed the following motion:

Motion: The CMP AP recommends to the Council that the Spanish mackerel commercial fishing permit be split into separate Gulf and Atlantic permits.

Motion carried unanimously

Gulf Scoping Comments (April 2015):

To be added when available.

King mackerel

Currently, the stock boundary for king mackerel is a shifting boundary. From April 1- October 31, the boundary is at the Monroe/Collier county line (**Figure 1**). From November 1- March 31, the boundary is at the Flagler/Volusia county line (**Figure 2**). The framework procedure allows each Council to designate the management measures such as trip limits and fishing years in the area of its jurisdiction regardless of the king mackerel stock being harvested at that time. For example, in the winter, king mackerel harvested in the Florida east coast subzone (the mixing zone) have been considered (and tracked as) Gulf stock, but the South Atlantic Council sets the trip limits for that area.

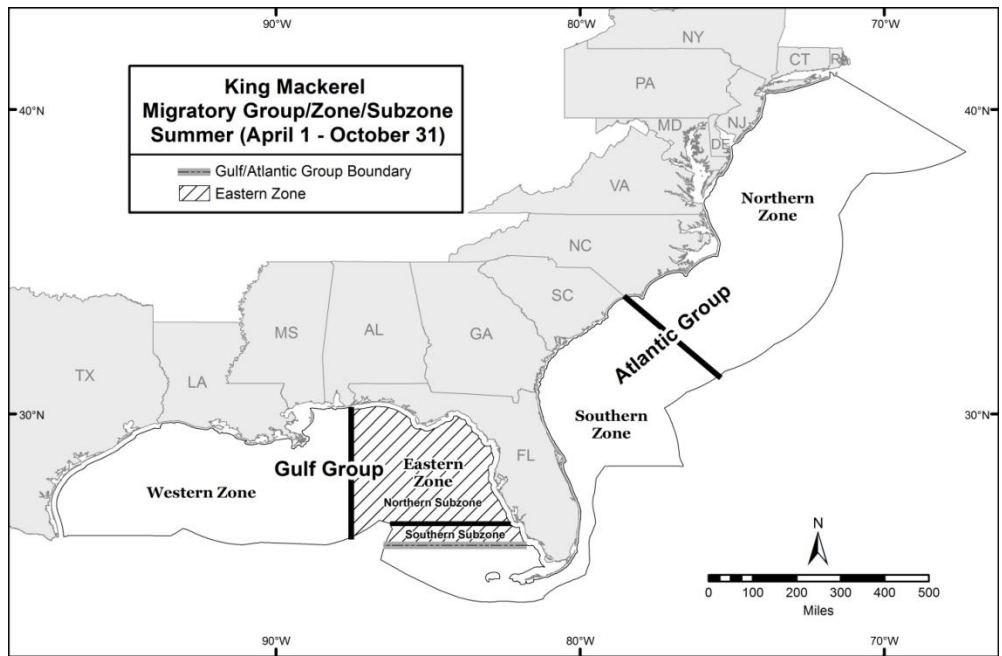


Figure 1. King mackerel seasonal boundaries April 1-October 31, with the Northern and Southern Zones in the Atlantic Group.

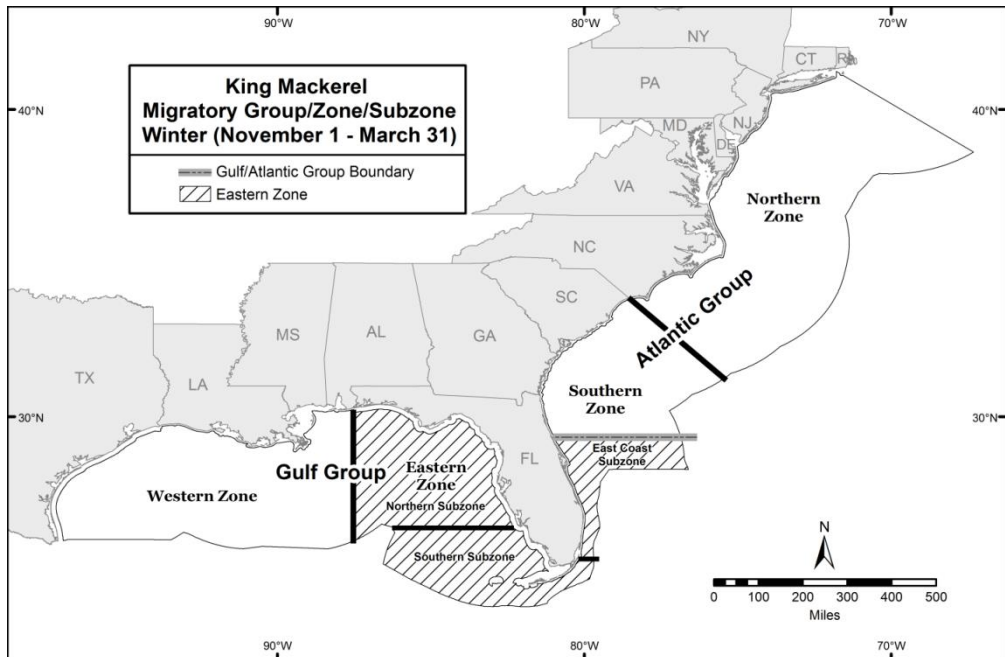


Figure 2. King mackerel seasonal boundaries November 1- March 31, with the Northern and Southern Zones in the Atlantic Group.

However, SEDAR 38 (2014) used more recent data and redefined the mixing zone to be the Florida Keys, with boundary to be set at the Council management boundary in the Keys, with a shift to the Monroe/Dade county line in the winter (**Figure 3**). CMP Amendment 26 includes an action to modify the stock boundary for king mackerel based on the results from SEDAR 38.

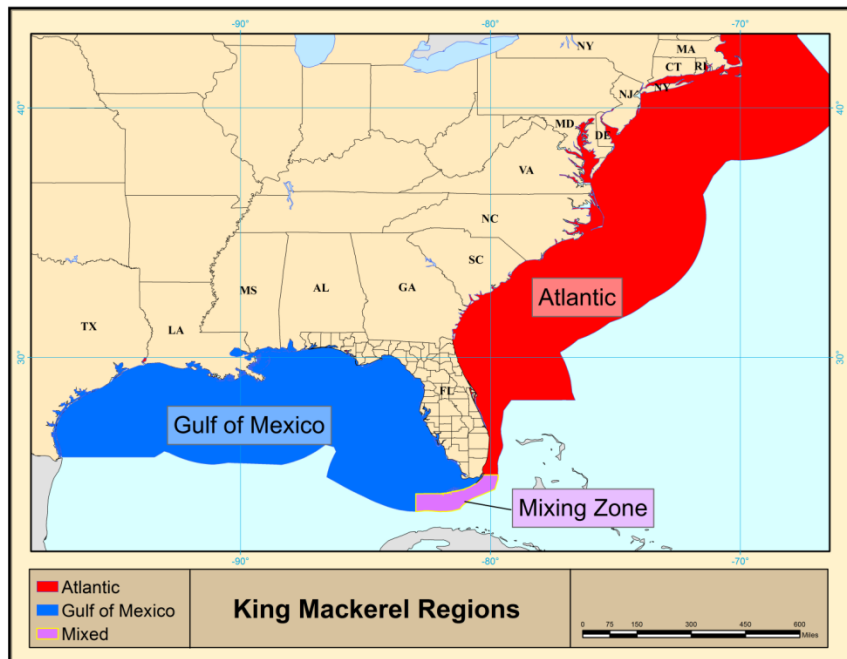


Figure 3. SEDAR 38 king mackerel stock boundaries.

Additionally, Amendment 20B established Northern and Southern Zones, each with their own commercial quotas based on proportions of total landings from 2002-2013. The boundary between the zones is the South Carolina/North Carolina line.

There is one federal commercial permit for king mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic, and Mid-Atlantic regions. This permit is under a limited entry program and there are currently 1,332 permits (as of 2/4/15). Additionally there is a permit required for commercial harvest of king mackerel with gillnet in the Gulf Eastern Zone/Southern Subzone. This is also a limited entry permit and there are currently 19 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels. In the EEZ of the South Atlantic and Mid-Atlantic regions, king mackerel charter boats or headboats must have a federal South Atlantic Charter/Headboat for Pelagic Fish permit. This is an open access permit and there are 1,343 permits (as of 2/4/15). In the EEZ of the Gulf, king mackerel charter boats or headboats must have a federal Gulf of Mexico Charter/Headboat for Pelagic Fish permit or a Historical Captain Gulf of Mexico Charter/Headboat for Pelagic Fish permit. Both of these are limited entry permits, and there are currently 1,151 and 31 permits, respectively (as of 2/4/15).

Spanish mackerel

The stock boundary for Spanish mackerel is fixed at the Monroe/Dade county line throughout the year (**Figure 4**). Spanish mackerel harvested in the Florida Keys are considered Gulf stock.

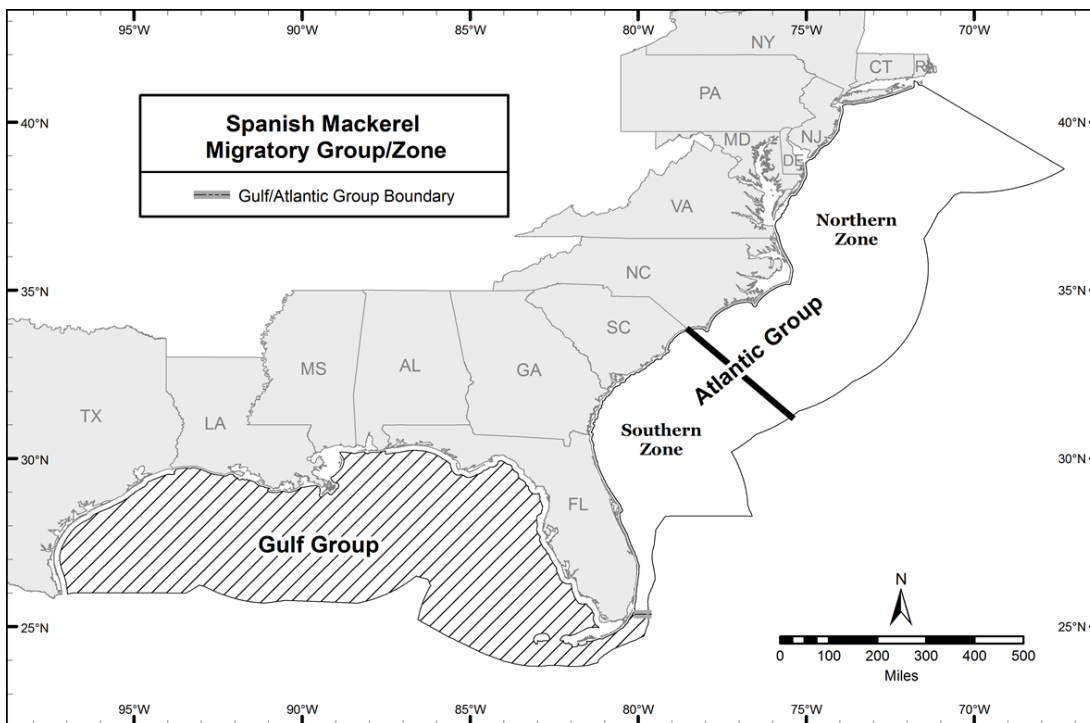


Figure 4. Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel, with the Northern and Southern Zones in the Atlantic Group.

As with king mackerel, Amendment 20B established Northern and Southern Zones for Spanish mackerel, each with their own Spanish mackerel commercial quotas.

There is one federal commercial permit for Spanish mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic and Mid-Atlantic regions. This permit is open access and there are currently 1,728 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels fishing for Spanish mackerel, as with king mackerel. The South Atlantic CMP Charter/Headboat permit is open access, and the two Gulf CMP Charter/Headboat permits are limited entry.

Cobia

Following SEDAR 28, the Councils revised the stock boundary for cobia to be at the Georgia/Florida state line throughout the year (**Figure 5**). Amendment 20B established an Atlantic group cobia ACL that applied north of the Georgia/Florida line. For the EEZ off the Georgia/Florida line to the Council management boundary in the Keys, the quota is a portion of the Gulf group cobia ACL, but is managed by the South Atlantic Council. The Gulf Council sets the Gulf ACL and a portion is allocated to the Florida East Coast Zone using a previously agreed percentage; the South Atlantic Council specifies the management measures for the Florida East Coast Zone.

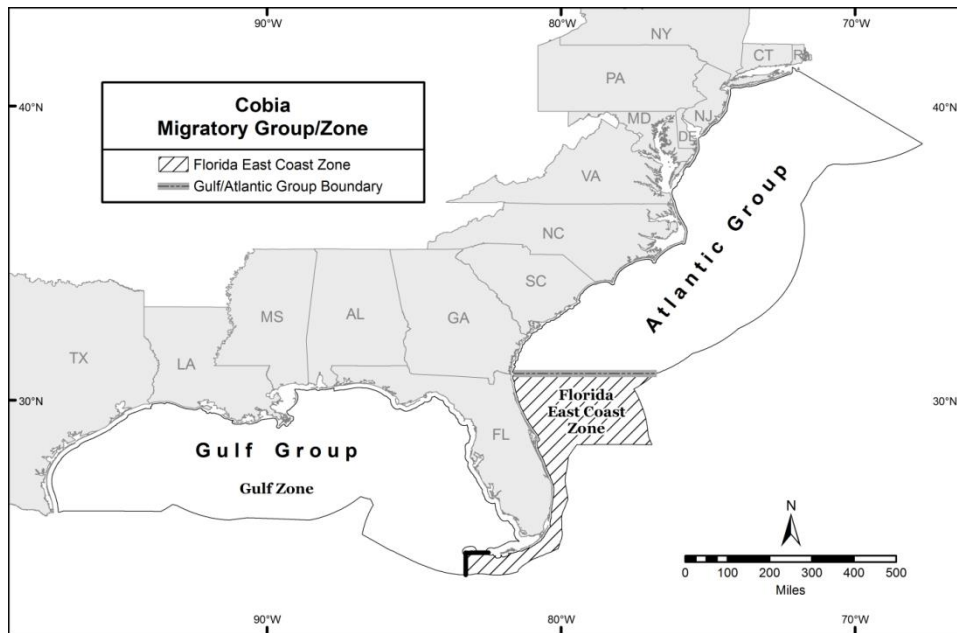


Figure 5. Fixed boundary between Atlantic and Gulf migratory groups of cobia, with the Florida East Coast zone established in Amendment 20B.

There is no federal commercial permit requirement for cobia in the Gulf, South Atlantic, and Mid-Atlantic regions. Charter boats and headboats must have the appropriate federal CMP permit(s), as with king and Spanish mackerel.

Committee Actions

OPTION 1. DIRECT STAFF/IPT TO INCLUDE AN ACTION IN AMENDMENT 28 TO ESTABLISH SEPARATE GULF AND SOUTH ATLANTIC COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 2. DO NOT DEVELOP SEPARATE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 3. OTHERS?