

Modifications to Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements, and Elimination of Latent Gillnet Endorsements in the Gulf of Mexico



Options Paper Framework Amendment Three to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic

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Framework Amendment Three to Modify Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements; and Eliminate Latent Gillnet Endorsements in the Gulf of Mexico

Including Environmental Assessment, Regulatory Impact Review, and Regulatory Flexibility Act Analysis

Type of Action

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 Draft Final

Responsible Agencies:

National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
727-824-5305
727-824-5308 (fax)
<http://sero.nmfs.noaa.gov>
Contact: Susan Gerhart
susan.gerhart@noaa.gov

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607
813-348-1630
813-348-1711 (fax)
<http://www.gulfcouncil.org>
Contact: Ryan Rindone
ryan.rindone@gulfcouncil.org

ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measure
CFR	Code of Federal Regulations
CMP	coastal migratory pelagics
Council	Gulf of Mexico Fishery Management Council
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
ESA	Endangered Species Act
GMFMC	Gulf of Mexico Fishery Management Council
Gulf	Gulf of Mexico
HAPC	habitat area of particular concern
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Agency
NS	National Standard
OLE	NMFS Office for Law Enforcement
RA	Regional Administrator
SAFMC	South Atlantic Fishery Management Council
Secretary	Secretary of Commerce
SEFSC	NMFS Southeast Fishery Science Center
SERO	NMFS Southeast Regional Office
USCG	United States Coast Guard

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CHAPTER 1. INTRODUCTION

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 17 voting members, 11 of whom are appointed by the Secretary of Commerce, the National Marine Fisheries Service Regional Administrator, and 1 representative from each of the 5 Gulf states marine resource agencies
- Responsible for developing fishery management plans and amendments, and recommends actions to National Marine Fisheries Service for implementation

National Marine Fisheries Service

- Responsible for conservation and management of fish stocks
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

1.1 Background

Operators of federally permitted commercial fishing vessels harvesting species managed in the Fishery Management Plan for Coastal Migratory Pelagic (CMP) Resources in the Gulf of Mexico (Gulf) and Atlantic Region are governed by fishery specific regulations (50 CFR 622.369 et seq.).

Run-around gillnets are allowed for harvesting king mackerel in the Gulf only in the Gulf Southern Zone, which includes waters off Collier County, Florida, year-round, and off Monroe County, Florida, November 1- March 30. Currently, there are 21 vessels with valid or renewable gillnet endorsements to the commercial king mackerel fishing permit; four of these vessels have had no landings since 2001.

Changes to the Trip Limit

Representatives from the CMP fishery have requested raising the trip limit for the gillnet component of the fishery. The current trip limit is 25,000 lbs per vessel per day. Further conversations with several permit holders show that the desire to change the trip limit may not be universal among participants.

In most years, the fishing season has lasted for two weeks or less (Table 1.1.1). Assuming each vessel would harvest its capacity, the season could be shorter with a higher trip limit. Additionally, gillnet endorsements can be transferred to another vessel owned by the same entity

or to an immediate family member. Therefore, if the trip limit is removed or increased, permit holders could transfer their endorsement to a larger vessel, increasing the total landing capacity of the fleet.

If a vessel catches more than the trip limit in a net, only two options exist to keep from landing over the trip limit and incurring a fine. First, fishermen can release excess fish. Because of the nature of gillnet fishing, discard mortality is extremely high and most released fish would not survive. Second, fishermen can cut the net and leave the section with excess fish in the water. Another vessel can then retrieve the partial net if that vessel has not yet met its trip limit. This second choice is better for the resource as it eliminates waste, but obviously damages gear, which takes time and money to repair. As discarding a net at sea is prohibited, fishermen cannot employ this second option unless another vessel is nearby to pick up the surrendered portion of the net. Providing an alternative (or alternatives) to the aforementioned options helps address current gaps in management efficiency.

The weight of landings caught in a gillnet “strike” (*strike: a deployment of run-around gillnet fishing gear*) is more difficult to judge than other types of gear because of the high trip limit. For these reasons, vessel operators sometimes do not realize they have fish in excess of the trip limit until they land their catch.

The annual catch limit (ACL) may be easier to exceed with a higher trip limit. In 2014, 13 vessels reported landings on a single day, accounting for 45% of the ACL, although not all vessels landed the trip limit. If all vessels caught the current 25,000-lb trip limit and fished every day, the ACL would be met in less than two days. With an increased trip limit, vessels could leave port on the first day and the ACL could be reached before all vessels returned. However, in reality, few vessels catch the trip limit and fish every day.

Changes to Accountability Measures

The gillnet component of the fishery has an ACL separate from the hook-and-line component that is used as the Southern Zone gillnet quota (CMP Amendment 18). If the quota is reached or projected to be reached, NMFS publishes a notice prohibiting further harvest by the gillnet component of the fishery until the following year. Industry representatives have worked closely with NMFS over the last several years to track the landings on a daily basis and voluntarily cease fishing when the quota is expected to be met. However, in the past 10 years, landings have exceeded the ACL five times (**Table 1.1.1**). Under the National Standard 1 (NS1) guidelines, if a stock catch exceeds the ACL more than once in a four-year period, the system of ACLs and accountability measures (AMs) should be re-evaluated and modified, if necessary, to improve performance and effectiveness.

Table 1.1.1. Days and landings (pounds) of king mackerel by gillnet in the Southern Subzone.

Fishing Year	# of Days Open	Total Landings	Quota	Percent of Quota	Over/Under %
04/05	11	477,628	520,312	91.80	-8.20
05/06	51	680,869	520,312	130.86	30.86
06/07	10	510,691	520,312	98.15	-1.85
07/08	15	491,758	520,312	94.51	-5.49
08/09	10	613,860	520,312	117.98	17.98

09/10	5	878,821	520,312	168.90	68.90
10/11	15	613,039	520,312	117.82	17.82
11/12	4	555,691	520,312	106.80	6.80
12/13	No closure	454,521	607,614	74.80	-25.20
13/14	8	505,807	551,448	91.72	-8.28
14/15	32	532,614	551,448	96.58	-3.42

Note: The fishing season begins the day after the Dr. Martin Luther King, Jr. holiday.

Source: NMFS Quota Monitoring

The NS1 guidelines describe two types of AMs: in-season AMs that prevent overages during the current fishing season and post-season AMs to mitigate overages that may occur. The current in-season closure may not be sufficient to constrain catch within the ACL for this component of the fishery, and the accelerated pace of landings in the fishery make implementing in-season AMs difficult. An AM that could be used for the Southern Zone gillnet sector is an annual catch target (ACT). The in-season quota closure would be based on the ACT. The buffer between the ACL and the ACT would need to be set at a percentage that takes into account expected quota overages to reduce the probability that the ACL is exceeded. The average overage for the past 10 years is 9% over the gillnet ACL, with large variability (**Table 1.1.1**). The use of an ACT could also allow for rollover of an underage of the quota to the following year. The quota cannot be set higher than the acceptable biological catch (ABC) and currently the ACL is equal to the ABC. Therefore, an underage in one year cannot currently be carried over to the next year because that next year's quota would be the ACL plus the underage and exceed the ABC. If an ACT is set below the ACL, then an underage in one year could be carried over to the next year if the ACT plus the underage does not exceed the ABC.

A post-season accountability measure, such as a payback, may also be appropriate. In this case, in the year following an overage, the Gulf Southern Zone gillnet quota could be reduced by the amount of the overage by the gillnet component. A post-season payback provision could also be restrained to only apply if the ACL is exceeded by a certain percentage.

Changes to Electronic Reporting

The Generic Amendment for Modifications to Federally Permitted Seafood Dealer Permitting and Reporting Requirements to the Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions (Dealer Reporting Amendment; GMFMC and SAFMC 2014) was implemented through a final rule effective August 7, 2014. The rule created a single dealer permit and established weekly electronic reporting requirements. An exception was made for dealers buying king mackerel landed by the gillnet sector in the Gulf Southern Zone, who are required to submit forms daily by 6:00 a.m., local time.

The 2014/2015 fishing season was the first time daily electronic reporting was required for king mackerel gillnet dealers. Dealers were compliant; however, because of vessels landing after midnight and long offloading times, some landings were not reported before 6:00 a.m. Any landings submitted to the electronic monitoring system after 6:00 a.m. would not be processed for up to 24 hours. Also, quality control measures require time before electronic monitoring data can be passed to managers. The result was that some landings did not reach managers until nearly two days after they were harvested. To compensate, dealers buying king mackerel caught by gillnets voluntarily cooperated with NMFS by providing landings to managers directly, as

quickly as possible after offloading. Dealers also continued to report through the electronic monitoring system. This concurrent monitoring was effective in keeping managers informed and allowing the closure to be implemented in a timely manner. The Councils are considering increased flexibility in reporting king mackerel landed with gillnets.

Changes to Permit Requirements

King mackerel vessels with gillnet endorsements cannot harvest king mackerel with gear other than a run-around gillnet. Therefore, outside of the open gillnet fishing season, those vessels may not fish for king mackerel. The Gulf Council set this restriction so that vessels fishing with different gear would have separate quotas, and to limit fishermen from participating in multiple harvesting methods for the same fishery. Industry representatives have suggested removing latent gillnet endorsements. The Councils considered this in CMP Amendment 20A and decided they did not want to revoke any permits; however, the Council may reconsider this decision. Fishermen have indicated concern about the possibility of other fishermen with latent permits re-entering the fishery, thereby potentially reducing the average portion of the current Gulf Southern Zone gillnet ACL available per vessel.

1.2 Purpose and Need

The purpose of this proposed action is to modify trip limits, accountability measures, electronic reporting requirements, and gillnet endorsements for commercial king mackerel landed by gillnet in the Gulf of Mexico. The need for this proposed action is to increase efficiency, stability, and accountability, and reduce potential regulatory discards in the commercial king mackerel gillnet component of the fishery.

1.3 History of Management

The CMP FMP, with Environmental Impact Statement (EIS), was approved in 1982 and implemented by regulations effective in February 1983 (GMFMC and SAFMC 1982). The management unit includes king mackerel, Spanish mackerel, and cobia. The FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf. The FMP established allocations for the recreational and commercial sectors harvesting these stocks, and the commercial allocations were divided between net and hook-and-line fishermen. The following is a list of management changes relevant to this amendment. A full history of CMP management can be found in [Amendment 18](#) (GMFMC and SAFMC 2011), and is incorporated here by reference.

Amendment 1, with EIS, implemented in September 1985, recognized separate Atlantic and Gulf migratory groups of king mackerel. The Gulf commercial allocation for king mackerel was divided into Eastern and Western Zones for the purpose of regional allocation, with 69% of the allocation provided to the Eastern Zone and 31% to the Western Zone.

Amendment 2, with environmental assessment (EA), implemented in July 1987, established allocations of total allowable catch (TAC) for the commercial and recreational sectors, and set commercial quotas and recreational bag limits.

Amendment 5, with EA, implemented in August 1990, specified that Gulf migratory group king mackerel may be taken only by hook-and-line and run-around gillnets.

Amendment 7, with EA, implemented in September 1994, equally divided the Gulf commercial allocation in the Eastern Zone at the Dade-Monroe County line in Florida. The sub-allocation for the area from Monroe County through Western Florida is equally divided between commercial hook-and-line and net gear users, and gillnet endorsements were established.

1994 Regulatory Amendment, with EA, implemented in November 1994, proposed a 25,000-lb trip limit for the gillnet fishery until 90% of their allocation was taken, then 15,000 lbs per trip. NMFS rejected the step down and commercial gillnet boats were limited to 25,000 lbs per trip.

Amendment 8, with EA, implemented in March 1998, clarified ambiguity about allowable gear specifications for the Gulf migratory group king mackerel fishery by allowing only hook-and-line and run-around gillnets.

Amendment 9, with EA, implemented in April 2000, established a moratorium on the issuance of commercial king mackerel gillnet endorsements.

Amendment 18, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf migratory group of king mackerel, including separate ACLs for the commercial hook and line and gillnet components.

Amendment 20B, with EA, implemented March 1, 2015, established transit provisions through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit

Alternative 1: No Action – Do not modify the commercial king mackerel gillnet trip limit of 25,000 pounds per day.

Alternative 2: Modify the commercial king mackerel gillnet daily trip limit:

Option 2a: Increase the trip limit to 35,000 pounds (**Gulf CMP AP Preferred**)

Option 2b: Increase the trip limit to 45,000 pounds

Option 2c: Remove the trip limit for the commercial king mackerel gillnet component of the fishery

Alternative 3: Establish a buffer to the trip limit to account for landings uncertainty. This buffer can be in addition to the trip limit. Fishermen may profit from the sale of all king mackerel landed up to the trip limit, but will not be considered to have exceeded the trip limit unless the selected buffer has also been exceeded. Fishermen may not profit from the sale of any fish in excess of the trip limit. All king mackerel landed by vessels with gillnet endorsements, regardless of whether the trip limit has been exceeded, will count against that year's Gulf Southern Zone gillnet quota.

Option 3a: Establish a 5% buffer

Option 3b: Establish a 10% buffer

Option 3c: Establish a 20% buffer

Note: *The Gulf Council's CMP Advisory Panel (AP) recommended moving Alternative 3 of Action 1 to Considered but Rejected.*

Discussion

The current trip limit for king mackerel gillnet is 25,000 lbs. Fishermen have voiced concern that estimating the landings in a gillnet is difficult because of the large volume, increasing the probability of exceeding the current trip limit and incurring a fine. Fishermen argue that increasing the trip limit will reduce their risk of landing more than the trip limit in a single gillnet set. Presently, if fishermen think they have more fish in their gillnet than the trip limit allows, they must cut their net and float it to another boat. King mackerel landed in gillnets experience very high discard mortality, making releasing fish in excess of the trip limit wasteful and impractical. Additionally, discarding the net (or a piece thereof) at sea, regardless of whether fish are present in the net, is prohibited.

Any increase in the current trip limit would generally be expected to result in the Gulf Southern Zone gillnet quota being landed more quickly than the status quo. The days fished for the king mackerel gillnet component of the fishery for 2007-2015 are shown in Table 2.1.1. Determining changes in season length which could result from an increase in the trip limit is difficult for

several reasons. The two largest factors influencing whether the gillnet fleet goes fishing are the market price for king mackerel and weather. Fishermen will often abstain from fishing until the price for king mackerel reaches a desirable level, which is often influenced by whether the hook-and-line component is still open. Weather plays an important factor for two reasons: the gillnet vessels usually must travel far offshore to find the fish, and spotter planes are necessary to coordinate gillnet strikes. Foul weather can create hazardous conditions for both vessel captains and pilots. Other factors that may influence the number of days fished include gear maintenance and repair, and participation in other fisheries occurring during the gillnet season.

Table 2.1.1. Season lengths for the gillnet component of the commercial king mackerel fishery for 2007-2014. Season lengths are represented as the total number of days fished by the gillnet fleet. The year represents the calendar year in which fishing occurred. See table 1.1.1 for the number of days that the fishing season remained open (this does not mean fishing occurred).

Year	Days Fished
2007	7
2008	6
2009	3
2010	5
2011	3
2012	3
2013	6
2014	4
2015	5

Source: NMFS Quota Monitoring

Alternative 1 would retain the current trip limit of 25,000 lbs per vessel, per day. Fishermen have voiced that the current trip limit increases their probability of being fined, as they claim it is very common to land more than 25,000 lbs of king mackerel in a single gillnet strike. Because the size of a school of king mackerel can be difficult to estimate precisely, fishermen claim that it is very difficult to know how many fish are in the net until after the net is closed and the retrieval process begins.

Alternative 2 would modify the commercial king mackerel trip limit from its current level to some higher level. **Option 2a (Gulf CMP AP Preferred)** would increase the trip limit to 35,000 lbs whole weight, **Option 2b** would increase the trip limit to 45,000 lbs whole weight, and **Option 2c** would eliminate the gillnet trip limit for commercial king mackerel fishermen. Increases in the trip limit are not expected to have measurable negative biological impacts, so long as the quota for the Gulf Southern Zone gillnet ACL for king mackerel is not exceeded. Fishermen claim that better than 90% of gillnet strikes yield less than 45,000 lbs of fish; however, it is possible to land more than 45,000 lbs with the current allowable gear. Removing the current trip limit would eliminate the fines for exceeding the trip limit- a main grievance of the industry. However, with no trip limit in place, NMFS will have no mechanism to judge the pace of landings to close the gillnet component of the fishery before its ACL is exceeded.

Alternative 3 would establish a buffer to the trip limit to account for landings uncertainty. Fishermen will not be considered to have exceeded the trip limit unless the selected buffer has also been exceeded. Such a buffer would allow fishermen to land king mackerel above the trip limit without being in violation of the regulations unless the selected buffer is also exceeded. Fishermen would be permitted to receive revenue for the king mackerel landed up to the trip limit, but not for king mackerel over the trip limit but under the buffer. For example, if the trip limit is 25,000 pounds with a 10% buffer, and a fisherman lands 26,000 lbs of king mackerel, then the fisherman can only sell the first 25,000 lbs. The revenue from the sale of the remaining 1,000 lbs, which fell under the buffer, would be rendered to the general treasury. Options for a buffer to the gillnet trip limit include 5% of the trip limit (**Option 3a**), 10% of the trip limit (**Option 3b**), and 20% of the trip limit (**Option 3c**). All king mackerel landed by the gillnet component of the fishery, regardless of whether the trip limit has been exceeded, will count against the Gulf Southern Zone Gillnet ACL.

2.2 Action 2: Modify Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery

Alternative 1: No Action – Do not modify accountability measures for the gillnet component of the commercial king mackerel fishery.

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.

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 (**Gulf CMP AP Preferred**)

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. (**Gulf CMP AP Preferred**)

Alternative 4: If the Southern Zone gillnet ACL is exceeded in a year, NMFS would reduce the Southern Zone gillnet ACL in the following year by the amount of the overage. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Option a. Payback regardless of stock status

Option b. Payback only if the Gulf king mackerel stock is overfished

Note: *Currently, the ACL = ABC in the Gulf of Mexico king mackerel fishery. Establishing an ACT in Alternative 3 provides a buffer between the quota and the ACL/ABC, making Alternative 5 a possibility. Alternative 5 is not feasible without Alternative 3 or 4.*

Note: *The Gulf CMP AP recommended moving Alternative 2 of Action 2 to the Considered but Rejected Appendix.*

Discussion

Fishermen in the gillnet component of the commercial king mackerel fishery have requested more stringent accountability measures (AMs) to go along with any potential increase in the gillnet trip limit. Currently, if the quota for a zone, subzone, or gear is reached or projected to be reached within a fishing year, the NMFS closes that zone, subzone, or gear for the remainder of

the fishing year. **Alternative 1** would maintain this current regulatory structure for AMs for the gillnet component of the commercial king mackerel fishery.

Alternative 2 would establish a payback provision for the king mackerel gillnet component of the fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit would be deducted from the following year's Gulf Southern Zone Gillnet ACL. The ACT (if established) would also be reduced by the amount needed to maintain the percent buffer previously established between the ACL and the ACT. Without this adjustment to the ACT, the buffer between the ACL and ACT would be reduced, which would increase the likelihood of exceeding the reduced ACL. The National Marine Fisheries Service would be responsible for monitoring the landings and making the necessary adjustments for the sum of all overages of the trip limit to the subsequent year's Gulf Southern Zone Gillnet ACL and ACT. Overages would be calculated as the total number of pounds landed over the trip limit, including the trip limit buffer (if established).

In effect, implementation of **Alternative 2** would result in both in-season *and* post-season quota implications, as overruns of the trip limit by individual vessels would still count against that year's quota. Payback provisions are thought to help fish stocks recover in following years from overexploitation in previous years; however, a payback based on overages by individual vessels is unusual. Fishermen who stay below the trip limit may perceive it as unfair to have to fish under a lower quota because of other fishermen's actions. An ACL or ACT reduction resulting from a payback as described in **Alternative 2** would only remain in effect for one year.

Alternative 3 would establish an annual catch target (ACT) for the king mackerel gillnet component of the fishery which provides a buffer below the ACL. The king mackerel gillnet component of the fishery would be closed when the ACT is met or projected to be met. Presently, there is no ACT in place for any gear or zone in the Gulf commercial king mackerel component of the fishery. Establishing an ACT in effect establishes a buffer under the ACL, reducing the likelihood of AMs being triggered. An ACT requires fishermen to potentially forgo catch (in the amount of the buffer) each year.

The ACT could be set at a level equal to 95% of the ACL (**Option 3a, (Gulf CMP AP Preferred)**), 90% of the ACL (**Option 3b**), or 80% of the ACL (**Option 3c**). **Option 3d** would establish an ACT for the gillnet component of the commercial king mackerel fishery based on the Gulf Council's ACT Control Rule. Based on the yield projections from the most recent stock assessment for Gulf migratory group king mackerel, and landings in the Gulf between 2009-2013, the Gulf Council's ACL/ACT Control Rule recommends a 5% buffer between the ACL and the ACT for the gillnet component of the commercial king mackerel fishery. The 5% buffer resulting from the application of the Gulf Council's ACT Control Rule is the same as **Alternative 3, Option 3a** with one key exception. Any ACT established using the Gulf Council's ACT Control Rule accounts for uncertainty, which may change with time. A subsequent stock assessment may recommend projected fishery yields which account for more uncertainty than before, which could impact subsequent applications of the Gulf Council's ACT Control Rule. The defined reduction in **Alternative 3, Option 3a** would be fixed, and would not vary based on changes in uncertainty.

Table 2.2.1 shows the effect of implementing an ACT for the gillnet component of the commercial king mackerel fishery. The 2014-2015 quota has been used to demonstrate these possible changes for Alternatives 3 and 4. The ACL and resultant ACT are represented in pounds whole weight.

Table 2.2.1. Comparison of resultant ACTs (pounds) from **Alternative 3**.

Method	2014/15 ACL	ACT	% Reduction from ACL
Alt 3, Opt 3a	551,448	523,876	5%
Alt 3, Opt 3b	551,448	496,303	10%
Alt 3, Opt 3c	551,448	441,158	20%
Alt 4	551,448	523,876	5%

Option 3e (Gulf CMP AP Preferred) of **Alternative 3** stipulates that 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 ACL. This reverse payback would work in tandem with, and is not possible without, one of **Options 3a-d**. **Option 3e** would allow fishermen the opportunity to catch some of the fish not caught during the previous year in the following year, thereby creating the opportunity to harvest the optimum yield from the fishery.

Alternative 4 would reduce the ACL in a year by the amount of the overage in the previous year. The ACT (if established) would also be reduced by the amount needed to maintain the percent buffer previously established between the ACL and the ACT. Without this adjustment to the ACT, the buffer between the ACL and ACT would be reduced, which would increase the likelihood of exceeding the reduced ACL. Overages would be calculated as the total number of pounds landed over the trip limit, including the trip limit buffer (if established).

The ACL and ACT reduction would only remain in effect for one year, provided the ACL is not exceeded a second time in the following year. If the ACL is not exceeded for a second time, then in subsequent years the ACL and ACT would return to the original levels. However, if the ACL is exceeded in the following year, then the ACL and ACT will be further adjusted in accordance with the alternative. Under the National Standard 1 guidelines, if catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be re-evaluated, and modified if necessary, to improve its performance and effectiveness.

2.3 Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Southern Zone

Alternative 1: No Action – Do not modify electronic reporting requirements for commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms daily to the electronic reporting system supported by the Southeast Fisheries Science Center by 6:00 a.m. local time. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

Alternative 2: 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 submit forms *weekly* for 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. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

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. **(Gulf CMP AP Preferred)**

Discussion

Gillnet vessels have a large trip limit (see Action 1), which could allow the current ACL (quota) to be harvested within two days if all boats fished and caught the limit. Since the 2006/2007 fishing season, the number of fishing days has ranged 3-8 days (**Table 2.3.1**). From the 2011/2012 fishing season through the 2013/2014 fishing season, dealers reported king mackerel gillnet landings to NMFS port agents each day after vessels offloaded in the early morning. The port agents would share the compiled landings data with managers responsible for monitoring quotas within 24 hours of the time that the fish were harvested. This timely reporting allowed the king mackerel gillnet component to be closed quickly and helped maintain harvest near the quota. Fishermen holding gillnet endorsements aided this effort by cooperatively monitoring landings and voluntarily ceasing fishing when landings reached the quota.

The Generic Amendment for Modifications to Federally Permitted Seafood Dealer Permitting and Reporting Requirements to the Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions (Dealer Reporting Amendment; GMFMC and SAFMC 2014) was implemented through a final rule effective August 7, 2014. The rule created a single dealer permit for all

species managed by the Gulf and South Atlantic Councils and established weekly electronic reporting requirements for dealers receiving those species. An exception was made for dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone, who are required to submit forms daily by 6:00 a.m., local time.

The 2014/2015 fishing season was the first time daily electronic reporting was required for king mackerel gillnet dealers. Dealers were compliant in reporting landings offloaded by midnight the previous day; however, because of vessels landing after midnight and long offloading times, some landings were not reported before 6:00 a.m. Any landings submitted to the electronic monitoring system after 6:00 a.m. would not be processed until the following day at 6:00 a.m. Further, the electronic monitoring system involves processing and quality control time before the data could be passed to managers. The result of these situations was that some landings did not reach managers until nearly two days after they were harvested.

To compensate for the slower landings reports, during the 2014/2015 fishing season, dealers buying king mackerel caught by gillnets voluntarily cooperated with NMFS by providing landings to managers directly, as quickly as possible after offloading. Dealers also continued to report through the electronic monitoring system. This concurrent monitoring was effective in keeping managers informed as to when landings were nearing the quota and implementing the closure in a timely manner.

Table 2.3.1. Days, vessels, and percent of quota for king mackerel by season of gillnet fishing in the Southern Subzone.

Fishing Season	# Days Open	# Days Fished	# of Vessels	Percent of Quota
06/07	10	7	14	98.15
07/08	15	6	16	94.51
08/09	10	3	16	117.98
09/10	5	5	17	168.90
10/11	15	3	15	117.82
11/12	4	3	14	106.80
12/13	No closure	8	15	74.80
13/14	8	3	15	91.72
14/15	32	5	14	96.58

Note: The fishing season begins the day after the Dr. Martin Luther King, Jr. holiday.

Source: NMFS Quota Monitoring.

Alternative 1 would maintain the current requirement for daily reporting of gillnet-caught king mackerel through the electronic monitoring system. Although this system supplies landings data to managers more quickly than the weekly reporting required for other species, it is still slower than other methods of reporting that could be used. In addition, NMFS has no legal authority to require dealers to report directly to managers, as was done voluntarily in the 2014/2015 fishing season.

Alternative 2 would remove the requirement for daily reporting and require the same weekly reporting as for other species in the Gulf and South Atlantic. Although this would ease the

reporting burden for those dealers that receive king mackerel caught by gillnets, it would make effectively monitoring the Southern Zone gillnet quota difficult. Currently the fishermen cooperate and voluntarily stop fishing when they reach the quota; however, NMFS cannot rely solely on this voluntary reporting to constrain harvest to the ACL.

Alternative 3 would remove the daily reporting requirement to the electronic monitoring system, but continue to require daily reporting by some other means as developed by NMFS. This could involve reverting to the port agent reports or some more direct method of reporting to managers. NMFS would work with dealers to establish a system that will minimize the burden to the dealers as well as the time for landings to reach managers. Dealers would still be required to report king mackerel gillnet landings through the electronic monitoring system weekly, when they report other species. The weekly reporting would ensure the king mackerel reports are included in the Commercial Landings Monitoring database maintained by the SEFSC.

2.4 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.

IPT Note: *The Council should choose a qualifying threshold based on Table 2.4.1.*

IPT Note: *The time period can be changed; however, the numbers in Table 2.4.1 would not change.*

Note: *The Gulf CMP AP recommended moving Action 4 to the Considered but Rejected Appendix.*

Discussion

Both a commercial king mackerel permit and a king mackerel gillnet endorsement are required to use run-around gillnets in the Gulf Southern Zone. Gillnet endorsements can only be transferred to another vessel owned by the same entity or to an immediate family member. Consequently, the number of gillnet endorsements has decreased over time and now stands at 21 valid or renewable permits. Some of these vessels holding gillnet endorsements have not had landings in recent years, if ever.

Alternative 1 would allow endorsement holders who have not been fishing for king mackerel to begin fishing with gillnets. It is unclear if any of those fishermen intend to re-enter the fishery, but their practice of renewing the endorsement each year indicates they anticipate doing so at some point in the future. Some regular king mackerel fishermen are concerned that permit holders who have not been fishing regularly or have been fishing at low levels may begin participating more fully. More vessels fishing under the same quota could mean lower catches for each vessel. Elimination of latent king mackerel gillnet endorsements would protect the interests of the current participants.

Alternative 2 would base the status of an endorsement on the average landings over a set time period. Average landings take into account the sustained participation of endorsement holders through the years. **Table 2.4.1** has estimates of the number of permits that would or would not meet various potential landings thresholds. In general, the higher the average pounds necessary to qualify, the more gillnet endorsements that would be designated as inactive and eliminated.

Alternative 3 would base the status of an endorsement on landings meeting the threshold in only one of the years in the time period. Due to the short nature of the gillnet season, a vessel may miss the short window in which to participate in the fishery for a variety of reasons, including family illness, mechanical trouble, financial trouble, and others. These extraneous factors, and not an unwillingness to participate in the fishery, could cause some gillnet endorsements to not meet average landings criteria for determining if an endorsement is valid to be renewed. **Table 2.4.1** has estimates of the number of permits that would or would not meet the potential landings thresholds for any one year in the time period.

Table 2.4.1. Estimated number of gillnet endorsements not qualifying under various potential landings thresholds for **Alternatives 2** and **3**. Gillnet endorsements are those valid or renewable as of February 20, 2015. The actual number and percentage of gillnet endorsements that would be affected would depend on the number of valid and renewable gillnet endorsements on the effective date of the rule.

Landings Threshold (lbs)	Number of Endorsements Eliminated	
	Alternative 2 average landings 2006-2015	Alternative 3 landings in any one year 2006-2015
1	4	4
10,000	4	4
25,000	8	5
50,000	11	11
75,000	17	17
100,000	19	21

Source: SEFSC logbooks and SERO Permits database.

Appeals

If **Alternative 2** or **3** is chosen to eliminate gillnet endorsements, an appeals process would be established consistent with a process previously approved by the Councils. The appeals process provides a procedure for resolving disputes regarding eligibility to retain king mackerel gillnet endorsements.

In the past, the Councils have implemented regulatory actions in a number of fisheries that have included an appeals process for eligibility determinations, e.g., Amendment 29 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico and Amendment 18A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. In each of these instances, the Councils have utilized a virtually identical process. Because the process has been consistent and has worked well in different circumstances, the Gulf Council determined, without excessive consideration of other options for appeals, that the same process should be used when it established Gulf reef fish longline endorsements. Similarly, the process described in this section mirrors previously approved appeals processes.

Items subject to appeal are the accuracy of the amount of king mackerel landings and the correct assignment of landings to the gillnet endorsements owner. Appeals must contain documentation supporting the basis for the appeal and must be submitted to the Southeast Regional Administrator (RA) postmarked no later than 90 days after the effective date of the final rule that would implement this Framework Amendment. Appeals based on hardship factors will not be considered. The RA will review, evaluate, and render final decision on appeals. The RA will determine the outcome of appeals based on NMFS logbooks. Appellants must submit logbooks to support their appeal. Landings data for appeals would be based on logbooks submitted to and received by the Southeast Fisheries Science Center by a date to be determined, for the years chosen in the preferred alternative. If logbooks are not available, the RA may use state landings records. In addition, NMFS' records of king mackerel gillnet endorsements constitute the sole basis for determining ownership of such gillnet endorsements.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Physical Environment

The Gulf has a total area of approximately 600,000 square miles (1.5 million km²), including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel (Figure 3.1.1). Oceanographic conditions are affected by the Loop Current, discharge of freshwater into the northern Gulf, and a semi-permanent, anti-cyclonic gyre in the western Gulf. The Gulf includes both temperate and tropical waters (McEachran and Fechhelm 2005). Mean annual sea surface temperatures ranged from 73 through 83° F (23-28° C) including bays and bayous (Figure 3.1.1) between 1982 and 2009, according to satellite-derived measurements (NODC 2012: <http://accession.nodc.noaa.gov/0072888>). In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

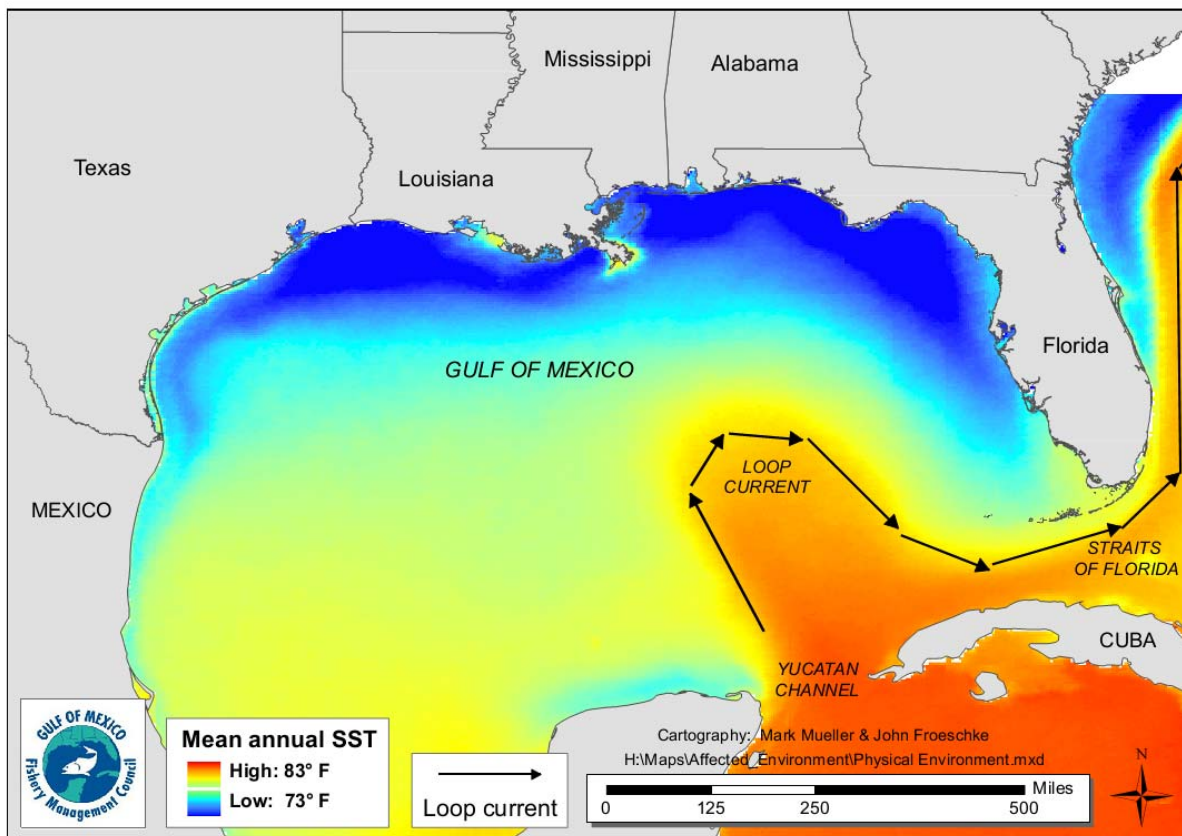


Figure 3.1.1. Mean annual sea surface temperature derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://pathfinder.nodc.noaa.gov>).

The physical environment is detailed in the Environmental Impact Statement for the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a) and the Generic ACL/AM Amendment (GMFMC 2011) which are hereby incorporated by reference.

Habitat Areas of Particular Concern (HAPC)

Generic Amendment 3 (GMFMC 2005) for addressing EFH, HAPC, and adverse effects of fishing in the following fishery management plans of the Gulf Reef Fish Resources, Red Drum, and Coastal Migratory Pelagics is hereby incorporated by reference.

Environmental Sites of Special Interest Relevant to Coastal Migratory Pelagic Species (Figure 3.1.2)

Madison-Swanson and Steamboat Lumps Marine Reserves - No-take marine reserves (total area is 219 nm² or 405 km²) sited based on gag spawning aggregation areas where all fishing is prohibited except surface trolling from May through October (GMFMC 1999; 2003).

Tortugas North and South Marine Reserves – No-take marine reserves (185 nm²) cooperatively implemented by the state of Florida, National Ocean Service, the Gulf of Mexico Fishery Management Council (Council), and the National Park Service in Generic Amendment 2 Establishing the Tortugas Marine Reserves (GMFMC 2001).

Reef and bank areas designated as Habitat Areas of Particular Concern (HAPCs) in the northwestern Gulf include – East and West Flower Garden Banks, Stetson Bank, Sonnier Bank, MacNeil Bank, 29 Fathom, Rankin Bright Bank, Geyer Bank, McGrail Bank, Bouma Bank, Rezak Sidner Bank, Alderice Bank, and Jakkula Bank – pristine coral areas protected by preventing the use of some fishing gear that interacts with the bottom and prohibited use of anchors (totaling 263.2 nm² or 487.4 km²). Subsequently, three of these areas were established as marine sanctuaries (i.e., East and West Flower Garden Banks and Stetson Bank). Bottom anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots on coral reefs are prohibited in the East and West Flower Garden Banks, McGrail Bank, and on significant coral resources on Stetson Bank (GMFMC 2005). A weak link in the tickler chain of bottom trawls on all habitats throughout the EEZ is required. A weak link is defined as a length or section of the tickler chain that has a breaking strength less than the chain itself and is easily seen as such when visually inspected. An education program for the protection of coral reefs when using various fishing gears in coral reef areas for recreational and commercial fishermen was also developed.

Florida Middle Grounds HAPC - Pristine soft coral area (348 nm² or 644.5 km²) that is protected by prohibiting the following gear types: bottom longlines, trawls, dredges, pots and traps (GMFMC and SAFMC 1982).

Pulley Ridge HAPC - A portion of the HAPC (2,300 nm² or 4,259 km²) where deepwater hermatypic coral reefs are found is closed to anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots (GMFMC 2005).

Alabama Special Management Zone – For vessels operating as a charter vessel or headboat, fishing is limited to hook-and-line gear with no more than three hooks. Nonconforming gear is restricted to recreational bag limits (GMFMC 1993).

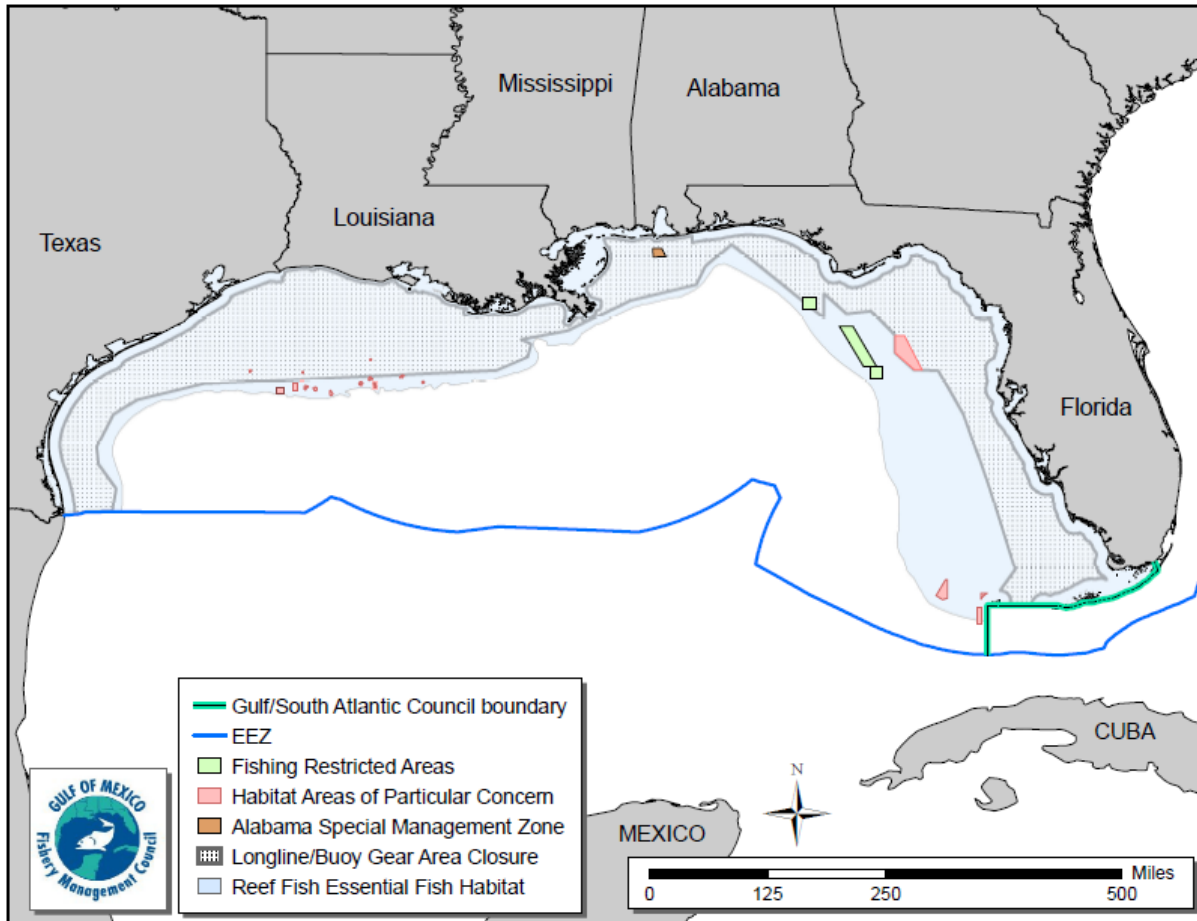


Figure 3.1.2. Map of most fishery management closed areas in the Gulf.

3.1.1 Deepwater Horizon

The Deepwater Horizon MC252 oil spill in 2010 affected at least one-third of the Gulf of Mexico area from western Louisiana east to the panhandle of Florida and south to the Campeche Bank in Mexico. The impacts of the Deepwater Horizon MC252 oil spill on the physical environment are expected to be significant and may be long-term. Oil was dispersed on the surface, and because of the heavy use of dispersants (both at the surface and at the wellhead), oil was also documented as being suspended within the water column, some even deeper than the location of the broken well head. Floating and suspended oil washed onto shore in several areas of the Gulf of Mexico as were non-floating tar balls. Whereas suspended and floating oil degrades over time, tar balls are persistent in the environment and can be transported hundreds of miles.

Surface or submerged oil during the Deepwater Horizon MC252 event could have restricted the normal processes of atmospheric oxygen mixing into and replenishing oxygen concentrations in the water column, thus affecting the long-standing hypoxic zone located west of the Mississippi River on the Louisiana continental shelf. In addition, microbes in the water that break down oil and dispersant also consume oxygen, which could lead to further oxygen depletion. Zooplankton

that feed on algae could also be negatively impacted, thus allowing more of the hypoxia-fueling algae to grow.

If eggs and larvae were affected, impacts on harvestable-size CMP fish will begin to be seen when the 2010 year class becomes large enough to enter the fishery and be retained. King mackerel mature at age 3-4; therefore, a year class failure in 2010 could be observed as early as 2013 or 2014. The impacts would be realized as reduced fishing success and reduced spawning potential. Since these data were not available or did not exist in time for inclusion in SEDAR 38, any new data generated since the completion of SEDAR 38 would need to be taken into consideration in the next SEDAR assessment update of king mackerel.

Indirect and inter-related effects of the actions in this framework amendment, especially in concert with the Deepwater Horizon MC252 oil spill on the biological and ecological environment are not well understood. Changes in the population size structure as a result of shifting fishing effort to specific geographic segments of the CMP populations, combined with any anthropogenically induced natural mortality that may occur from the impacts of the oil spill, could lead to changes in the distribution and abundance of king mackerel throughout the Gulf. The impacts on the food web from phytoplankton, to zooplankton, to baitfish, to top predators are unknown and may lead to negative impacts in the future. Impacts to CMP species from the oil spill will similarly impact other species that may be preyed upon by king mackerel, or might benefit from a reduced stock.

3.2 Description of the Biological Environment (To be completed)

Protected Species

All sea turtle species occurring in the Atlantic Ocean are listed as either endangered or threatened under the Endangered Species Act (ESA). The alternatives discussed in this framework amendment may potentially affect five sea turtle species: the endangered leatherback, the endangered hawksbill, the endangered Kemp's ridley, the Northwest Atlantic distinct population segment (DPS) of the threatened loggerhead, and the threatened green, except for breeding populations of green turtles in Florida, which are listed as endangered.

The threatened Gulf sturgeon, the endangered shortnose sturgeon, the South Atlantic and Carolina DPS of the threatened Atlantic sturgeon, and the endangered smalltooth sawfish, also occur within the area encompassed by the alternatives analyzed within this framework amendment. Additionally, two threatened *Acropora* coral species, elkhorn and staghorn, can be found in areas of Florida. Additionally, NMFS has proposed rules to reclassify *Acropora* Corals as endangered.

Species of large whales protected by the ESA that occur throughout the Gulf and Atlantic Ocean include the blue whale, humpback whale, fin whale, North Atlantic right whale, sei whale, and the sperm whale. Additionally, the West Indian manatee also occurs in both the Gulf of Mexico and Atlantic Ocean; the West Indian manatee is under the jurisdiction of the United States Fish and Wildlife Service. These species are also considered depleted under the Marine Mammal

Protection Act (MMPA). Depleted and endangered designations afford special protections from captures, and further measures to restore populations to recovery or the optimum sustainable population are identified through required Recovery Plans (ESA species) or Conservation Plans (MMPA depleted species). Numerous other species of marine mammals listed under the MMPA occur throughout the Atlantic Ocean and/or Gulf of Mexico. Aside from the aforementioned protected species, portions of designated critical habitat for Gulf sturgeon, *Acropora* corals, and the North Atlantic right whale also occur within areas encompassed by the alternatives in this framework amendment.

In a 2007 biological opinion, NMFS determined the continued existence of endangered green, leatherback, hawksbill, and Kemp's ridley sea turtles, and threatened loggerhead sea turtles was not likely to be jeopardized by fishing for CMP species in the Southeastern United States (NMFS 2007). Other listed species are not likely to be adversely affected, including Endangered Species Act-listed whales, Gulf sturgeon, and *Acropora* corals. In a separate consultation memorandum dated May 18, 2010, NMFS concluded the continued authorization of the CMP fishery is not likely to adversely affect *Acropora* critical habitat.

On April 6, 2012, five distinct population segments of the Atlantic sturgeon became federally protected by the ESA. Because of past captures and the new protection for Atlantic sturgeon, NMFS reinitiated Section 7 consultation on November 26, 2012. In a memo dated January 11, 2013, NMFS determined that allowing the continued operation of the CMP fishery during the reinitiation period under the existing fishery management regulations will not violate section 7(a)(2) or 7(d) of the ESA.

On July 10, 2014, NMFS published a final rule designating 38 occupied marine areas within the Atlantic Ocean and Gulf as critical habitat for the Northwest Atlantic Ocean loggerhead sea turtle distinct population segment. These areas contain one or a combination of nearshore reproductive habitat, winter area, breeding areas, and migratory corridors, or contain Sargassum habitat. In the Gulf of Mexico, designated critical habitat contains either nearshore reproductive habitat or Sargassum habitat. In a memo dated September 16, 2014, NMFS determined that the CMP fishery operates outside the nearshore reproductive habitat and effects on concentrated breeding and constricted migratory corridor habitats are insignificant.

On September 10, 2014, NMFS published a final rule listing as threatened 20 coral species under the Endangered Species Act. Five of the newly listed coral species are found in the Gulf of Mexico or Atlantic Ocean. In a memo dated October 7, 2014, NMFS determined that the CMP fishery is not likely to adversely affect these corals.

Therefore, the fishery remains open while NMFS's Protected Resources Division continues to work towards a new biological opinion for the CMP FMP.

The Gulf and South Atlantic CMP hook-and-line fishery is classified in the 2014 Marine Mammal Protection Act List of Fisheries (79 FR 14418) as a Category III fishery. This means the annual mortality and serious injury of a marine mammal resulting from the fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

The Gulf and South Atlantic CMP gillnet fishery is classified as Category II fishery in the 2014 MMPA List of Fisheries (79 FR 14418). This classification indicates an occasional incidental mortality or serious injury of a marine mammal stock resulting from the fishery (1-50% annually of the potential biological removal). The fishery has no documented interaction with marine mammals; NMFS classifies this fishery as Category II based on analogy (i.e., similar risk to marine mammals) with other gillnet fisheries.

3.3 Description of the Economic Environment (To be completed)

3.4 Description of the Social Environment (To be completed)

3.5 Administrative Environment

3.5.1 The Fishery Management Process and Applicable Laws

3.5.1.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ, an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NMFS.

The Gulf Council is responsible for fishery resources in federal waters of the Gulf of Mexico. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The Gulf Council consists of 17 voting members, 11 of whom are appointed by the members appointed by the Secretary, the NMFS Regional Administrator, and one each from each of five Gulf states marine resource agencies. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard (USCG), U.S. Department of State, and Gulf States Marine Fisheries Commission.

The Council uses their Scientific and Statistical Committee to review data and science used in assessments and fishery management plans/amendments. Regulations contained within FMPs are enforced through actions of the NMFS' Office for Law Enforcement, the USCG, and various state authorities.

The public is involved in the fishery management process through participation at public meetings, on advisory panels, and through council meetings that, with few exceptions for discussing personnel or legal matters, are open to the public. The regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

3.5.1.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments have the authority to manage their respective state fisheries including enforcement of fishing regulations. Each of the five states exercises legislative and regulatory authority over their states' natural resources through discrete administrative units. Although each agency listed below is the primary administrative body with respect to the state's natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources.

The states are also involved through the Gulf States Marine Fisheries Commission (GSMFC) in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries.

NMFS' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the commissions to develop and implement cooperative State-Federal fisheries regulations.

More information about these agencies can be found from the following web pages:

Texas Parks & Wildlife Department - <http://www.tpwd.state.tx.us>

Louisiana Department of Wildlife and Fisheries <http://www.wlf.state.la.us/>

Mississippi Department of Marine Resources <http://www.dmr.state.ms.us/>

Alabama Department of Conservation and Natural Resources <http://www.dcnr.state.al.us/>

Florida Fish and Wildlife Conservation Commission <http://www.myfwc.com>

3.5.1.3 Enforcement

Both the NMFS Office for Law Enforcement (NOAA/OLE) and the USCG have the authority and the responsibility to enforce regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in some circumstances, prosecute resultant violators through the state when a state violation has occurred.

CHAPTER 4. LIST OF PREPARERS

Name	Expertise	Responsibility	Agency
Ryan Rindone	Fishery Biologist	Co-Team Lead – Amendment development, introduction, effects analyses	GMFMC
Sue Gerhart	Fish Biologist	Co-Team Lead – Amendment development, effects analysis, and cumulative effects	SERO-SF
Ava Lasseter	Anthropologist	Social analyses	GMFMC
Mike Jepson	Anthropologist	Social environment and environmental justice	SERO-SF
Assane Diagne	Economist	Economic analysis and Regulatory Impact Review	GMFMC
Tony Lamberte	Economist	Economic environment and Regulatory Flexibility Act Analysis	SERO-SF
Mara Levy	Attorney	Legal review	NOAA GC
Iris Lowery	Attorney	Legal review	NOAA GC
Adam Bailey	Technical Writer Editor	Regulatory writer	SERO-SF
Noah Silverman	Natural Resource Management Specialist	NEPA review	SERO
Matthew Lauretta	Biologist	Biological review	SEFSC
Christopher Liese	Economist	Social/economic review	SEFSC
David Dale, NMFS/HC	EFH Specialist	Habitat review	SERO-HC
Jennifer Lee	Protected Resources Specialist	Protected resources review	SERO-PR
Carrie Simmons	Fishery biologist	Reviewer	GMFMC
Steve Branstetter	Fishery biologist	Reviewer	SERO-SF

GMFMC = Gulf of Mexico Fishery Management Council, SERO = NMFS Southeast Regional Office, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, GC = General Counsel, SEFSC = NMFS Southeast Fishery Science Center

CHAPTER 5. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS CONSULTED

The following have or will be consulted:

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Protected Resources
- Habitat Conservation
- Sustainable Fisheries

NOAA General Counsel

Environmental Protection Agency

United States Coast Guard

Texas Parks and Wildlife Department

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Florida Fish and Wildlife Conservation Commission

CHAPTER 6. REFERENCES (TO BE COMPLETED)