

# **DECISION DOCUMENT**

for

## **AMENDMENT 19**

to the joint Fishery Management Plan for  
Coastal Migratory Pelagic Resources

of the

**Gulf of Mexico and South Atlantic  
(CMP Sale and Permit Provisions)**



**Charleston, SC  
September 2012**

## **Actions in Amendment 19**

1. Sale of King and Spanish Mackerel
2. Sale of Cobia
3. Tournament Sale of King Mackerel
4. Elimination of Latent Effort in the Gulf Group King Mackerel Gillnet Sector
5. Elimination of Latent Effort in the King Mackerel Hook and Line Sector
6. Federal Regulatory Compliance (in state waters when fishing with a federal CMP permit)
7. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits Annual Pounds Overage
8. Atlantic Group Spanish Mackerel Gillnet Endorsement

## **Expected Schedule**

September 2012- South Atlantic Council reviews the amendment

October 2012- Gulf Council reviews the amendment

December 2012- South Atlantic Council reviews amendment, selects preferred alternatives, and approves amendment for public hearings in Jan 2013.

January 2013- South Atlantic public hearings

March 2013- South Atlantic Council reviews public comment, approves the amendment for submission to the Secretary

## **Action 1. Sale of King and Spanish Mackerel**

**Alternative 1:** No Action - no federal permit requirement to sell king and Spanish mackerel. Sale of king and Spanish mackerel harvested under the bag limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of king or Spanish mackerel of the closed species, migratory group, subzone, or gear type, is prohibited, including any king or Spanish mackerel taken under the bag limits.

**Alternative 2:** Prohibit the sale of king and Spanish mackerel caught under the bag limit except for allowing sale by for-hire vessels that possess the necessary state and federal commercial permits to sell CMP species harvested in or from:

**Option a.** The South Atlantic Fishery Management Council's Jurisdiction

**Option b.** The Gulf of Mexico Fishery Management Council's Jurisdiction

Prohibition of sale during a commercial closure would apply.

**Gulf Preferred Alternative 3:** For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement for each species taken and prohibit the sale of king or Spanish mackerel caught under the bag limit.

*Note: Sale or sell means the act or activity of transferring property for money or credit, trading, or bartering, or attempting to so transfer, trade, or barter.*

### What's the difference?

Alt2- KM and SM caught on a charter trip can be sold if the vessel has the KM and/or SM commercial permit.

Alt 3- KM and SM can only be sold if they were caught on a commercial trip (with KM/SM commercial permits).

### **Gulf Council**

- Changed language in Alternative 3: For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel.

- Selected revised Alternative 3 as the Preferred.

### **Public comments (August 2012)**

- Allow bag limit sales of king and Spanish mackerel because some charter crew and part-time fishermen depend on the supplemental income.

- Allow bag limit sales but count those towards the recreational quota.

- Allowing bag limit sales help keep charter prices down in places with high overhead.

### **South Atlantic Mackerel AP Recommendations (April 2012)**

- A motion was made to recommend Alternative 1 (No Action) as the Preferred, but the motion was tabled for later discussion. The AP did not return to the action to make a recommendation, but members raised the following concerns about CMP bag limit sales:
  - a primary concern is counting bag limit sales towards the commercial quota
  - a small portion of the rec allocation moved to commercial allocation to cover bag limit sales (note: this was for Gulf Group king mackerel in Amendment 9, in which it does affect the allocation to the Gulf Eastern Zone/ Florida East Coast Sub-zone but not any Atlantic group king or Spanish.)
  - bag limit sales after the commercial season is closed are unfair
  - only commercial vessels with commercial permits should be allowed to sale fish
  - in some areas, bag limit sales are tradition and part of the for-hire crew's income. In other areas, bag limit sales are minimal.
  - it is a waste of fish if the customer (typically a tourist) cannot or does not want to take the catch, and the crew cannot sell the fish
  - the stocks are not overfished, there is no reason to deny the market

#### **“Under the bag limit” refers to these situations:**

A charter vessel with a commercial permit, as required under § 622.4(a)(2), is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

A headboat with a commercial vessel permit, as required under § 622.4(a)(2), is considered to be operating as a headboat when it carries a passenger who pays a fee or--

(ii) In the case of persons aboard fishing for or possessing coastal migratory pelagic fish, when there are more than three persons aboard, including operator and crew.

#### **Economic impacts analysis UPDATE:**

A request for data for the economic analysis was sent to the states in July. North Carolina, South Carolina and Florida will have the data to the IPT soon.

### **Committee Actions**

#### **1) Approve the Gulf's language for Alternative 3**

- **current Alternative 3:** For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement for each species taken and prohibit the sale of king or Spanish mackerel caught under the bag limit.

**Gulf language:** For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel.

**2) Do you want to add or remove any alternatives?**  
**- SA and Gulf options under Alternative 3?**

**3) Do you want to select a preferred alternative?**

## Action 2. Sale of Cobia

**Gulf Preferred Alternative 1:** No Action - no federal permit requirement to sell cobia. Sale of cobia harvested under the possession limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of cobia of the migratory group, subzone, or gear type, is prohibited, including any cobia taken under the possession limit.

**Alternative 2:** Create a new commercial cobia permit. For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested on a commercial trip aboard a vessel with a commercial cobia vessel permit.

**Alternative 3:** For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel king mackerel or Spanish mackerel permit.

**Alternative 4:** For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested on a commercial trip aboard a vessel with at least one of the following commercial vessel permits: king mackerel, Spanish mackerel, Gulf reef fish, South Atlantic snapper/grouper, or South Atlantic dolphin/wahoo.

**Alternative 5:** Prohibit sale of cobia caught under the bag limit.

**Option a:** South Atlantic Council’s jurisdiction

**Option b.** Gulf Council’s jurisdiction.

What do these mean for recreational and commercial?

	<b>Recreational</b>	<b>Commercial</b>
<b>Alt 1</b>	Sales of cobia caught on a recreational trip <i>permitted</i>	No commercial permit for cobia required
<b>Alt 2</b>	Sales of cobia caught on a recreational trip <i>prohibited</i>	Creates a commercial cobia permit
<b>Alt 3</b>	Sales of cobia caught on a recreational trip <i>prohibited</i>	Commercial cobia fishing allowed with a KM or SM commercial permit
<b>Alt 4</b>	Sales of cobia caught on a recreational trip <i>prohibited</i>	Commercial cobia fishing allowed with any South Atlantic or Gulf federal commercial permit
<b>Alt 5</b>	Sales of cobia caught on a recreational trip <i>prohibited</i>	?

### **Gulf Council**

- Removed Alternative 5 because it is essentially the same as Alt 2.

- Selected Alternative 1 as the Preferred.

- Changed the language in Alternatives 2 and 3 from “on a commercial trip” to “under a commercial quota”

**Public comments (August 2012)**

- Two commenters supported a new commercial cobia permit.
- Three commenters supported Alt 3 (SM/KM permit), one commenter supported Alt 4 (any commercial permit)

**S Atl Mackerel AP Recommendation (April 2012)**

Select Alternative 4 (any commercial permit) as the Preferred, because it covers most of the commercial fishermen already.

**Committee Actions**

**1) Please clarify the intent of Alternative 5 in regards to commercial requirement to sell cobia.**

**2) Do you want approve the Gulf's language in Alternatives 2 and 3?**

“on a commercial trip” to “under a commercial quota”

**3) Do you want to add or remove any alternatives?**

**4) Do you want to select a preferred alternative?**

### **Action 3. Tournament Sales of King Mackerel**

**Alternative 1:** No Action - No federal permit requirement to sell or donate king mackerel caught during a tournament. Sale or donation of king mackerel harvested during a tournament is allowed for tournament organizers in accordance with state laws and regulations in the state in which the tournament is held. However, if a commercial closure has been implemented, the sale or purchase of king mackerel of the migratory group, subzone, or gear type is prohibited, including any king mackerel harvested during a tournament.

**SA Preferred Alternative 2:** Establish a federal king mackerel tournament permit to be obtained by tournament organizers in order to sell or donate tournament-caught king mackerel. Sale is prohibited during a commercial closure, and all fish sold or donated shall be counted against the recreational allocation of the ACL.

**Gulf Preferred Alternative 3:** Prohibit the sale of tournament-caught king mackerel.

**Alternative 4:** Create a set aside from the recreational king mackerel ACL for tournament sales. Tournament organizers would be required to report all king mackerel harvested during the tournament.

**Alternative 5:** Create a set aside from the recreational king mackerel ACL for tournament sales. Tournament organizers would be required to report all king mackerel harvested during the tournament, and any sale provision of these fish should be left up to the state.

**Alternative 6:** If a state tournament permit is comparable to the federal tournament permit, the state permit could serve in lieu of the federal permit.

<b>Gulf Council Motions</b>
- Selected Alternative 3 as the Preferred.
- Approved South Atlantic language for Alternative 2.
- Removed Action 3 from the amendment to be placed in a stand-alone amendment.

<b>Public comments (August 2012)</b>
- Two commenters supported letting tournaments sales continue with a permit.
- Two commenters supported prohibition of tournament sales.
- One commenter supported only allowing donation of tournament-caught fish.



## **IPT Recommendations**

Incorporate Alternative 6 into Alternative 2 as Options.

SA Preferred Alternative 2: Establish a federal king mackerel tournament permit to be obtained by tournament organizers in order to sell or donate tournament-caught king mackerel. Sale is prohibited during a commercial closure, and all fish sold or donated shall be counted against the recreational allocation of the ACL.

Option a: A federal tournament permit is required for all tournaments

Option b: If a state tournament permit is comparable to the federal tournament permit, the state permit could serve in lieu of the federal permit.

## **Committee Actions**

1) The following specific issues need to be addressed.

**A) Do you want to keep the alternatives to allow tournament sales of king mackerel?**

If no, select Alternative 3 as the Preferred or move the action to Considered but Rejected; Action 1 will cover this.

If yes, the Committee needs to add options for South Atlantic Council jurisdiction and Gulf Council jurisdiction, and address the specific issues below.

**B) Do you want to consider a federal tournament permit?**

If no, change the preferred alternative.

## **HMS Tournament Requirements**

- Tournament definition.

An Atlantic HMS tournament is defined as any fishing competition involving Atlantic HMS in which participants must register or otherwise enter, or in which a prize or award is offered for catching or landing HMS. This includes fishing tournaments where the target species is not an Atlantic HMS, but where points, prizes, or awards are received for catching Atlantic HMS. Tournaments may take place in ports within any Atlantic or Gulf of Mexico coastal state, as well as the U.S. Virgin Islands and Puerto Rico, and are required to register with the NMFS HMS Management Division.

- Tournament registration:

Atlantic HMS tournament operators are required to register their tournament with the HMS Management Division of NMFS **at least four weeks prior** to the start of the tournament. The **tournament operator** is the person or entity responsible for maintaining records of participants and results used for awarding tournament points or prizes, regardless of whether fish are retained.

- Tournament reporting required within 7 days of tournament ending.

- Federal permit requirements *for tournament participants* (HMS Angling permit, HMS Charter, or Atlantic Tunas General Category)

**a) The Committee needs to define tournament.**

**b) When is a tournament permit required?**

- for any king mackerel tournament
- for only king mackerel tournaments in which fish are going to be sold

**c) Who is eligible to receive a tournament permit?**

- Anyone
- Recreational fishing organizations or other entities
- Organizers of past tournaments

**d) What qualifies as a comparable state permit?**

**North Carolina tournament license to sell requirements**

- License required to sell fish caught in tournament
- Fish must be sold through a licensed dealer, and organizer may wish to purchase a NC dealer license to meet this requirement.
- \$100 license fee, must apply 30 days prior to tournament
- The dealer must fill out a NC trip ticket.
- Proceeds cannot go towards tournament expenses, only charity. Proceeds must be reported.
- Rules specify that tournament participants who have commercial licenses cannot sell the fish instead of giving it to the tournament.

**e) What are the reporting requirements?**

- All king mackerel landed
- Only king mackerel that is sold
- Same as HMS requirements (within 7 days)

**C) Do you want to consider a set-aside of the recreational ACL for tournaments?**

If no, move Alternatives 4 and 5 to the Considered but Rejected Appendix.

If yes:

- a) What do you want to base the tournament allocation on?
- historic proportion of commercial ACL made up of tournament sales

**2) Do you want to incorporate Alternative 6 under Alternative 2 as options as recommended by the IPT?**

Suggested change:

SA Preferred Alternative 2: Establish a federal king mackerel tournament permit to be obtained by tournament organizers in order to sell or donate tournament-caught king mackerel. Sale is prohibited during a commercial closure, and all fish sold or donated shall be counted against the recreational allocation of the ACL.

Option a: A federal tournament permit is required for all tournaments

Option b: If a state tournament permit is comparable to the federal tournament permit, the state permit could serve in lieu of the federal permit.

**3) Do you want to add or remove any alternatives?**

**4) Do you want to select a preferred alternative?**

## **Action 4. Elimination of Latent Endorsements in the Gulf Group King Mackerel Gillnet Sector**

**Alternative 1:** No Action – do not eliminate any gillnet endorsements

**Alternative 2:** Renew gillnet endorsements for commercial king mackerel permits if average landings met the threshold (defined below) during:

- Option a. All years with data available (2001-2011)
  - Suboption i. Average of all years
  - Suboption ii. Average of the best 10 years of the 11 years
  - Suboption iii. At least one of the 11 years
  - Suboption iv. At least two of the 11 years
  - Suboption v. At least three of the 11 years
  
- Option b. All years before the control date (2001-2009)
  - Suboption i. Average of all years
  - Suboption ii. Average of the best eight of nine years
  - Suboption iii. At least one of the nine years
  - Suboption iv. At least two of the nine years
  - Suboption v. At least three of the nine years
  
- Option c. The threshold for average reported landings would be:
  - Suboption i. 5,000 lbs
  - Suboption ii. 10,000 lbs
  - Suboption iii. 15, 000 lbs
  - Suboption iv. 20,000 lbs.

**Alternative 3:** Renew permits for commercial king mackerel gillnet vessels only if the vessel had reported landings in:

- Option a. The fishing year ending June 30, 2009
- Option b. At least one of the five years preceding the June 30, 2009 control date
- Option c. At least two of the five years preceding the June 30, 2009 control date

<b>Gulf Council Motions</b>
- Moved this action to the Considered but Rejected Appendix.

### **Committee Actions**

**1) Do you want to move this action to the Considered but Rejected Appendix?**

**2) Do you want to add or remove any alternatives?**

**3) Do you want to select a preferred alternative?**

## **Action 5. Elimination of Latent Permits in the King Mackerel Hook-and-Line Sector**

Background: A moratorium on the issuance of new commercial king mackerel hook-and-line permits has been in effect since 1998. Some historical king mackerel fishermen are concerned that permit holders who have not been fishing or fishing at low levels may begin participating more fully. More vessels fishing under the same quota could mean lower catches for each vessel. On the other hand, many king mackerel fishermen diversify and harvest species from multiple fisheries. Although they may be considered “part-time” king mackerel fishermen, king mackerel may contribute a large portion of their income.

**Alternative 1:** No Action – Do not eliminate any commercial king mackerel permits.

**Alternative 2:** Renew commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the 12 years

Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the ten years

Option c. The threshold for average reported landings would be:

Suboption i. 1 lbs

Suboption ii. 100 lbs

Suboption iii. 500 lbs

Suboption iv. 1,000 lbs.

*Note: The Councils must choose one option from Alternative a-b AND one option from c.*

**Alternative 3:** Renew commercial king mackerel permits only if the permit had reported landings in:

Option a. At least one of the five years preceding the September 17, 2010 or September 30, 2010 control date

Option b. At least two of the five years preceding the September 17, 2010 or September 30, 2010 control date

**Note: The Gulf Council added Options a-c for Alternative 4. The South Atlantic Council will review the changes in September.**

**South Atlantic Alternative 4:** Do not allow sale (allow transfer to family members) of latent permits but do not eliminate them.

**Gulf Alternative 4:** Allow transfer of latent commercial king mackerel permits only to immediate family members and allow transfer to another vessel owned by the same entity. Permits will be considered latent if average landings did not meet the threshold (defined below) during:

- Option a. All years with data available (1998/1999-2009/2010)
  - Suboption i. Average of all years
  - Suboption ii. At least one of the 12 years
- Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)
  - Suboption i. Average of all years
  - Suboption ii. At least one of the ten years
- Option c. The threshold for average reported landings would be:
  - Suboption i. 1 lb
  - Suboption ii. 100 lbs
  - Suboption iii. 500 lbs
  - Suboption iv. 1,000 lbs.

**Alternative 5:** Establish an appeals process.

Analysis update: data requested and analysis is in progress.

**Table 3.** Current distribution of KM permits in the regions and states. Source: SERO Permits database May 30, 2012.

King Mackerel Commercial Permits	
<b><u>Gulf</u></b>	<b><u>390</u></b>
AL	27
LA	44
MS	9
TX	41
FL_Gulf	269
<b>FL_Keys</b>	<b>152</b>
<b><u>South Atlantic</u></b>	<b><u>844</u></b>
FL_SouthAtl	577
GA	10
SC	27
NC	230
Mid-Atlantic	31
New England	3
Other	7
<b>Grand Total</b>	<b>1,427</b>

**Gulf Council Motions**

- Approved IPT recommendations to remove sub-options under Alternative 2.
- Approved control date of September 17(30), 2010, in Alternative 3.
- Revised Alternative 4 to include the qualifications for latent permits and revised the language.

### Public comments (August 2012)

- Three commenters in North Carolina felt that this action would eliminate permits held by NC fishermen to keep the option open but not used regularly. With endorsements in other fisheries, KM permits may be necessary one day. Individuals who work in multiple fisheries, including large and small operations, may not be able to meet landings requirement to keep the permit. The income requirement works on its own to keep the permits with active commercial fishermen.

### Committee Actions

#### 1) Do you want to remove South Atlantic Alternative 4 and approve Gulf Council Alternative 4?

**South Atlantic Alternative 4:** Do not allow sale (allow transfer to family members) of latent permits but do not eliminate them.

**Gulf Alternative 4:** Allow transfer of latent commercial king mackerel permits only to immediate family members and allow transfer to another vessel owned by the same entity. Permits will be considered latent if average landings did not meet the threshold (defined below) during:

- Option a. All years with data available (1998/1999-2009/2010)
  - Suboption i. Average of all years
  - Suboption ii. At least one of the 12 years
- Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)
  - Suboption i. Average of all years
  - Suboption ii. At least one of the ten years
- Option c. The threshold for average reported landings would be:
  - Suboption i. 1 lb
  - Suboption ii. 100 lbs
  - Suboption iii. 500 lbs
  - Suboption iv. 1,000 lbs.

2) The IPT recommends removing this as Alternative 5 and including in the discussion instead, similar to Gulf Reef Fish Amendment 31. Do you want to remove Alternative 5?

3) Do you want to add or remove any more alternatives?

4) Do you want to select a preferred alternative?

## **Action 6. Federal Regulatory Compliance**

Background: In developing regulations, analyses for Council amendments and FMPs assume that states will comply with proposed federal regulations. If states do not comply, then projected reductions in harvest and fishing mortality may not occur, compromising the Council's ability to end overfishing and rebuild overfished stocks. The net result is that landings may exceed target levels, and future determinations of stock status may indicate overfishing is occurring. Although most king mackerel are predominantly caught outside of state territorial waters, catch in state waters can still be significant for Spanish mackerel and cobia. Additionally, more liberal regulations in state waters complicate law enforcement and may provide fishermen with an incentive to harvest greater amounts of fish, regardless of where the fish are caught.

NMFS has the authority to establish permit requirements and conditions for federal for-hire and commercial permit holders who choose to have a federal fishing permit and engage in the privilege of fishing. By requiring federal permit holders to comply with the more restrictive of state or federal CMP regulations when fishing in state waters, the probability of overages occurring would be reduced and there would be an increased likelihood that overfishing is prevented. This is especially important given the new mandates of the reauthorized Magnuson-Stevens Act, which require annual catch limits and accountability measures for Council-managed species.

**Gulf Preferred Alternative 1:** No Action - All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter permits are subject to applicable federal CMP regulations when fishing in the EEZ, and are subject to applicable state CMP regulations when fishing in state waters.

**Alternative 2:** All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter/headboat permits, must comply with federal CMP regulations when fishing in state waters if the federal regulations are more restrictive.

### **Gulf Council Motions**

-Selected Alternative 1 as the Preferred Alternative.  
-Added Alternative 3: If a cobia permit is established in Action 2, all vessels with federal commercial cobia permits must comply with federal cobia regulations when fishing in state waters if the federal regulations are more restrictive.

### **S Atl Mackerel AP Recommendation (April 2012)**

Select Alternative 1 as the Preferred.

### **IPT Recommendations**

The IPT recommends removing this action if Alternative 1 is the preferred alternative for both councils.

If the action remains, a new alternative should be added to include cobia, if a cobia permit is created, as follows:

**Alternative 3:** *If a cobia permit is established in Action 2, all vessels with federal commercial cobia permits must comply with federal cobia regulations when fishing in state waters if the federal regulations are more restrictive.*



## **Committee Actions**

### **1) Do you want to add Alternative 3 as recommended by the IPT?**

Alternative 3: If a cobia permit is established in Action 2, all vessels with federal commercial cobia permits must comply with federal cobia regulations when fishing in state waters if the federal regulations are more restrictive.

### **2) Do you want to add or remove any alternatives?**

### **3) Do you want to select a preferred alternative?**

## **Action 7. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits**

Background: Currently, the renewal of both king and Spanish mackerel commercial permits requires 25% of the applicant's income to have come from fishing or \$10,000 from commercial or charter/headboat fishing activity in one of the previous three calendar years of the application.

**Alternative 1:** No Action – Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. To obtain or renew a commercial vessel permit for king or Spanish mackerel, at least 25% of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing or from charter fishing during one of the three calendar years preceding the application.

**Alternative 2:** If established in Action 2, establish an income requirement for the cobia permit consistent with the requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits.

**Gulf Preferred Alternative 3:** Eliminate income requirements for commercial king and Spanish mackerel permits.

**Alternative 4:** Replace the current income requirements for king and Spanish mackerel (and cobia, if applicable) with a Coastal Migratory Pelagics landings requirement, such that in one of the three years preceding the application, landings must be greater than:

- Option a.** 500 lbs of coastal migratory pelagic species
- Option b.** 1,000 lbs of coastal migratory pelagic species
- Option c.** 5,000 lbs of coastal migratory pelagic species
- Option d.** 10,000 lbs of coastal migratory pelagic species

*Note: Gulf recommends eliminating this alternative*

**Alternative 5:** Modify the current income requirements to allow the Gulf or South Atlantic Council to suspend the renewal requirements by passage of a motion specifying: (a) the event or condition triggering the suspension; (b) the duration of the suspension; and (c) the criteria establishing who is eligible for the suspension. The affected Council would then request that the Regional Administrator suspend income requirements according to the terms outlined in the motion.

*Note: Alternative 5 may be selected alone or with Alternative 2 and/or Alternative 4.*

<b>Gulf Council Motions</b>
- Selected Alternative 3 as the Preferred.
- Removed Alternative 4.

<b>S Atl Mackerel AP Recommendation (April 2012)</b>
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Select Alternative 1 as the Preferred.
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<b>Public Comments (August 2012)</b>
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Three commenters supported no action.
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**Committee Actions**

**1) Do you want to add or remove any alternatives?**

**2) Do you want to select a preferred alternative?**

## **Action 8. Atlantic Group Spanish Mackerel Gillnet Endorsement**

Background: The fishing power of gillnets is substantially higher than cast net and hook-and-line gears. In the past there was an equitable balance among the gears. In recent years there have been additional vessels entering the gillnet fishery in the Atlantic and this will negatively impact hook-and-line and cast-net fishermen as the gillnet catches occur earlier in the season, than the other gears.

**Alternative 1:** No Action – Do not establish an Atlantic group Spanish mackerel gillnet endorsement

**Alternative 2:** Establish an Atlantic group Spanish mackerel gillnet endorsement with qualifying poundages for a commercial gillnet endorsement based on the new control dates and average landings during the most recent 5, 10, or 15 years prior to these control dates (September 17, 2010 for Atlantic group Spanish mackerel)

Option a: 30,000 pounds

Option b: 20,000 pounds

Option c: 10,000 pounds

### **Gulf Council Motions**

Approved using September 30, 2010.

### **S Atl Mackerel AP Recommendation (April 2012)**

Select Alternative 1 as the Preferred.

### **Public Comments (August 2012)**

Three commenters supported no action.

### **The IPT wants to point out:**

Spanish mackerel permits are open access and have no permit numbers.

*Using vessel ID to estimate qualifying vessels*---The analysis below uses only the vessel ID, but there are some issues:

- 1) a single vessel may have moved from one person to another and
- 2) one person may have changed vessels over time.

You may want to consider allowing landings history move with the vessel (like we do with permits) because “new” vessels participating in the fishery may just be someone upgrading to a new vessel.

*Qualifying vessels without a current permit*---Some vessels/people with qualifying landings may not currently have a valid permit (47% of vessels with landings during the qualifying period have no current permit). That may be because they have left the fishery, but could also be because the person has a new vessel or they just have not gotten around to buying their permit for the current year. Unlike limited access permits, which fishermen have one year to renew after expiration before they are terminated, open access permits are terminated immediately. This is because, being open access, a new one can be purchased at any time. So, there is no renewal of these permits; fishermen just buy a new one every year. Therefore, if the Council only assigned endorsements to current permit holders, some regular Spanish mackerel gillnet fishermen could be left out. The other option is to offer endorsements to all qualifiers and allow them to purchase Spanish mackerel permits before receiving the endorsement.

*Renewing the SM permit and gillnet endorsement*--- Normally with limited access permits and endorsements, the holder has one year after the expiration date to renew. But if it is attached to an open access permit, with no renewal period, how will that work? Will the person need to buy a new permit to renew the endorsement?

*Transferability*--- Does the permit need to be valid to transfer the endorsement, or just the endorsement? Could they let their permit lapse, but still transfer the endorsement in the year after it expires but before it is terminated?

**Estimated vessels that would qualify**

- There are an estimated 184 vessels with any landings (>1 lb) of Spanish mackerel with gillnet between October 1, 2000, and September 30, 2010.
- Of these 184 vessels:
  - 31 vessels have less than 1,000 lbs total.
  - 41 vessels have less than 2,000 lbs total.
  - 87 have no SM permit information.

**Table 4.** Estimated number of vessels by state and county that would qualify for a Spanish mackerel gillnet endorsement under Alternative 2 (qualifying period of five years before the control date).

Homeport	# Vessels with SM landings with gillnet in 2011-12	Number of Qualifying Vessels			
		Suboption a 30,000 lbs	Suboption b 20,000 lbs	Suboption c 10,000 lbs	Suboption d 5,000 lbs
<b>Florida Total</b>	<b>18</b>	<b>7</b>	<b>9</b>	<b>17</b>	<b>22</b>
Brevard Co	9	3	4	6	7
Martin/ Palm Beach Co	6	2	3	5	8
Other <sup>1</sup>	3	2	2	6	7
<b>North Carolina Total</b>	<b>19</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>15</b>
Carteret/Dare Co <sup>2</sup>	19	0	3	8	15
<b>Homeport N/A</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>11</b>
<b>TOTAL</b>	<b>39</b>	<b>7</b>	<b>15</b>	<b>33</b>	<b>48</b>

<sup>1</sup> Includes Duval, Indian River, St Lucie, Monroe, Miami-Dade, and Volusia Counties

<sup>2</sup> Primarily Dare County

**Table 5.** Estimated number of vessels by state and county that would qualify for a Spanish mackerel gillnet endorsement under Alternative 3 (qualifying period of ten years before the control date).

Homeport	# Vessels with SM landings with gillnet in 2011-12	Number of Qualifying Vessels			
		Suboption a 30,000 lbs	Suboption b 20,000 lbs	Suboption c 10,000 lbs	Suboption d 5,000 lbs
<b>Florida Total</b>	<b>18</b>	<b>4</b>	<b>6</b>	<b>12</b>	<b>23</b>
Brevard Co	9	2	3	4	7
Martin/ Palm Beach Co	6	1	1	3	8
Other <sup>1</sup>	3	1	2	5	8
<b>North Carolina Total</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>14</b>
Carteret/New Hanover/Dare Co <sup>2</sup>	19	0	0	8	14
<b>Homeport N/A or AL</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>20</b>
<b>TOTAL</b>	<b>39</b>	<b>4</b>	<b>9</b>	<b>28</b>	<b>57</b>

<sup>1</sup> Includes Duval, Indian River, St Lucie, Monroe, Miami-Dade, and Volusia Counties

<sup>2</sup> Primarily Dare County

**Table 6.** Estimated number of qualifying vessels under the suboptions and other landings levels.

Gillnet Landings	Number of Qualifying Vessels		
	Alternative 2 (FY05/06 - FY09/10)	Alternative 3 (FY00/01 - FY09/10)	
<b>1000</b>	91	109	
<b>2000</b>	75	93	
<b>3000</b>	68	77	
<b>4000</b>	56	66	
<b>5000</b>	48	57	Suboption d
<b>6000</b>	41	48	
<b>7000</b>	40	46	
<b>8000</b>	38	42	
<b>9000</b>	36	31	
<b>10000</b>	33	28	Suboption c
<b>15000</b>	24	13	
<b>20000</b>	15	9	Suboption b
<b>25000</b>	10	6	
<b>30000</b>	7	4	Suboption a

## **Committee Actions**

**1) How would an endorsement work for open access Spanish mackerel permits?**

- endorsement can be transferred to any valid SM permit?
- endorsement stays with the permit holder without SM permit?

**2) Do you want this to apply to fishing in only NC, SC, GA and FL EEZ, or the entire zone for Atlantic group Spanish mackerel?**

**3) Do you want to add or remove any alternatives?**

**4) Do you want to select a preferred alternative?**