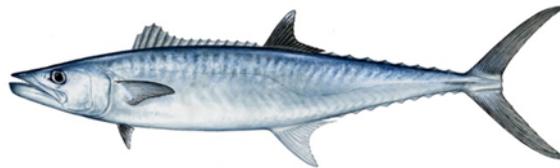


**SUMMARY**  
for  
**AMENDMENT 19**  
to the Joint Fishery Management Plan for  
Coastal Migratory Pelagic Resources  
of the  
Gulf of Mexico and South Atlantic  
(CMP Sale and Permit Provisions)



**Law Enforcement Advisory Panel Meeting  
Charleston, SC  
February 2013**

## **Actions in Amendment 19**

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

## **Expected Schedule (same as CMP Amendment 20 and South Atlantic Framework)**

<i>March 2013</i>	Joint Gulf and South Atlantic Committee meeting to review the amendment and finalize actions and alternatives
<i>April 2013</i>	Mackerel Advisory Panel review SSC review
<i>June 2013</i>	South Atlantic Council review final analyses and approve for public hearings
<i>August 2013</i>	Public hearings
<i>September 2013</i>	South Atlantic Council review public comment, approve the amendment for submission to the Secretary
<i>Mid- 2014</i>	Implementation

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

**Background:** Bag limit sales of king mackerel and Spanish mackerel are currently allowed in the South Atlantic and Gulf regions but are prohibited for all other federally managed species in the South Atlantic. Some concerns about bag limit sales are counting recreational sales toward the commercial quota, sales after a commercial closure, and the impact of recreationally caught fish on the market. Mackerel and cobia bag limit sales are common practice (and sources of income) for for-hire crew in some areas.

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

**Alternative 2:** Prohibit sale of king mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal king mackerel commercial permit. Prohibit sale of Spanish mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also holds a federal Spanish mackerel commercial permit. All sales of king and Spanish mackerel during a commercial closure are prohibited.

**Option a.** The South Atlantic Council's jurisdiction

**Option b.** The Gulf Council's jurisdiction

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

**Option a.** The South Atlantic Council's jurisdiction

**Option b.** The Gulf Council's jurisdiction

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

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### **“Under the bag limit”:**

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

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

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

## **Action 2. Sale of Cobia**

**Background:** Currently there is no commercial permit requirement for cobia, and the possession limit for recreational and commercial is two fish/person/day. The commercial sector makes up about 10% of total cobia landings. In some areas, bag limit sales of cobia are important to the local market and local restaurants, since commercial landings are minimal and cobia caught on for-hire trips are the primary source for restaurants and fish houses. Because the commercial possession limit is only two fish, in general cobia are caught on trips that also target other species such as Spanish mackerel, dolphin, and wahoo.

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

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

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

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

What do these mean for recreational and commercial?

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

### **Action 3. Elimination of Latent Permits in the King Mackerel Hook-and-Line Sector**

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

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

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

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

Suboption i. Average of all years

Suboption ii. At least one of the 12 years

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

Suboption i. Average of all years

Suboption ii. At least one of the ten years

Option c. Five years (2005/2006-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the five years

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

Suboption i. 1 lbs

Suboption ii. 100 lbs

Suboption iii. 500 lbs

Suboption iv. 1,000 lbs.

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

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

The fishing year ending September 17, 2010.

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

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

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

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

Suboption i. Average of all years

Suboption ii. At least one of the 12 years

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

Suboption i. Average of all years

- Suboption ii. At least one of the ten years
- Option c. Five years (2005/2006-2009/2010)
  - Suboption i. Average of all years
  - Suboption ii. At least one of the five years
- Option d. The threshold for average reported landings of king mackerel would be:
  - Suboption i. 1 lb
  - Suboption ii. 100 lbs
  - Suboption iii. 500 lbs
  - Suboption iv. 1,000 lbs.
- Option e. The threshold for average reported landings of any species would be:
  - Suboption i. 1 lb
  - Suboption ii. 100 lbs
  - Suboption iii. 500 lbs
  - Suboption iv. 1,000 lbs.

Analysis update: data requested and analysis is in progress.

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

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

#### **Action 4. Federal Regulatory Compliance**

**Background:** Although most king mackerel are predominantly caught outside of state territorial waters, catch in state waters can still be significant for Spanish mackerel and cobia. Additionally, more liberal regulations in state waters complicate law enforcement and may provide fishermen with an incentive to harvest greater amounts of fish, regardless of where the fish are caught.

NMFS has the authority to establish permit requirements and conditions for federal for-hire and commercial permit holders who choose to have a federal fishing permit and engage in the privilege of fishing. By requiring federal permit holders to comply with the more restrictive federal CMP regulations when fishing in state waters, the probability of overages occurring would be reduced and there would be an increased likelihood that overfishing is prevented.

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

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

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

#### **Action 5. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits**

**Background:** Currently, the renewal of both king and Spanish mackerel commercial permits requires 25% of the applicant's income to have come from fishing or \$10,000 from commercial or charter/headboat fishing activity in one of the previous three calendar years of the application. The Gulf Council eliminated income requirements for the Gulf Reef Fish commercial permit due to impacts from the BP Oil Spill in 2010 and has selected a preferred alternative to remove the income requirements for king mackerel and Spanish mackerel commercial permits.

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

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

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

**Alternative 4:** Modify the current income requirements to allow the Gulf or South Atlantic Council to suspend the renewal requirements by passage of a motion specifying: (a) the event or condition triggering the suspension; (b) the duration of the suspension; and (c) the criteria establishing who is eligible for the suspension. The affected Council would then request that the Regional Administrator suspend income requirements according to the terms outlined in the motion.