

# **DECISION DOCUMENT**

for

## **AMENDMENT 20**

to the joint Fishery Management Plan for  
Coastal Migratory Pelagic Resources

of the

**Gulf of Mexico and South Atlantic**

**(zones and boundaries)**



**Charleston, SC  
September 2012**

## **Actions in Amendment 20**

1. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.
2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel
3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone
4. Establish a transit provision for king mackerel harvested in the exclusive economic zone (EEZ) off Monroe County when the rest of the west coast of Florida is closed
5. Restrictions on Fishing for King Mackerel in Multiple Zones
6. Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs)
7. Establish State-by-State or Regional Quotas for Atlantic Migratory Group King Mackerel, Spanish Mackerel, and Cobia
8. Set Annual Catch Target (ACTs) by Sub-Zones for Atlantic Migratory Group Cobia
9. Specify Accountability Measures (AMs) by Sub-Zones for Atlantic Migratory Group Cobia
10. Modify the Framework Procedure

## **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. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.**

**Background:** The Northern Subzone of the Gulf Eastern Zone has caught its allocation in seven of the last twelve years and the closure of the subzone has usually occurred in the fall before the fish have migrated south. As a result, fishermen along the peninsula of Florida have not had an opportunity to participate in the fishery during those years. Combining the Northern Subzone with the Southern Subzone reduces the number of quota areas for Gulf of Mexico (Gulf) group king mackerel from three to two, thus it simplifies monitoring. It also provides for a larger potential share of total allowable catch for fishermen over a broader area.

### **Current allocations for Gulf Group Eastern Zone:**

Gulf/Eastern/Northern: 197,064 lbs

Gulf/Eastern/Southern: 1,215,228 lbs (50/50 gillnet and hook and line)

Gulf/Eastern/FL East Coast: 1,215,228 lbs

**NOTE: The Gulf Council made changes to the alternatives in June, shown below.**

**Alternative 1:** No Action – Retain the existing Northern and Southern Subzones and retain the existing allocations for these areas.

**Alternative 2:** Eliminate the current Northern and Southern Subzones and add the assigned allocation to the combined eastern zone.

**Alternative 3:** Modify the Florida West Coast subzones and reallocate quota

**Option a:** Retain the subzones but modify the boundary between the Northern and Southern Subzones to the Dixie/Levy County line and set allocation based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Northern Subzone.

Suboption ii. Reallocating 2% from the recreational sector allocation to the Northern Subzone, based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

*The IPT recommends adding the following suboption because the Southern Subzone would increase in size, so reallocation may not be necessary:*

*Suboption iii. Maintaining the current allocation*

**Option b:** Create a third-Central subzone from the Collier/Lee County line to the Dixie/Levy County line with an allocation based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Central Subzone

Suboption ii. Reallocating x pounds from the East Coast Zone, Gill-Net allocation, and Southern Subzone allocation

Suboption iii. Reallocating 2% from the recreational sector allocation to the Central Subzone based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

**Option c:** Retain the subzones but increase the allocation to the Northern Subzone based on:  
Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery to the Northern Subzone

~~Suboption ii. Reallocating x pounds from the East Coast Zone, Gill Net allocation, and Southern Subzone allocation~~

Suboption iii. Reallocating 2% from the recreational sector allocation to the Northern Subzone based on a temporary reallocation for the next 5 years. Monitor recreational catches annually and revert the 2% allocation back to the recreational sector if the recreational catch reaches 75%, 85%, or 90% of the recreational ACL.

<b>Gulf Council Motions</b>
Revised language in some alternatives, shown above.
Removed Suboption ii under Alternative 3, Options b and c.
Added Suboptions I and iii to Alternative 3, Option a. Sub-option i. Reallocating x lbs from the Southern subzone hook and line fishery. Suboption iii. Reallocating 2% from the recreational sector allocation based on temporary reallocation for the next 5 years.

### **Committee Actions**

**1) Do you want to approve the Gulf Council changes as shown above?**

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

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

**Action 2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel.**

**Alternative 1:** No Action – Retain the existing commercial hook-and-line trip limits.

Option a. Western zone at 3,000 lbs

Option b. Eastern zone northern subzone at 1,250 lbs until 75% of the quota is taken, at which time the trip limit decreases to 500 lbs

Option c. Eastern zone southern subzone at 1,250 lbs until 75% of the quota is taken, at which time the trip limit decreases to 500 lbs

**Alternative 2:** Set the commercial hook-and-line trip limit at 1,500 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

**Alternative 3:** Set the commercial hook-and-line trip limit at 2,000 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

**Alternative 4:** Set the commercial hook-and-line trip limit at 2,500 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

**Alternative 5:** Set the commercial hook-and-line trip limit at 3,000 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

<b>Gulf Council Motions</b>
None.

<b>Mackerel AP Recommendation (April 2012)</b>
Support a trip limit of 3,000 lbs in the Gulf/Eastern/Southern Subzone (Alternative 5, Option c)

**Committee Actions**

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

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

**Action 3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone.**

**Alternative 1:** No Action - the fishing season remains July 1 – June 30.

**Alternative 2:** Change the fishing season for Gulf group king mackerel season to September 1 – August 31.

Option a: For the western zone

Option b: For the eastern zone

**Alternative 3:** Change the fishing season for Gulf group king mackerel season to October 1 – September 30.

Option a: For the western zone

Option b: For the eastern zone

**Alternative 4:** Change the fishing season for Gulf group king mackerel season to November 1 – October 31.

Option a: For the western zone

Option b: For the eastern zone

**Gulf Council Motions**

None.

**Mackerel AP Recommendations (April 2012)**

Select Alternative 1 (No Action) as the Preferred.

**Committee Actions**

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

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

**Action 4. Establish a transit provision for king mackerel harvested in the exclusive economic zone (EEZ) off Monroe County when the rest of the west coast of Florida is closed.**

Background: Often the Florida west coast southern subzone, comprised of Collier and Monroe Counties, closes in early spring (see Table 2.2.1). Beginning April 1 of each year, Monroe County is considered to contain Atlantic migratory group king mackerel and the Florida west coast southern subzone is comprised of only Collier County. Some fishermen fish in the northern portion of Monroe County, which is a sparsely populated area. To land those fish they must travel to the Florida Keys where dealers in Monroe County are located. This trip could be up to 100 miles. A transit provision would allow fishermen who legally harvest king mackerel from Monroe County after April 1 of each year to transport and land their catch in other areas of the Gulf that are closed.

**Alternative 1:** No Action - do not establish a transit provision.

**Alternative 2:** Establish a transit provision for fish harvested in the EEZ off Monroe County when the rest of the west coast of Florida is closed.

**SA Preferred Alternative 3:** Establish a transit provision for fish harvested in the EEZ off Monroe County to be landed in Collier County when the rest of the west coast of Florida is closed.

**Gulf Council Motions**

Added Alternative 4.

**Alternative 4:** *Establish a transit provision for fish harvested in the EEZ off Monroe County to be landed in Collier County when the rest of the west coast of Florida is closed with the following provisions:*

*Only from April 1 – July 1*

*Only with direct and continuous transit and gear stowed*

*Only for fishermen holding a federal commercial king mackerel permit*

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

Select Alternative 2 as the Preferred.

**Committee Actions**

**1) Do you want to add recommended Alternative 4?**

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

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

**Action 5. Restrictions on Fishing for King Mackerel in Multiple Zones.**

**Alternative 1:** No Action – vessels with king mackerel commercial vessel permits may fish in any zone of the Gulf or South Atlantic.

**Alternative 2:** Require that prior to the beginning of the fishing year, each owner of a permitted commercial king mackerel hook-and-line vessel must identify the zone/subzone in which the vessel will fish during the upcoming fishing year (currently western zone, Florida east coast subzone, Florida west coast southern subzone, or Florida west coast northern subzone, Atlantic?).

**Option a:** only one zone may be identified

**Option b:** two zones may be identified

**Alternative 3:** Require an endorsement to fish in a particular zone or subzone.

**Option a:** Only one endorsement is allowed at any one time, and it is not transferable during that year.

**Suboption i:** Permanent

**Suboption ii:** Annual

**Option b:** No more than two endorsements are allowed at any one time, and they are not transferable during that year.

**Suboption i:** Permanent

**Suboption ii:** Annual

<b>Gulf Council Motions</b>
The Gulf Council removed this action.

**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 more alternatives or options?**

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



## **Action 6. Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs).**

Background:

In Amendment 18, the Councils established the ABCs and ACLs for the separate migratory groups using the Council boundary in Monroe County. However the determination in SEDAR 28 is that the biological boundary should be at the Florida/Georgia Line. The stock assessment results will cover Georgia north through the Mid-Atlantic area for the Atlantic migratory group, and the entire east coast of Florida and the Atlantic side of the Florida Keys will be included in the Gulf migratory group.

**\*\*SEDAR 28 will not be complete until December 2012. The South Atlantic SSC will review the results of the stock assessment in April 2013 and the South Atlantic Council will receive the results in June 2013.\*\***

**Alternative 1:** No Action –

- a. The Gulf migratory group cobia ACL = ABC [1.46 mp based on preferred ABC]. Set a single stock ACL
- b. The Atlantic migratory group cobia ACL = OY = ABC (currently 1,571,399 lbs based on the SSC Interim Control Rule; Recreational Sector ACL = 92% = 1,445,687 lbs; Commercial Sector ACL = 8% = 125,712 lbs)
- c. The entire Gulf migratory group cobia ACL applies to the Gulf Council jurisdictional area and the South Atlantic migratory group cobia ACL applies to the South Atlantic jurisdictional area.

**Alternative 2:** The Gulf migratory group cobia ACL = ABC for based on the Gulf of Mexico Fishery Management Council's Scientific and Statistic (SSC) acceptable biological catch (ABC) control rule and latest stock assessment. The ABC and annual catch limit (ACL) for the Gulf migratory group cobia would be divided between the Gulf jurisdictional area and the east coast of Florida based on the options below. The ACL for the Atlantic migratory group cobia = optimum yield (OY) = ABC from the SSC based on the most recent stock assessment, plus the ABC/ACL from the Gulf for the east coast of Florida.

**Option a:** Use 2000-2009 landings to establish the percentage split by subzone.

**Option b:** Use 2005-2009 landings to establish the percentage split by subzone.

**Option c:** Use 2007-2009 landings to establish the percentage split by subzone.

**Option d:** Boyles Law

**Alternative 3:** The Gulf migratory group cobia ACL = ABC based on the SSC ABC control rule and latest stock assessment. The ABC/ACL for the Gulf migratory group cobia would be divided between the Gulf jurisdictional area and the east coast of Florida based on the options below. The ACL for the Atlantic migratory group cobia = OY = 90% of the ABC from the SSC based on the most recent stock assessment, plus the ABC/ACL from the Gulf for the east coast of Florida.

**Option a:** Use 2000-2009 landings to establish the percentage split by subzone.

**Option b:** Use 2005-2009 landings to establish the percentage split by subzone.

**Option c:** Use 2007-2009 landings to establish the percentage split by subzone.

**Option d:** Boyles Law

**Gulf Council Motions**

Removed Option c under Alternatives 2 and 3.

Move Actions 6, 8, and 9 to a later amendment after SEDAR 28 is complete.

**IPT Recommendations**

For Option c under both alternatives: Use 50% of landings from 2000-2009 + 50% of landings from 2007-2009 (Boyles Law)

**Committee Actions**

**1) Do you want to keep this action in Amendment 20?**

**2) Do you want to revise Option C under Alternatives 2 and 3 to: Use 50% of landings from 2000-2009 + 50% of landings from 2007-2009 (Boyles Law)**

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

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

**Action 7. Establish State-by-State or Regional Quotas for Atlantic Migratory Group King Mackerel and Spanish Mackerel, and Cobia.**

**Alternative 1:** No Action - retain one commercial quota each for Atlantic migratory groups of king mackerel and Spanish mackerel

**Alternative 2:** Establish commercial quotas for two regions: North Carolina and the rest of the Atlantic migratory groups.

Option a: king mackerel

Option b: Spanish mackerel

**Table 1.** Atlantic group King mackerel- (commercial ACL=3,710,000 lbs)

	North Carolina		FL, GA and SC		Rest of the Quota (Unused + Landings in Other Atlantic States)
	% of Quota	% of Total Landings	% of Quota	% of Total Landings	
2002 - 2003	20.9%	44.7%	25.9%	55.3%	53.2%
2003 - 2004	16.0%	34.3%	30.5%	65.7%	53.5%
2004 - 2005	28.2%	38.2%	45.5%	61.8%	26.4%
2005 - 2006	31%	51.2%	29.5%	48.8%	39.5%
2006 - 2007	32.4%	40.2%	48.3%	59.8%	19.3%
2007 - 2008	29.8%	41.5%	41.9%	58.5%	28.3%
2008 - 2009	25.7%	30.7%	58.1%	69.3%	16.2%
2009 - 2010	21.2%	22.1%	74.9%	77.9%	3.9%
2010 - 2011	7.9%	8.6%	83.9%	91.4%	8.2%
2011 - 2012	11.7%	21.1%	43.7%	78.9%	44.6%

Data source: SEFSC

**Table 2.** Atlantic group Spanish mackerel

	North Carolina		FL, GA and SC		Rest of the Quota (Unused + Landings in Other Atlantic States)
	% of Quota	% of Total Landings	% of Quota	% of Total Landings	
2002 - 2003	18.1%	22.9%	60.8%	77.1%	21.1%
2003 - 2004	11.8%	12.7%	81.4%	87.3%	6.8%
2004 - 2005	Confidential				20.2%
2005 - 2006	Confidential				6.7%
2006 - 2007	Confidential				-0.2%
2007 - 2008	13.5%	16.2%	69.6%	83.8%	16.9%
2008 - 2009	Confidential				17.0%
2009 - 2010	26.6%	23.8%	84.9%	76.2%	-11.5%
2010 - 2011	25.2%	20.2%	99.5%	79.8%	-24.7%
2011 - 2012	24.1%	22.0%	85.5%	78.0%	-9.5%

ACL 2002-03 through 2005-06= 3,870,000 lbs

ACL 2006-07- present= 3,620,000 lbs

Data source: SEFSC

**NOTE:** North Carolina would monitor the landings and prohibit landings in the state when the North Carolina allocation is met. Fishing in the NC EEZ would not be prohibited, only landings.

### **Committee Actions**

**1) Do you want to add or change the alternatives to include options for allocation?**

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

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

## **Action 8. Set Annual Catch Target (ACTs) by Sub-Zones for Atlantic Migratory Group Cobia.**

**Alternative 1:** No Action – No commercial sector ACT for Atlantic migratory group cobia. The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater] (currently 1,184,688 lbs). Note: PSE is the average of the most recent five years data available.

**Alternative 2:** The commercial sector ACT for the Atlantic migratory group cobia for each subzone (to be determined by Action 7) equals 90% of the subzone ACL. The recreational sector ACT for the Atlantic migratory group cobia subzones (to be determined by Action 7) equals sector ACL[(1-PSE) or 0.5, whichever is greater]. Note: PSE is the average of the most recent five years data available.

### **Gulf Council Motions**

Move Actions 6, 8, and 9 to a later amendment after SEDAR 28 is complete.

### **Public Comment (August 2012)**

One commenter supported Alternative 2

### **IPT Recommendation**

The IPT recommends adding an additional alternative to apply the current ACTs to each subzone as follows:

***Alternative 3:** No commercial sector ACT for Atlantic migratory group cobia. The recreational sector ACT for the Atlantic migratory group cobia subzones (to be determined by Action 7) equals sector ACL[(1-PSE) or 0.5, whichever is greater]. Note: PSE is the average of the most recent five years data available.*

### **Committee Actions**

**1) Do you want to keep this action in Amendment 20?**

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

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

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

**Action 9. Specify Accountability Measures (AMs) by Sub-Zones for Atlantic Migratory Group Cobia**

**Alternative 1: No Action:**

- a. The commercial AM for Atlantic migratory group cobia is to prohibit harvest, possession, and retention when the commercial quota (total ACL x commercial allocation) is met or projected to be met. All purchase and sale is prohibited when the commercial quota is met or projected to be met.
- b. The recreational AM for Atlantic migratory group cobia is if the recreational sector quota (total ACL x recreational allocation) is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following fishing year. Compare the recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the average landings of 2011 and 2012. For 2013 and beyond, use the most recent three-year (fishing years) running average. If in any year the ACL is changed, the sequence of future ACLs will begin again starting with a single year of landings compared to the ACL for that year, followed by two-year average landings compared to the ACL in the next year, followed by a three-year average of landings ACL for the third year and thereafter. Only adjust the recreational season length if the Total ACL is exceeded.
- c. Commercial payback of any overage. Payback only if overfished - If the commercial sector ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the commercial sector ACL in the following year by the amount of the overage.
- d. Recreational payback of any overage from one year to the next. Payback only if overfished - If the recreational ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the recreational ACL in the following year by the amount of the overage. The ACT would also be adjusted according to the ACT formula in CMP Amendment 18, Action 19-6. Only deduct overages if the Total ACL is exceeded

**Alternative 2:** The current commercial and recreational AMs for Atlantic migratory group cobia apply separately to each of the Atlantic migratory group cobia subzones (as determined by Action 7).

**Alternative 3:** The current commercial and recreational AMs for Atlantic migratory group cobia apply to separately each of the Atlantic migratory group cobia subzones (as determined by Action 7) except that the 3-year moving average is replaced by the most recent year's landings.

<b>Gulf Council Motions</b>
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Move Actions 6, 8, and 9 to a later amendment after SEDAR 28 is complete.
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<b>Public Comment (August 2012)</b>
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One commenter supported Alternative 2.
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**Committee Actions**

**1) Do you want to keep this action in Amendment 20?**

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

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

## **Action 10. Modify the Framework Procedure.**

**Alternative 1:** No Action – Do not modify the framework procedure adopted through Amendment 18.

**Gulf Preferred Alternative 2:** Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closures and closure procedures
- Trip limit reductions or increases
- Designation of an IFQ program as the AM for species in the IFQ program
- Implementation of gear restrictions

Postseason AMs

- Adjustment of season length
- Implementation of a closed season
- Adjustment or implementation of bag, trip, or possession limit
- Reduction of the ACL to account for the previous year overage
- Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
- Implementation of gear restrictions
- Reporting and monitoring requirements

**Alternative 3:** Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closure procedures
- Trip limit reductions or increases

Postseason AMs

- Adjustment of season length
- Adjustment of bag, trip, or possession limit

**Gulf Preferred Alternative 4:** Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

**Gulf Preferred Alternative 5.** Make editorial changes to the framework procedure to reflect changes to the Council advisory committees and panels.

*Note: Alternatives 4 and 5 could be selected in addition to Alternative 2 or 3.*

<b>Gulf Council Motions</b>
- Selected Alternatives 2, 4 and 5 as the Preferred Alternatives. - Changed the language in Alternative 2 (see below).



<b>Public Comment (August 2012)</b>
One commenter supported Alternative 1.



<b>IPT Recommendation</b>
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IPT recommends the Councils consider also choosing Alternative 4 as a preferred alternative.
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**Committee Actions**

**1) Do you want to approve the language by the Gulf in Alternative 2?**

**CURRENT** → **Gulf Preferred Alternative 2:** Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

**REVISED LANGUAGE BY THE GULF** →

**Gulf Preferred Alternative 2.** Modify the framework procedure to include changes **to ABCs, ABC/ACL control rules**, and accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

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

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