

Coastal Migratory Pelagics Advisory Panel Summary
Gulf Council Office
Tampa, Florida
March 3-4, 2015

Members Present:

Martin Fisher, *Chair*
Tom Marvel, *Vice-chair*
Scott Hickman
Gary Jarvis
Mike Jennings
David Krebs
Edward Presley
Gene Proulx
Kelty Readenour
Ed Walker
Mike Whitfield
Robert Woithe
Bob Zales II

Council Staff

Ryan Rindone
Karen Hoak

Council Member

Pam Dana

NMFS-SERO Staff

Susan Gerhart

Others present

Bill Kelly
Richard Stiglitz

The Coastal Migratory Pelagics (CMP) Advisory Panel (AP) met on March 3-4, 2015 at the Gulf Council office in Tampa, Florida. The purpose of the meeting was to discuss scoping documents for CMP Amendments 26 and 28, an options paper for CMP Framework Amendment 3, and other business. The meeting began at approximately 8:45 am on March 3, 2015, and concluded at approximately 2:00 pm on March 4, 2015.

SEDAR 38

Staff presented the results of the SEDAR 38 stock assessment of Gulf migratory group king mackerel. The Southeast Fisheries Science Center conducted the stock assessment, using Stock Synthesis as the modeling platform. The assessment determined that Gulf migratory group king mackerel were neither overfished nor undergoing overfishing. A smaller winter mixing zone was identified south of the Florida Keys, further reducing uncertainty in the origin of landed fish between the Gulf and Atlantic migratory groups. Some AP members suggested that low recreational landings may be due to the two fish/person/day recreational bag limit in the Gulf. Additional comments also suggested that after regulations began becoming more stringent during peak periods of exploitation of king mackerel, fishing effort shifted more towards reef fish species, further depressing annual recreational landings. AP members questioned the drop in recruitment in the late 2000s. Staff replied that fluctuations in recruitment were natural, could be caused by a number of factors, and that the assessment did not identify a relationship between recruitment and stock size. Whether eastern and western Gulf stocks exist was debated, with AP members acknowledging the movement of king mackerel from west to east, with resident populations of fish persisting off Texas and Louisiana.

Motion: The CMP AP recommends that the Council set the ACL equal to the ABC for 2015 (9.62 million pounds), and that the SSC annually readdress the ABC every year thereafter.

Motion carried 11 to 2

Motion: The CMP AP recommends that the Council accept the king mackerel stock boundary as established in SEDAR 38:

“...to establish the management mixing zone in the area south of the Florida Keys and Dry Tortugas, demarcated in the west by a line west from Key West to the Dry Tortugas at 24°35' N. latitude, then south at 83° W from the Dry Tortugas (the Gulf of Mexico/South Atlantic Council boundary) to the shelf edge, and in the east from the Dade-Monroe county line to the shelf edge ...”

Motion carried unanimously

CMP Amendment 26 Scoping Document

Staff presented the scoping document for CMP Amendment 26, which is examining Gulf and South Atlantic annual catch limits (ACLs), king mackerel stock boundaries, bag limit sale provisions, winter mixing zone management, and sector-specific accountability measures. Intent for each of the proposed actions as per discussions by the Gulf and South Atlantic Councils was reviewed.

Mixing Zone Management

The AP discussed which Council should be responsible for managing the mixing zone. AP members thought that it was more likely that the king mackerel in the mixing zone would be from the Gulf migratory group, and that having homogenous regulations throughout the Keys would benefit fishermen. Staff noted that the current eastern Council boundary for Spanish mackerel was the Dade/Monroe County line, and the Florida/Georgia state line for cobia. Also, members of the commercial king mackerel gillnet fishery have expressed an interest in being managed by the Gulf Council, as opposed to the South Atlantic Council.

Motion: The CMP AP recommends that the Gulf Council manage the king mackerel fishery from the Dade/Monroe county line in the east to the Texas/Mexico border in the west.

Motion carried unanimously

Commercial King Mackerel Zone Allocations

Commercial zone allocations were reviewed, and staff created a table showing the resultant zone quotas in pounds for the status quo, equal, and proportional reallocation options presented in the scoping document. Reallocation of the commercial zones is necessary, as the SEDAR 38 stock assessment indicated that the current Florida East Coast Zone is part of the Atlantic migratory group- not the Gulf, as was previously thought. As such, the commercial zone allocations need to be rebalanced. AP members from the Gulf Northern Zone expressed a desire to have their zone quota increased, citing the combination of a low quota, traveling

fishermen, and prior to the passage of CMP Amendment 20B, an undesirable season opening date as reasons for little to no landings on most permits in that zone. AP members from the Gulf Western and Southern Zones likewise expressed a desire for additional quota. All AP members agreed that historical fishing participation needed to be acknowledged. After several failed and withdrawn motions considering various allocation options, the AP agreed to the following reallocation scenario for the commercial zones in the Gulf:

Motion: The CMP AP recommends that the Council adopt the following commercial zone allocations for the Gulf migratory group king mackerel fishery:

Western Zone 40%

Northern Zone 18%,

Southern Zone Handline 21%

Southern Zone Gillnet 21%

Motion carried 11 to 2

Reallocation between the Recreational and Commercial Sectors

The AP acknowledged that the commercial fleets had the capability and capacity to land the current commercial ACL, plus any proposed increase. Concurrently, there was no desire to see the recreational fishery in a position where it could exceed its ACL, as the present year-round nature of the recreational fishery was viewed as critical to maintaining access to recreational fishing opportunities. Inter-sector reallocation was viewed as an opportunity by AP members for the normally conflicting interests of the sectors to be put aside in favor of compromise. Options for shifting a portion of the recreational allocation to the commercial sector were debated, including single (10%), incremental (2% per year), and conditional (shift allocation to the commercial sector unless and until the recreational sector reaches 80% of its ACL) reallocation scenarios. AP members were concerned that the Marine Recreational Information Program (MRIP) recalibration of king mackerel landings would show higher recreational landings than past Marine Recreational Fisheries Statistics Survey (MRFSS) data, which could affect any reallocation decision. Also, the recent decrease in fuel prices was viewed as a potential indicator of increasing recreational effort in the short term.

Motion: The CMP AP recommends that the Council abstain from reallocating any king mackerel from the recreational sector to the commercial sector until such a time that additional options for utilizing excess quota are explored for the recreational sector.

Motion carried unanimously

Recreational Bag Limit for Gulf King Mackerel

An increased recreational bag limit of king mackerel to three fish/person/day was proffered as a way to encourage increased utilization of the recreational ACL. AP members thought that the initial decrease of the bag limit to two fish/person/day in the mid-1990s may have been partly to blame for the drop in recreational effort.

Motion: The CMP AP recommends that the Council increase the recreational bag limit for king mackerel from 2 fish/person/day to 3 fish/person/day.

Motion carried unanimously

Bag Limit Sale of King Mackerel for the Atlantic Small Coastal Shark Fishery

One proposed action in CMP Amendment 26 would permit the sale of bag limit caught king mackerel in the small coastal shark drift gillnet fishery in the South Atlantic. These king mackerel, caught in drift gillnets (an impermissible gear for landing commercial king mackerel), were sold prior to the implementation of CMP Amendment 20A (2014). Since 20A's implementation, these fish have been discarded with high discard mortality rates. AP members deferred much of the judgment on this issue to the South Atlantic; however, AP members did note that they thought that fish landed on a commercial trip ought to be able to be sold.

Motion: The CMP AP recommends that the small coastal shark gillnet fishery in the South Atlantic be allowed to harvest and sell the recreational bag limit so long as the vessel has a federal commercial king mackerel permit and the commercial king mackerel season is open.

Motion carried 10 to 2

King Mackerel Management for the Florida East Coast

The South Atlantic Council is interested in maintaining a Florida East Coast management zone for king mackerel, and has expressed concern that increasing commercial effort in that region may require additional management measures in the future. The CMP AP elected to defer any action on this potential management measure to the South Atlantic, so long as the South Atlantic was not responsible for managing king mackerel in Monroe County.

Sector-specific Accountability Measures for CMP Species

A Council member had requested that sector-specific accountability measures (AMs) be explored for CMP species. Staff reviewed existing sector-specific AMs in place for king mackerel, and noted that developing the same for Spanish mackerel and cobia would require establishing sector allocations for those species. The AP recommended no further action on sector-specific AMs for CMP species at this time.

CMP Amendment 28 Scoping Document

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

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

Motion: The CMP AP recommends splitting the current federal commercial king mackerel permit

into two separate permits for the Gulf and Atlantic.

Motion carried unanimously

Determination of Gulf Commercial King Mackerel Permit Eligibility

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

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

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

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

1. Fully transferable: Gulf permit holders will be issued a fully transferable king mackerel permit so long as they have met one of the following landings thresholds for king mackerel in the Gulf of Mexico.
 - a. 5,000 lbs of king mackerel in any one year between 1994-2009
 - b. 10,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - c. 20,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - d. Other
2. Non-transferable: any Gulf king mackerel permit holder who does not qualify for the fully transferable permit. The non-transferable Gulf permit would be specific to a single commercial gulf zone. The permit holder must meet the following criteria:
 - a. Commercial landings of any species in the Gulf of Mexico
 - b. That the hailing port listed for the Gulf of Mexico is on the current federal commercial king mackerel permit as of January 1, 2015
 - c. Develop an appeals process

Motion carried 12 to 1

The above motion was designed to allow all those commercial king mackerel fishermen currently fishing in the Gulf the opportunity to continue fishing there. The motion would also serve as the qualification criteria for determining which existing permit holders would receive one of the two types of Gulf permits following the splitting of the current commercial king mackerel fishing permit. The number of fully transferable permits is expected to be less than those which would be

non-transferable. Most fully transferable permits would be expected to be awarded to historical Gulf and traveling fishermen, while non-transferable permits would be more likely to be awarded to part-time and recent entrants into the fishery.

Splitting of Commercial Spanish Mackerel Permits

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

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

Motion carried unanimously

CMP Framework Amendment 3 Options Paper

AP members reviewed an options paper concerning trip limits, AMs, electronic reporting, and latent permits in the king mackerel gillnet component of the commercial sector. Proposed AMs are intended to accompany any approved increase in the trip limit. Modifications to electronic reporting are intended to expedite the flow of landings data to NMFS from the seafood dealers buying gillnet-caught king mackerel. Elimination of latent permits is being considered at the previous behest of the industry.

Commercial King Mackerel Gillnet Trip Limit

Two members of the public representing the gillnet component were present, and offered their (sometimes conflicting) respective viewpoints to AP members. Gillnet fishermen are concerned about the severity of the fines they receive when they exceed the current 25,000 lb trip limit. They claim this trip limit was arbitrarily established, and that the nature of gillnet fishing gear lends itself to landing more than the trip limit in many cases. The latter point is further exacerbated by the difficulty fishermen have in estimating the amount of king mackerel in their nets. Several fishermen in the gillnet fleet support a trip limit increase to 45,000 lbs, which they claim takes over 24 hours to process at the dock, thereby controlling the pace of landings. However, one of the gillnet fishermen present at the meeting indicated that it took only a couple hours to offload the current trip limit of 25,000 pounds, and did not agree that fishermen had difficulty estimating the amount of king mackerel in their nets.

AP members remarked that the combination of the limited number of gillnet endorsements (21) and a high quota for the gillnet component of the Gulf Southern Zone ACL (551,448 lbs in 2015) would make the commercial king mackerel gillnet component an ideal candidate for an individual fishing quota (IFQ) system. Gillnet fishermen replied that they had no interest in an IFQ system. Gillnet fishermen had remarked that they wanted the ability to land king mackerel on weekends. AP members asked if gillnet fishermen would accept putting vessel monitoring system (VMS) hardware on their vessels in exchange, and fishermen were firmly opposed. AP members thought that VMS would relieve a great deal of enforcement burden from NMFS, and would increase accountability in the gillnet component. The most important compliance issue identified was ensuring that all of the king mackerel landed in the gillnet fishery are counted.

Motion: The CMP AP recommends to the Council that the trip limit be increased from 25,000 lbs. to 35,000 lbs. for the commercial king mackerel gillnet fishery (*Action 1, Alternative 2, Option 2a*).
Motion carried 8 to 4

Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery

The AP discussed AMs to accompany the recommended increase in the king mackerel gillnet trip limit. AP members thought it redundant to have both buffers on the ACL and payback provisions. Opportunities to reduce unnecessary management were seen as a worthy objective by the AP.

Motion: The CMP AP recommends that the Council select Alternative 3, Options (a) and (e), as preferred for Action 2 in CMP Framework Amendment 3:

Alternative 3: Establish an annual catch target (ACT) for the Gulf of Mexico gillnet component of the commercial king mackerel fishery that is below the annual catch limit. The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

Option 3a: ACT is equal to 95% of the ACL

Option 3b: ACT is equal to 90% of the ACL

Option 3c: ACT is equal to 80% of the ACL

Option 3d: ACT is based on the Gulf of Mexico Fishery Management Council's ACL/ACT Control Rule

Option 3e: If the gillnet component of the commercial king mackerel fishery does not land its quota in a given year, then the amount of any landings under the quota will be added to the following year's quota, up to but not exceeding the annual catch limit.

Motion passed 11 to 1

Motion: The CMP AP recommends that the Council move Alternative 2 of Action 2 to the Considered but Rejected Appendix:

Alternative 2: Establish a payback provision for the gillnet component of the commercial king mackerel fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit is deducted from the following year's Southern Zone Gillnet ACL. The NMFS will monitor the landings and make any necessary adjustments to the subsequent year's Southern Zone Gillnet ACL. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Motion carried unanimously

Modifications to Electronic Reporting Requirements for Seafood Dealers

AP members heard from staff about the current status of electronic reporting by seafood dealers buying gillnet-caught king mackerel. Currently, dealers must file electronic reports daily; however, due to quality control systems in place for all reported landings, NMFS may not receive

the verified landings until up to 48 hours after the king mackerel have been offloaded from fishing vessels. An alternative system is needed to expedite landings reports, so that NMFS can react more quickly to the pace of landings to ensure the gillnet fleet does not exceed its quota.

Motion: The CMP AP recommends that the Council select Alternative 3 of Action 3 as preferred:

Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must report *daily via means determined by the National Marine Fisheries Service* (NMFS) during the open fishing season. Reporting frequency, methods, and deadlines may be modified upon notification by NMFS. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline. In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* from trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday.

Motion carried unanimously

Elimination of Latent Gillnet Endorsements

At a meeting in January 2015 in Key West with gillnet fishermen, Council members were told that the gillnet fleet wanted to reduce the number of latent gillnet endorsements. However, at the CMP AP meeting, members of the public representing the gillnet fishermen indicated they were no longer interested in eliminating any gillnet endorsements.

Motion: The CMP AP recommends moving Action 4 to the Considered but Rejected Appendix:

Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Endorsements

Alternative 1: No Action – Maintain all current requirements for renewing commercial king mackerel gillnet endorsements.

Alternative 2: Allow commercial king mackerel gillnet endorsements to be renewed only if *average landings* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Alternative 3: Allow commercial king mackerel gillnet endorsements to be renewed only if *landings for a single year* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Motion carried unanimously

Other Business

Recreational Bag Limit for Gulf Cobia

AP members expressed concern about the condition of the cobia fishery, especially in the western Gulf of Mexico. Fishermen report seeing fewer cobia than during years past and, in an effort to be proactive in the event the cobia fishery is in decline, put forth the following motion:

Motion: The CMP AP recommends that the federal possession limit for cobia be reduced from two fish to one fish per person in the Gulf of Mexico recreational fishery.

Motion carried 12 to 1

After this point in the meeting, several AP members were not able to continue participating, resulting in the loss of a quorum.

Consideration of an IFQ System for Commercial Hook-and-Line King Mackerel Fishermen

Several AP members endorsed the development of an IFQ system in the Gulf of Mexico for the commercial king mackerel fishery. These AP members think that while a permit split may solve many of the problems in the fishery, an IFQ system could solve more problems still. Some AP members were concerned about being regulated out of the fishery, to which others replied that achieving inclusiveness in an IFQ program would rely on the design of such a program.

Motion: The CMP AP recommends that the Council explore implementing an IFQ for the commercial hook and line Gulf group King Mackerel fishery

Motion carried 7 to 2

As no other business was brought before the AP, the meeting was adjourned.