Amendment 34

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

(Atlantic king mackerel catch levels and Atlantic King and Spanish Mackerel Management Measures)

Decision Document

September 2021

Background

In 2014, a stock assessment of both Gulf of Mexico and Atlantic migratory groups of king mackerel was completed (SEDAR 38) and indicated that neither migratory group was overfished or experiencing overfishing. In addition to revised yield streams, the stock assessment redefined the spatial and temporal extent of the mixing zone between the migratory groups to be south of the Florida Keys during winter months. The stock assessment and subsequent amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP) (Amendment 26) also redefined the geographic boundary between the migratory groups to be at the Dade/Monroe County, Florida line.

An update to SEDAR 38 was completed in April 2020 (SEDAR 38 Update 2020) and indicated, consistent with the original stock status determined by SEDAR 38, that Atlantic migratory group king mackerel (Atlantic king mackerel) was not overfished or undergoing overfishing. Additionally, recreational and commercial landings and catch per unit effort all showed an increasing trend. Based on the results of SEDAR 38 update, the Scientific and Statistical Committee (SSC) has made new Atlantic king mackerel catch level recommendations

for the South Atlantic Fishery Management Council (South Atlantic Council) to consider (**Table 1**). The assessment and SSC catch level recommendations incorporate revised recreational catch estimates based on the new Marine Recreational Information Program (MRIP) survey design.

Table 1. South Atlantic SSC recommendations for acceptable biological catch for Atlantic migratory group king mackerel, using data resultant from SEDAR 38 update (2020).

Year	OFL Recommendations (lbs)	ABC Recommendations (lbs)
2022/2023	33,900,000	32,800,000
2023/2024	29,400,000	28,400,000
2024/2025	26,300,000	25,400,000
2025/2026	24,200,000	23,300,000
2026/2027+	22,800,000	21,800,000

The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer Fishing Effort Survey (FES) method, which is considered more reliable and robust compared to the Coastal Household Telephone Survey (CHTS) method. As a result of the change in methodology, the Council is considering revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector. Current sector allocations are based on landings from 1979 through 1983.

The South Atlantic Council is also considering action to modify management measures for Atlantic king and Spanish mackerel based on input from the South Atlantic Council's Mackerel Cobia Advisory Panel (AP). The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. The AP has requested the South Atlantic Council consider raising the bag limit in federal waters off the east coast of Florida to allow all fishermen the same opportunity to harvest king mackerel. The AP also suggested the Councils consider decreasing the minimum size limit for Atlantic king mackerel because many smaller king mackerel are often caught when fishing recreationally for other species, such as Spanish mackerel, and are released as dead discards. Finally, commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the Councils consider a similar provision for the recreational sector.

Actions in this amendment

Action 1. Revise the stock total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.
Action 2. Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.
Action 3. Revise the recreational annual catch target for Atlantic migratory group king mackerel.
Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.
Action 5. Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel.

Action 6. Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.
Action 7. Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.

Objectives for this meeting

- Review draft amendment and analysis.
- Select preferred alternatives.
- Consider approval for public hearings.

Tentative Timing for CMP 34

	Process Step	Date
✓	South Atlantic Council directs staff to start work on an amendment.	June 2020
✓	Mackerel Cobia Advisory Panel reviews assessment and makes recommendations for actions to include in amendment.	November 2020
✓	South Atlantic Council reviews options paper and approves amendment for scoping.	December 2020
✓	South Atlantic Council reviews scoping comments and approves action/alternatives to be analyzed.	March 2021
✓	Gulf Mackerel Cobia Advisory Panel reviews amendment	March 2021
✓	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives.	**June 2021**
✓	Gulf Council reviews document and provides direction to staff.	June 2021
	South Atlantic Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	**September 2021**
	Gulf Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	October 2021
	Public Hearings	Fall 2021
	South Atlantic Council reviews the draft amendment, modifies the document as necessary.	December 2021
	Gulf Council reviews the draft amendment, modifies the document as necessary.	January 2022
	South Atlantic Council approves for formal review.	March 2022
	Gulf Council approves for formal review.	April 2022
	CMP Amendment 34 transmitted for Secretarial Review.	Spring 2022

Opportunities to provide public comment in-person include South Atlantic Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.

Purpose and need statement

The *purpose* of this amendment is to revise the annual catch limits and annual optimum yield for Atlantic migratory group king mackerel; to revise recreational and commercial allocations for Atlantic migratory group king mackerel; and to revise or establish management measures for Atlantic migratory group king and Spanish mackerel.

The *need* for this amendment is to ensure annual catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group king and Spanish mackerel fisheries, while increasing social and economic benefits through sustainable and profitable harvest of Atlantic migratory group king and Spanish mackerel.

Committee Action

REVIEW PURPOSE AND NEED STATEMENT, MODIFY AS NECESSARY

Proposed Actions and Alternatives

Action 1. Revise the stock annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.

Purpose of Action: update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

Alternative 1 (No Action). The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is set equal to the current acceptable biological catch level (12,700,000 pounds).

Alternative 2. The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level.

Preferred Alternative 3. The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 95% of the updated acceptable biological catch level.

Alternative 4. The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 90% of the updated acceptable biological catch level.

Discussion:

- The update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. The SSC reviewed the results and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel.
    - The South Atlantic Council may consider setting the Atlantic king mackerel total annual catch limits (ACL) at the same level as the ABCs recommended by the SSC (**Alternative 2**) or may consider including a buffer between the two values (**Alternatives 3-4; Table 2**).

Table 2. Annual Catch Limit levels based on revised MRIP estimates for Atlantic migratory group king mackerel under **Action 1** proposed alternatives.

Fishing Year		Annual Catch Limits (lbs.)		
	Alternative 1 (No Action)	Alternative 2 (ACL=ABC)	Preferred Alternative 3 (ACL=95% ABC)	Alternative 4 (ACL=90% ABC)
2021/22	Not BSIA, not a viable alternative.	33,300,000	**31,635,000**	29,970,000
2022/23		28,500,000	**27,075,000**	25,650,000
2023/24		25,400,000	**24,130,000**	22,860,000
2024/25		23,300,000	**22,135,000**	20,970,000
2025/26+		21,800,000	**20,710,000**	19,620,000

Note: The current ABC is 12,700,00 pounds. However, previous ABCs and ACLs and the proposed ABCs are not directly comparable because the updated assessment includes changes in the recreational catch estimates based on new methodology used in the Marine Recreational Information Program (MRIP).

Environmental Consequences

Biological Effects:

- **Alternative 1 (No Action)** is not a viable alternative because it would retain the current total ACL for Atlantic king mackerel (equal to the current ABC), which is based on the 2014 SEDAR 38 assessment, and therefore would no longer be based on the BSIA.
- Revising Atlantic king mackerel catch levels as proposed in **Alternatives 2**, **Preferred Alternative 3**, and **Alternative 4** would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the ACL, and accountability measures (AM) would prevent the ACL and overfishing limit (OFL) from being exceeded, correct for overages if they occur (if the stock is in an overfished condition), and prevent overfishing.
    - Specifying a buffer between the ABC, OY and ACL, as proposed under **Preferred Alternative 3** and **Alternative 4**, would provide greater assurance that overfishing is prevented, and the long-term average biomass is near or above SSB_{MSY}.

Economic Effects:

- The potential revised total ACLs for Atlantic king mackerel in **Alternative 2** through **Alternative 4** are all higher than the observed landings in recent years. Based on the average landings over the most recent five years of available data (2015/16-2019/20), landings would be expected to continue to be below the existing and potential new ACLs and thus not constraining. As a result, no direct economic effects are anticipated from **Alternative 2** through **Alternative 4** in the short-term.
    - From a short-term economic perspective, **Alternative 2** would have the have the highest potential net economic benefits, followed by **Preferred Alternative 3**, **Alternative 4**, and **Alternative 1 (No Action)**.

Social Effects:

- Under **Alternative 2**, **Preferred Alternative 3**, and **Alternative 4**, the ACL for Atlantic king mackerel would be based on the most recent stock assessment and updated MRIP estimates. Adjustments in an ACL based on updated information are necessary to ensure continuous social benefits over time.
- In general, a higher ACL would lower the chance of triggering a recreational or commercial AM and result in the lowest level of negative effects on the recreational and commercial sectors. Additionally, higher ACLs may provide opportunity for commercial and recreational fishermen to expand their harvest providing social benefits associated with increased income to fishing businesses within the community and higher trip satisfaction.

Mackerel Cobia Advisory Panel Comments

April 2021 Meeting

- AP members expressed concern about use of the new MRIP FES numbers in the stock assessment, and whether the significant increase in ABC was warranted.
    - It was noted that discussions related to the use of new MRIP-FES are being had throughout managed fisheries in the United States.
    - Catch is going to increase under the new FES numbers and that should be considered when discussing whether or not a buffer between ABC and ACL is appropriate.
- Some AP members felt that a 10% buffer (Alternative 4) was appropriate, while others felt that a 5% buffer (Alternative 3) was more appropriate.
    - There is enough room for a 10% buffer given the large increase in ABC and given uncertainty with MRIP numbers it would be wise to be precautious.
        - While commercial landings are a census, recreational landings are not, and they come in two months waves and are often delayed. We won't know what the recreational landings are in year one until year two.
        - From a statistical standpoint, a 10% buffer is not substantial.
    - A 5% buffer would be ideal because the commercial fishermen have been heavily restricted for many years. There are also fish left on the table due to hurricanes and bad weather. The commercial industry could catch more fish if allowed.
        - A 5% buffer would still be safe if recreational landings increase due to the change in bag limit and size limit proposed later in the amendment.
- Commercial fishermen feel like their seeing a reoccurring theme with the new FES numbers. The new numbers result in a higher ABC/ACL and the entire increase is given to the recreational sector despite how heavily restricted the commercial fishery has been over the years.

November 2020 Meeting

- Given the increase in catch levels, the South Atlantic Council should consider accommodating a buffer between the ABC and ACL.
    - If the current catch is not reaching/exceeding the proposed ABC/ACL it makes sense to be cautious. Especially given that data for current and possibly future fishing years may be compromised due to the pandemic.
    - Due to MRIP data coming in waves or being otherwise delayed, a buffer instead of an annual catch target (ACT) would better account for management uncertainty.
    - Increased landings of king mackerel throughout the northern zone (North Carolina/South Carolina line to the New York/Connecticut/Rhode Island line) and into New England is a big source of management uncertainty warranting a buffer.
        - Especially recreationally, intercepts may not occur as often up north resulting in unreliable numbers.
        - Factoring climate change into management is especially important because we do not yet know if king mackerel are shifting northward or if their range is expanding.

- When looking at a buffer, it is important to make sure that commercial and recreational fisheries can remain open year-round.
- An alternative perspective was provided, stating the if landings are increasing in the northern zone a buffer should not be set because it is important to ensure all quota remains available to account for changes in landings.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 2. Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.

Purpose of Action: The South Atlantic Council's Allocation Trigger Policy includes indicator-based criteria as triggers, including after a stock assessment is approved by the SSC. Allocations need to be reviewed considering recreational data from the Marine Recreational Information Program using the Fishing Effort Survey method.

Note: The revised total annual catch limit in Alternatives 1 (No Action) through 5 reflect **Preferred Alternative 3** in **Action 1** above. The revised total ACL incorporates recreational data from the MRIP using the FES method, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 38 Update 2020).

Alternative 1 (No Action). Retain the current allocations of 62.9% to the recreational sector and 37.1% to the commercial sector, apply those allocations to the revised total annual catch limit for Atlantic migratory group king mackerel. The allocations are based on landings from 1979-1983.

Preferred Alternative 2. Allocate 62.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 37.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector.

Alternative 3. Allocate 77.3% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 22.7% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on approximately maintaining the current commercial annual catch limit beginning in the 2026/2027 fishing season and allocating the remaining revised total annual catch limit to the recreational sector.

Alternative 4. Allocate 70.95% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 29.05% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES average landings for Atlantic king mackerel for the years 2004 – 2019.

Alternative 5. Allocate 68.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 31.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES average landings for Atlantic king mackerel for the years 2014 – 2019.

Alternative 6. Allocate 72.92% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 27.08% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES landings which balanced historical catches (2000-2008) with more recent landings (2017-2019) using the following formula.

Sector allocation = (50% * average of Atlantic migratory group king mackerel long catch range (lbs) 2000-2008 + (50% * average of recent catch trend (lbs) 2017-2019).

Discussion:

- The Fisheries Allocation Review Policy (NMFS Policy Directive 01-119) and the associated Procedural Directive on allocation review triggers (NMFS Procedural Directive 01-119-01) established the responsibility for the Regional Fishery Management Councils to set allocation review triggers and consider three types of trigger criteria: indicator, public interest, and time.
    - The South Atlantic Council chose several indicator-based criteria as triggers, including after a stock assessment is approved by the SSC.

- The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer FES method, the Council may want to consider revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector.
    - Current sector allocations for king mackerel were established in Amendment 1 to the CMP FMP (1985). Catch was allocated based on the largest number of years, beginning in 1979 using the average percent distribution of catch between commercial and recreational fishermen, resulting in the current allocation of **37.1% to the commercial sector and 62.9% to the recreational sector**.

- There were changes to the commercial trip limits over the last few years that may bias more recent landing streams.
    - Neither the commercial nor the recreational sector has reached their ACL, resulting in a closure, since the 1997/1998 fishing year. However, prior to the implementation of Amendment 26, the east coast of Florida from the Volusia/Flagler County boundary to the Miami-Dade/Monroe County boundary (east coast subzone) was considered part of the Gulf migratory group king mackerel. When the east coast of Florida (east coast subzone) was considered part of the Gulf migratory group king mackerel, it did experience early closures during the 2007/2008, 2008/2009, 2009/2010, 2010/2011, and 2011/2012 seasons.

Table 3. Current and proposed Atlantic king mackerel sector allocations for Alternatives 2-6.

Action 2 (Allocations)	Commercial Allocation	Recreational Allocation	Calculation
Alternative 1 (No Action)	37.1%	62.9%	Average landings 1978-1983
Preferred Alternative 2	37.1%	62.9%	**Based on Council rationale.**
Alternative 3[1]	29.05%	70.95%	Maintains current commercial ACL beginning in 2026/2017 season and allocates the remainder to the recreational sector
Alternative 4	29.05%	70.95%	Average landings 2004-2019
Alternative 5	31.1%	68.9%	Average landings 2014-2019
Alternative 6	27.08%	72.92%	(50% * average long catch range (lbs) 2000-2008 + (50% * average of recent catch trend (lbs) 2017-2019)

[1]The percentages for Alternative 3 reflect Preferred Alternative 3 in Action 1 in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the FES method, as well as updates to commercial and for-hire landings.

Table 4. Current and revised sector ACLs (lbs) for Atlantic king mackerel based on the revised total ACL from Alternative 2 in Action 1.

Fishing Year	Total ACL (Action 1 - Preferred Alternative 3)	Alternative 1 (No Action)		Preferred Alternative 2		Alternative 3	
		Commercial (37.1%)	Recreational (62.9%)	Commercial (37.1%)	Recreational (62.9%)	Commercial (22.7%)	Recreational (77.3%)
2021/22	31,635,000	11,736,585	19,898,415	11,736,585	19,898,415	7,181,145	24,453,855
2022/23	27,075,000	10,044,825	17,030,175	10,044,825	17,030,175	6,146,025	20,928,975
2023/24	24,130,000	8,952,230	15,177,770	8,952,230	15,177,770	5,477,510	18,652,490
2024/25	22,135,000	8,212,085	13,922,915	8,212,085	13,922,915	5,024,645	17,110,355
2025/26+	20,710,000	7,683,410	13,026,590	7,683,410	13,026,590	4,701,170	16,008,830
-	-	Alternative 4		Alternative 5		Alternative 6	
		Commercial (29.05%)	Recreational (70.95%)	Commercial (31.1%)	Recreational (68.9%)	Commercial (27.08%)	Recreational (72.92%)
2021/22	31,635,000	9,189,968	22,445,033	9,838,485	21,796,515	8,566,758	23,068,242
2022/23	27,075,000	7,865,288	19,209,713	8,420,325	18,654,675	7,331,910	19,743,090
2023/24	24,130,000	7,009,765	17,120,235	7,504,430	16,625,570	6,534,404	17,595,596
2024/25	22,135,000	6,430,218	15,704,783	6,883,985	15,251,015	5,994,158	16,140,842
2025/26+	20,710,000	6,016,255	14,693,745	6,440,810	14,269,190	5,608,268	15,101,732

Note: The revised total ACL in Alternatives 1 (No Action) through 6 reflect Preferred Alternative 3 in Action 1 in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

Current Problems and Objectives for the CMP FMP

Problems in the CMP FMP

Problems in the fishery as addressed previously in the amended FMP (last updated in CMP Amendment 9 (2000)):

1. The stocks of Spanish mackerel and Gulf group king mackerel are below the level of producing MSY, and spawning stocks have been reduced such that recruitment has been affected. The harvest levels of Atlantic king mackerel are close to their upper limit. Uncontrolled fishing would further reduce biomass. (Note: the Gulf group Spanish mackerel stock recovered above the OY level [30% static SPR] in the 1997-98 fishing year and continues to be neither overfished nor undergoing overfishing).

2. (a) Available recreational catch statistics were not designed to track catch for quota purposes. (b) Additional biological and statistical data on both the recreational and commercial fisheries are needed and economic information that assesses the impact of regulations and allocations is not available.

3. Intense conflicts and competition exist between recreational and commercial users of the mackerel stocks and between commercial users employing different gears.

4. The existence of separate state and federal jurisdiction and lack of coordination between these two make biological management difficult; since, in some instances, the resource may be fished beyond the allocation in state waters. (Note: in recent years, most states have adopted compatible regulations for bag limits, size limits, quota closures, etc. with federal regulations).
5. The condition of the cobia stock is not known, and increased landings for the last ten years have prompted concerns about overfishing.

6. Lack of information on multiple stocks or migratory groups of king mackerel that may mix seasonally confounds and complicates management.

7. Large catches of mackerel over a short period causes quotas and TAC to be exceeded before closures can be implemented; therefore, some users have obtained a share in excess of their allocation.

8. Closures of a fishery and reversion of bag limits to zero due to the filling of a quota have deprived geographic areas of access to a fishery.

9. Fish caught under the bag limit and sold contribute to the filling of both the recreational and commercial quotas.

10. Part-time commercial fishermen compete with full-time commercial fishermen for the available quota.

11. Localized reduction in abundance of fish due to high fishing pressure.

12. Disruption of markets.

Objectives in the CMP FMP

The current CMP FMP lists eight plan objectives (last updated in Amendment 6 (1992)):

1. The primary objective of this FMP is to stabilize yield at MSY, allow recovery of overfished populations, and maintain population levels sufficient to ensure adequate recruitment.

2. To provide a flexibly management system for the resource which minimizes regulatory delay while retaining substantial Council and public input in management decisions and which can rapidly adapt to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups.

3. To provide necessary information for effective management and establish a mandatory reporting system for monitoring catch.

4. To minimize gear and user grouper conflicts.

5. To distribute the TAC of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred during the early to mid-1970s, which is prior to the development of the deep-water run-around gill net fishery and when the resource was not overfished.

6. To minimize waste and bycatch in the fishery.

7. To provide appropriate management to address specific migratory groups of king mackerel.

8. To optimize the social and economic benefits of the coastal migratory pelagic fisheries.

Environmental Consequences:

Biological Effects:

- Based on the new MRIP FES recreational landings, none of the proposed recreational ACLs are expected to be exceeded. Similarly, based on commercial fishing year landings for the past five fishing years (2015/2016 through 2019/2020), none of the proposed commercial ACLs under **Alternatives 2** through **6** are expected to be exceeded.
- Biological effects to the stock are not expected to vary between **Alternative 1 (No Action)**, **Preferred Alternative 2**, **Alternative 3**, **Alternative 4**, **Alternative 5** and **Alternative 6**, since they do not change the total ACL specified in **Action 1**.
    - Furthermore, the commercial sector for Atlantic king mackerel has effective in-season AMs in place to prevent the ACL from being exceeded. The recreational

sector does not have in-season AMs in place but does have post-season AMs in place to address overages of the recreational and stock ACLs.

Economic Effects:

- In general, ACLs that allow for more fish to be landed can result in increased positive economic and social effects if harvest increases without notable long-term effects on the health of a stock.
- ACLs set above observed average harvest levels do create a buffer between the ACL and typical landings that may be utilized in years of exceptional abundance or accessibility of a species, thus providing the opportunity for increased landings and a reduced likelihood of triggering restrictive AMs. As such there are potential economic benefits from ACLs that allow for such a buffer between average landings and the ACL.
    - **Alternatives 3** through **6** would result in comparatively lower commercial allocations and ACLs. Although none of the commercial ACLs in **Action 2** are estimated to be constraining based on the average annual landings over the last five fishing years (2015/16-2019/20) of available data, it is assumed that the commercial fishery could fully harvest the sector ACL, if conditions allowed,
    - Alternatively, **Alternatives 3** through **6** would result in a comparatively higher recreational allocations and ACLs. Although none of the recreational ACLs in **Action 2** are estimated to be constraining based on the average annual landings over the last five fishing years (2015/16-2019/20) of available data, it is assumed that the recreational fishery could fully harvest the sector ACL, if conditions allowed.

Social Effects:

- **Alternative 1 (No Action)** and **Preferred Alternative 2** would maintain the current allocation percentages and may have few social effects as both sectors would see an increase in available poundage.
- With **Alternative 3**, **Alternative 4**, **Alternative 5** and **Alternative 6** there would be a decrease in the commercial percentage compared to **Alternative 1 (No Action)**, which could have some negative social effects if commercial fishermen have a negative perception of this change due to the decrease in fishing opportunity and concerns about long-term social effects, especially if other actions further decreased harvest opportunities. However, the increase in poundage for both sectors may result in positive social benefits associated with increased harvest.

IPT Recommendations

- The increase in ABC reflects total biomass and spawning stock biomass estimates increasing steadily since 2013 and four years of recent high recruitment (SEDAR 38 Update) in addition to the new MRIP Fishing Effort Survey numbers. **Alternative 3** would hold the commercial sector at their current poundage and they would not benefit from the new recruitment in the form of an increased ACL.
- While **Alternative 4** and **Alternative 6** utilize years that reflect historic catch, they also include landings from fishing years where there were commercial closures and as a result it may not accurately reflect the commercial sector's fishing capacity.
- Guidance from NOAA GC indicates that the Council made not need to have separate alternatives for different rationales (**Alternative 1 (No Action)** and **Alternative 2**).

Mackerel Cobia Advisory Panel Comments

April 2021

- Even though percentage allocation between the sectors may change, the poundage for the commercial sector will increase.
- Need to have a bigger discussion about what the recreational sector would like their fishery to look like given some of the unharvested quota (what regulations needs to change and what does the recreational sector value).
- Due to the change in MRIP numbers to FES currency, the no action would essentially result in reallocation to the commercial sector and quite a windfall.
    - Everyone knows to the pound what the commercial sector is landing. Isn't a windfall, it is a reward for putting in the work (restrictions) for rebuilding the stock.
- Commercial AP members expressed concerned about losing percentage allocation. Specifically, they were concerned that that if the ABC/ACL is lowered in the future then commercial fishermen will be pushed out of business due to the low percentage.
    - There is concern that one a percentage is gone; it is gone forever.
    - A low percentage could be especially detrimental as other things change in the commercial fishery, such as participation.
- Council members need to look at the entire history of the commercial and recreational fishery. There is no reason the entire increase should go to the recreational sector and not the commercial sector and fish-eating public.
    - For example, in the Atlantic Spanish mackerel fishery, the commercial sector has regularly been closed early due to meeting the ACL while the recreational fishery has not touched the extra poundage they were allocated.
- The commercial fishery has been restricted and shut down, but now the new MRIP data is showing that the stock was much larger than originally believed. The Council should reallocate to the commercial sector to make up for all the years they were heavily restricted. There is room for the fishery to expand and they should be afforded some quota to see what they can accomplish.
- There should not be any reallocation until the private recreational fishermen are reporting their landings in real time like the commercial sector.
- If the recreational sector closes, they can still go out and catch and release. It isn't the same for the commercial sector, who rely on access to fish to support their family and pay their bills. Commercial fishermen need a guaranteed poundage so that they can continue to go fishing.
    - The Council should guarantee that the commercial sector will never be blow their 20-year average (poundage), then reallocation can be discussed. Otherwise, too much is up in the air and it is challenging to make long-term business decisions.
- It is important for the AP and the Council to make recommendations and decisions based on the hard numbers available. The commercial sector numbers are reliable, and the recreational sector (MRIP) numbers may or may not be high or low. The goal should be to come up with real solutions for both sectors as opposed to playing politics.
- The Council should consider allowing transfer of quota between the sectors for the next few years while we see how the MRIP numbers are going to play out.

    - A soft quota would be better than a hard quota that is codified.
- The Council should consider creating a common pool allocation wherein whichever sector needs additional quota could pull out of the pool.
    - Due to how recreational landings come in, a common pool allocation may end up serving as more of a payback for the recreational sector.

AP MOTION 1: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS PREFERRED.
MOTION APPROVED (6 IN FAVOR, 1 OPPOSED, 1 ABSTENTION, 10 NOT IN ATTENDANCE)

November 2020

- Overall, king mackerel has been functioning well with the current sector allocations, however regional allocations may need to be addressed in the future with changes in landing distributions due to climate change.
- The current allocations are historical and accurately represent the historical fishery. Especially with the increase in proposed catch levels, there is no need to alter sector allocations.
- The priority should be to get accurate recreational landings and discard estimates.
- Commercial king mackerel permits are limited access, helping to control effort in the fishery. It was noted that the price for king mackerel permits has increased in recent years (~$15,000 per permit).
- It was noted that while there is no need to address regional allocations of king mackerel at this time, there needs to be a system in place to trigger consideration of reallocations related to increases in effort or if a sector/area is reaching its quota early.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 3. Revise the recreational annual catch target for Atlantic migratory group king mackerel.

Purpose of Action: update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

Alternative 1 (No Action). Retain the current recreational annual catch target for Atlantic migratory group king mackerel [ACL[(1-PSE) or 0.5, whichever is greater] based on the previous acceptable biological catch (ACT = 7,400,000 pounds).

Alternative 2. Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals sector ACL[(1-PSE) or 0.5, whichever is greater].

Alternative 3. Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals 90% sector ACL.

Alternative 4. Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals 85% sector ACL.

Discussion:

- The recreational ACT is currently codified and utilized in the post-season recreational accountability measure for Atlantic king mackerel and needs to be updated based on the SEDAR 38 Update.
- Current Accountability Measure
    - If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, reduce the bag limit for the following fishing year by the amount necessary to ensure landings achieve the recreational ACT, but do not exceed the recreational ACL.
    - If the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic king mackerel are overfished, reduce the recreational ACL and ACT for that following year by the amount of any overage in the prior fishing year.
- The current recreational ACT is based on adjusting the ACL by 50% or one minus the five-year average proportional standard error (PSE) from the recreational sector, whichever is greater, as established in Amendment 18 to the CMP FMP.

Table 5. Proportional Standard Errors (PSEs) for Atlantic king mackerel from weight estimates for all modes.

Fishing Year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	3-Year Average	5-Year Average
PSE Value	15.0	15.1	12.6	12.8	12.9	12.8	13.7

Table 6. Proposed recreational annual catch targets for Atlantic migratory group king mackerel.

Fishing Year	Recreational ACL	Recreational ACT			
		Alternative 1 (No Action)	Alternative 2[1]	Alternative 3	Alternative 4
2021/2022	19,898,415	Not BSIA, not a viable alternative.	17,172,332	17,908,574	16,913,653
2022/2023	17,030,175		14,697,041	15,327,158	14,475,649
2023/2024	15,177,770		13,098,416	13,659,993	12,901,105
2024/2025	13,922,915		12,015,476	12,530,624	11,834,478
2025/2026+	13,026,590		11,241,947	11,723,931	11,072,602

[1]The five-year average PSE for the recreational data was 0.137. The resulting recreational ACT would be equal to the recreational ACL multiplied by (1-0.137), or 0.863, setting the recreational ACT at 86.3% of the recreational ACL.

Note: The revised total ACTs reflect **Preferred Alternative 3 in Action 1** and **Preferred Alternative 2 in Action 2** in Amendment 34 to the CMP FMP and Atlantic Region.

Environmental Consequences

Biological Effects:

- Recreational ACTs for Atlantic king mackerel are codified and utilized in the post-season recreational AM. Therefore, **Alternative 1 (No Action)** is not a viable alternative because it would retain the current recreational ACT for Atlantic king mackerel, which would not be based on the BSIA.
- Revising Atlantic king mackerel recreational ACTs as proposed in **Alternatives 2** through **4** would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the recreational ACTs and sector ACLs, AMs would prevent the ACL and OFL from being exceeded, correct for overages if they occur (if the stock is in an overfished condition), and prevent overfishing.
    - Specifying a buffer between the recreational ACTs and sector ACL, as proposed under **Alternatives 2** through **4**, would provide greater assurance that overfishing is prevented since ACTs could trigger AMs.

Economic Effects:

- In the case of Atlantic king mackerel, the recreational AM is tied to the ACT. If recreational landings exceed the ACL, and the sum of the commercial and recreational landings exceed the stock ACL, a reduced bag limit would be implemented the following year by the amount necessary to ensure the recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL. As such, restricting harvest to the ACT may have indirect economic effects.

Social Effects:

- Reductions in harvest thresholds may have potential negative social effects, which can range from changes in fishing behavior to other social disruptions that go beyond impacts to the fishery and may extend to the community or region. However, there would be long-term social benefits for fishermen, communities, and the public by preventing overfishing through an ACT for a stock that has potential to exceed the ACL. Those benefits would include more fishing opportunities and increased income, which should

benefit the coastal economy and contribute to community resilience for those involved in these fisheries.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY
SELECT PREFERRED ALTERNATIVE

DRAFT MOTION: SELECT ALTERNATIVE # AS PREFERRED UNDER ACTION 3 IN CMP AMENDMENT 34.

Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.

Purpose of Action: included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to create consistency in the recreational bag limit throughout the king mackerel management jurisdiction.

Alternative 1 (No Action). The daily bag limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida is two fish per person. The daily bag limit specified by Florida for its waters is two fish per person.

Preferred Alternative 2. Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the exclusive economic zone off Florida.

Discussion:

- The current bag limit for Atlantic king mackerel and Gulf king mackerel is three fish per person except for the east coast of Florida to the Miami-Dade/Monroe Count line where the bag limit is set to match the daily bag limit specified for Florida state waters (currently two fish per person).
    - Fishermen and Mackerel Cobia Advisory Panel (AP) members have requested to raise the east coast of Florida bag limit in federal waters to three fish per person to match the rest of the CMP FMP management area.
- Percent increase in landings was calculated with two different methods.
    - Method 1: assumes all the trips that met the 2-king mackerel bag limit would also meet the 3-king mackerel bag limit.
    - Method 2: isolated the trips that met the 2-king mackerel bag limit and allowed them to meet the 3-king mackerel bag limit if these trips also had discarded king mackerel.

Table 7. Percent increase in Atlantic king mackerel recreational landings generated from data for the years of 2017 to 2019.

Bag Limit	Method 1	Method 2
2 to 3 Fish in East Florida	14%	3%

Environmental Consequences

Biological Effects:

- Negative biological effects to the stock could occur if more fish are allowed to be retained; however, increasing the Atlantic king mackerel bag limit from two to three fish per person under **Preferred Alternative 2** is expected to have minor effects on overall harvest since the majority of anglers are currently only catching one fish per person.

Economic Effects:

- Generally, angler satisfaction (which can be measured in CS) increases with the number of fish that can be harvested. As such, an increase in the bag limit would lead to higher

angler satisfaction from a recreational trip, likely resulting in higher overall economic benefits and **Preferred Alternative 2** would be expected to result in higher economic benefits than **Alternative 1 (No Action)**.

Social Effects:

- Benefits to the recreational sector would result from harvest limits that do not result in restricted access to Atlantic king mackerel (i.e., because an AM is triggered) but still maintain harvest limits large enough to have minimal effect on recreational trip satisfaction.
- Increasing the recreational bag limit under **Preferred Alternative 2** would create consistency in recreational bag limit in federal waters throughout the Atlantic king mackerel management range when compared to **Alternative 1 (No Action)**.

Mackerel Cobia Advisory Panel Comments

April 2021

- It would be prudent for the recreational sector to have the choice of 3-fish per person because everyone else in the management area has the option.
- Consistency in regulations would make things simpler.
- The MCAP members representing the commercial sector indicated that they support the recreational representatives view on this issue.
- It was noted that while not a lot of MCAP representing the recreational sector would in attendance, this has been discussed at previous meetings.

November 2020

- The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. Raising the bag limit in federal waters off the east coast of Florida would allow all fishermen the same opportunity to harvest king mackerel.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 5. Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel.

Purpose of Action: included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel as a way to increase recreational harvest and reduce discards.

Alternative 1 (No Action). The minimum size limit for recreational harvest of Atlantic migratory group king mackerel is 24-inches fork length.

Preferred Alternative 2. Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel to 22-inches fork length.

Alternative 3. Reduce the minimum size limit for recreational harvest of Atlantic migratory group king mackerel to 20-inches fork length.

Alternative 4. Remove the minimum size limit for recreational harvest of Atlantic migratory group king mackerel.

Discussion:

- In recent years, Atlantic king mackerel total landings have been well below the total ACL, fishing mortality rates are well below target, and the recent stock assessment suggests that the total ACL can be increased.
    - The South Atlantic Council could consider regulatory changes directed towards increasing commercial and recreational harvest.
        - Commercial trip limits were increased via CMP Framework Amendment 6 and CMP Framework Amendment 8.

- The AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species.

Environmental Consequences

Biological Effects:

- Minimum size limits can cause increased regulatory discarding and, depending on depth of capture, may increase discard mortality. Currently, smaller Atlantic king mackerel that are caught under the current minimum size limit are often released as dead discards when targeting other species. Revising the minimum size limit under **Preferred Alternatives 2** or **Alternative 3**, or removing the minimum size limit under **Alternative 4,** may increase recreational or commercial landings if smaller fish are landed rather than discarded.
    - Negative biological impacts to the stock can be expected under **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4**, when compared to **Alternative 1 (No Action)** since more fish can be landed under a reduced minimum size limit.
    - However, less fish would be discarded, which would have positive impacts on the stock.

Economic Effects:

- Reducing or removing the recreational minimum size limit for Atlantic king mackerel may increase harvest, which would provide positive direct economic effects for the recreational sector provided there are no long-term negative effects for the stock. In general, the lower the size limit, the more that overall harvest will increase, thereby increasing economic benefits, such as CS, incurred from such harvest.

Social Effects:

- Reducing the minimum size limit (**Preferred Alternative 2** and **Alternative 3**) may result in positive social effects for Atlantic king mackerel fishermen by increasing the number of fish that can be retained, which may increase trip satisfaction. Removing the minimum size limit for Atlantic king mackerel (**Alternative 4**) would again be associated with the positive and negative biological effects on the species.
- Positive effects of removing the minimum size limit would result from reduced discards. This would be expected to reduce waste for this portion of the coastal migratory pelagic fishery, improving the perception of management success.

Mackerel Cobia Advisory Panel Comments

April 2021

- Dealers in Florida are concerned that smaller king mackerel are going to have a lower value.
    - The commercial sector is already allowed to possess undersized king and Spanish mackerel in quantities that do not exceed 5% by weight.
- In Florida, there are giant groups of undersized king mackerel. There may be a lot of pressure on those fish if the minimum size limit is decreased or removed. The current minimum size limit has been working just fine for the commercial sector.
- It is important to make sure that the smaller females are protected, as they are the future of the stock.
- In North Carolina, small king mackerel are not directly targeted but they are often caught during other activities, such as trolling for Spanish mackerel. Both mackerel species are fragile and can end up as dead discards.
    - Only a few small king mackerel are caught, but the AP would like to see more data on how lowering the recreational size limit may increase harvest.
- The Council may want to consider separating this action by sector to allow a different minimum size limit for commercial and recreational fishermen.

AP MOTION 2: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS THEIR PREFERRED FOR THE COMMERCIAL SECTOR, RECOMMEND SPLITTING THE ACTION BY SECTOR
APPROVED BY CONSENSUS

November 2020

- While fishermen are not currently keeping their bag limit, in the summer a lot of smaller king mackerel are released as dead discards. Decreasing the minimum size limit may increase recreational landings.
- Young/medium sized king mackerel are often more desirable. They are not targeted, but commonly caught when fishing for larger king mackerel or other species (especially Spanish mackerel).
- King mackerel can occasionally be fragile and released as dead discards.
    - This is especially common when king mackerel are caught incidentally when fishing for Spanish mackerel.
- A minimum size limit of 22-inches +/- an inch should be considered by the South Atlantic Council.
    - Based off the previous SEDAR assessment, 50% of females are mature around 22-inches.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 6. Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.

Alternative 1 (No Action). The minimum size limit for commercial harvest of Atlantic migratory group king mackerel is 24-inches fork length.

Alternative 2. Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel to 22-inches fork length.

Alternative 3. Reduce the minimum size limit for commercial harvest of Atlantic migratory group king mackerel to 20-inches fork length.

Alternative 4. Remove the minimum size limit for commercial harvest of Atlantic migratory group king mackerel.

Discussion:

- In recent years, Atlantic king mackerel total landings have been well below the total ACL, fishing mortality rates are well below target, and the recent stock assessment suggests that the total ACL can be increased.
    - The South Atlantic Council could consider regulatory changes directed towards increasing commercial and recreational harvest.
        - Commercial trip limits were increased via CMP Framework Amendment 6 and CMP Framework Amendment 8.

- The AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species.

Environmental Consequences

Biological Effects:

- Minimum size limits can cause increased regulatory discarding and, depending on depth of capture, may increase discard mortality. Currently, smaller Atlantic king mackerel that are caught under the current minimum size limit are often released as dead discards when targeting other species.
    - For the commercial sector, the majority of the discarded fish were about 29 inches fork length (FL) suggesting a larger percentage of legal sized fish are discarded.[1]

[1]Length data on harvested and discarded king mackerel from the commercial sector were collected to explore a decrease in the minimum size limit. Atlantic king mackerel commercial sector harvest data came from the Southeast Fisheries Science Center (SEFSC) Trip Intercept Program (TIP), and sector discard data came from the SEFSC commercial observer program. The commercial observer program places observers on commercial trips and the observers record the length of discarded Atlantic king mackerel. The commercial observer program had a large sample size of discarded king mackerel (n = 24,853 fish), however, the observer program records Atlantic king mackerel discard lengths in 30 cm size bins (e.g. 30 to 60 cm fork length, 60 to 90 cm FL). These large size bins were converted to inches and this resulted in discard length data size bins with large 12-inch interval gaps. Due to the range of the bins, it is it difficult to distinguish the exact Atlantic king mackerel lengths that were discarded.

- Negative biological impacts to the stock can be expected under **Alternatives 2** through **4**, when compared to **Alternative 1 (No Action)** since more fish can be landed under a reduced minimum size limit. However, in terms of the risk of overfishing, biological effects of **Alternatives 2** through **4** would be neutral compared to **Alternative 1 (No Action)** as reducing or removing the minimum size limit would have no effect on overall harvest, which is limited by the ACL, and AMs are in place to prevent overages.

Economic Effects:

- Reducing or removing the commercial minimum size limit for Atlantic king mackerel may increase harvest, which would provide positive direct economic effects for the commercial sector provided there are no long-term negative effects for the stock.
- There is a trade-off with reducing the minimum size limit in that an increase in the number of fish that can be kept may improve commercial trip profitability but may also increase the harvest rate and trigger AMs if landings reach the ACL sooner in the fishing year.

Social Effects:

- Reducing the minimum size limit (**Alternative 2** and **Alternative 3**) may result in positive social effects for Atlantic king mackerel fishermen by increasing the number of fish that can be retained, which may increase trip satisfaction. Removing the minimum size limit for Atlantic king mackerel (**Alternative 4**) would again be associated with the positive and negative biological effects on the species.
    - Positive effects of removing the minimum size limit would result from reduced discards. This would be expected to reduce waste for this portion of the coastal migratory pelagic fishery. However, smaller king mackerel may of lower value on the market which could reduce revenues received by commercial fishermen and dealers.

IPT Recommendations:

- If decreasing/removing the size limit, the Council may want to consider removing the current provision allowing commercial fishermen to possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

Mackerel Cobia Advisory Panel Comments

April 2021

- Dealers in Florida are concerned that smaller king mackerel are going to have a lower value.
    - The commercial sector is already allowed to possess undersized king and Spanish mackerel in quantities that do not exceed 5% by weight.
- In Florida, there are giant groups of undersized king mackerel. There may be a lot of pressure on those fish if the minimum size limit is decreased or removed. The current minimum size limit has been working just fine for the commercial sector.
- It is important to make sure that the smaller females are protected, as they are the future of the stock.

- In North Carolina, small king mackerel are not directly targeted but they are often caught during other activities, such as trolling for Spanish mackerel. Both mackerel species are fragile and can end up as dead discards.
    - Only a few small king mackerel are caught, but the AP would like to see more data on how lowering the recreational size limit may increase harvest.
- The Council may want to consider separating this action by sector to allow a different minimum size limit for commercial and recreational fishermen.

AP MOTION 2: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS THEIR PREFERRED FOR THE COMMERCIAL SECTOR, RECOMMEND SPLITTING THE ACTION BY SECTOR
APPROVED BY CONSENSUS

November 2020

- While fishermen are not currently keeping their bag limit, in the summer a lot of smaller king mackerel are released as dead discards. Decreasing the minimum size limit may increase recreational landings.
- Young/medium sized king mackerel are often more desirable. They are not targeted, but commonly caught when fishing for larger king mackerel or other species (especially Spanish mackerel).
- King mackerel can occasionally be fragile and released as dead discards.
    - This is especially common when king mackerel are caught incidentally when fishing for Spanish mackerel.
- A minimum size limit of 22-inches +/- an inch should be considered by the South Atlantic Council.
    - Based off the previous SEDAR assessment, 50% of females are mature around 22-inches.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY
SELECT PREFERRED ALTERNATIVE

DRAFT MOTION: SELECT ALTERNATIVE # AS PREFERRED UNDER ACTION 6 IN CMP AMENDMENT 34.

Action 7. Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.

Purpose of Action: included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to increase recreational harvest and address the increase in shark and barracuda depredation.

Alternative 1 (No Action). Cut-off (damaged) Atlantic migratory group king mackerel or Atlantic migratory group Spanish mackerel caught under the recreational bag limit may not be possessed.

Alternative 2. Cut-off (damaged) fish caught under the recreational bag limit, that comply with the minimum size limits, may be possessed, and offloaded ashore.

Sub-alternative 2a. Atlantic migratory group king mackerel

Sub-alternative 2b. Atlantic migratory group Spanish mackerel

Discussion:

- Commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the South Atlantic Council considered a similar provision for the recreational sector.
    - Cut/damaged fish would still be subject to established recreational bag limits.

Environmental Consequences

Biological Effects:

- Allowing possession of damaged Atlantic king mackerel or Atlantic Spanish mackerel under **Sub-alternatives 2a** and **2b**, respectively, could be expected to minimally increase recreational harvest, while reducing the number of discarded fish. However, since fish in such a state are expected to be dead discards, the biological effects to the stock from discards and fish removal are neutral.

Economic Effects:

- Allowing possession of damaged Atlantic king mackerel or Atlantic Spanish mackerel would increase harvest, which would provide positive direct economic effects for the recreational sector. Additionally, since fish in such a state do not survive release, there are no net effects for the stock. In general, an increase in overall harvest would economic benefits incurred from such harvest.

Social Effects:

- Allowing possession of damaged Atlantic king mackerel or Spanish mackerel would increase harvest and allow cut-fish not to be wasted which would provide positive social effects for the recreational sector.

- The commercial sector is already allowed to possess damaged king and Spanish mackerel and consistency in regulations between both sectors would be expected to reduce confusion among fishermen and aid in compliance.
- **Sub-alternative 2a** and **Sub-alternative 2b** directly addresses stakeholder concerns regarding damaged fish and may improve stakeholder perceptions of the management process.

Mackerel Cobia Advisory Panel Comments

April 2021

- This action just makes perfect sense. There is a big issue in North Carolina and Florida with sharks and barracuda. Fishermen regularly must throw back fish that meet minimum size limits because they've been damaged. This regulation should have been in place long ago.
- Some fishermen are already keeping damaged fish that meet minimum size limits, there is some confusion among law enforcement.
- Need to make it clear during public comment that this provision applies to Atlantic king and Spanish mackerel and not cobia.

AP MOTION 3: RECOMMEND THE COUNCIL SELECT ALTERNATIVES 2A AND 2B AS THEIR PREFERRED.
APPROVED BY CONSENSUS

November 2020

- Currently, commercial fishermen are allowed to keep cut/damaged fish that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, this provision should be considered for the recreational sector.
    - Recommendation to mirror the HMS regulations for shark mutilated fish.

Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY
SELECT PREFERRED ALTERNATIVE

DRAFT MOTION: SELECT ALTERNATIVE # AS PREFERRED UNDER ACTION 7 IN CMP AMENDMENT 34.

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS AMENDMENT 34 FOR PUBLIC HEARINGS.