

McNeill, Catherine

From: Brown, Scott
Sent: Wednesday, March 4, 2026 1:01 PM
To: Mobile Coastal Mail
Subject: FW: AL CZMA letter for CMP Framework Amendment 14 Spanish mackerel catch limits
Attachments: CZMA letter AL CMP FW 14 Spanish mackerel.pdf

From: Kelli ODonnell - NOAA Federal <kelli.odonnell@noaa.gov>
Sent: Wednesday, March 4, 2026 12:14 PM
To: Brown, Scott <jsb@adem.alabama.gov>
Subject: Fwd: AL CZMA letter for CMP Framework Amendment 14 Spanish mackerel catch limits

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From: Kelli O'Donnell - NOAA Federal <kelli.odonnell@noaa.gov>
Date: Wed, Mar 4, 2026 at 1:03 PM
Subject: AL CZMA letter for CMP Framework Amendment 14 Spanish mackerel catch limits
To: <jsb@adem.state.al.us>
Cc: Blankenship, Chris <chris.blankenship@dcnr.alabama.gov>, Anson, Kevin <kevin.anson@dcnr.alabama.gov>

Please find attached the CZMA letter for Framework Amendment 14 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region, Modifications to Spanish Mackerel Catch Limits in the Gulf of America.

Please let me know if you have any questions.

--

Kelli O'Donnell

Fisheries Biologist, Southeast Regional Office/Sustainable Fisheries/Gulf Branch

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F/SER24:KO

Mr. Scott Brown, Program Chief
Coastal Programs Office
Department of Environmental Management
3664 Dauphin St.
Mobile, AL 36608

Dear Mr. Brown:

This is to advise you of a proposed federal action and the conclusion of NOAA's National Marine Fisheries Service (NMFS) on the consistency of such action with the provisions of your state's Coastal Zone Management Program (CZMP) in accordance with the Coastal Zone Management Act (CZMA). Pursuant to the action requested by the Gulf Council (Council), NMFS would promulgate regulations to modify the stock annual catch limit (ACL) from 11.3 million pounds (mp) to 9.63 mp for the Gulf of America (Gulf) migratory group of Spanish mackerel. Additionally, these regulations would modify the accountability measure (AM) from being an in-season closure AM to a post-season monitoring AM to provide more continuous fishing opportunity across seasons. The Council approved this Framework Action for review and implementation at their June 2025 meeting. These regulations are based on the most recent Southeast Data, Assessment, and Review (SEDAR) 81 stock assessment and recommendations from the Council's Scientific and Statistical Committee, and are intended to reduce the risk of overfishing and the likelihood of early season closures if fishing effort increases in the future. The Framework Action can be found at: <https://www.fisheries.noaa.gov/action/framework-14-modifications-spanish-mackerel-catch-limits-gulf-america>

This letter is submitted pursuant to provisions of 15 CFR Section 930, Subpart C "Consistency for Federal Agency Activities" and Section 307 of the CZMA of 1972, as amended. We have reviewed the proposed action with regard to the provisions of your state's CZMP and determined this action is consistent to the maximum extent practicable with the enforceable policies of that program. We are requesting you advise us of your agreement or disagreement with our determination in accordance with the provisions of 15 CFR Section 930.39. In the event there is no response from your agency within 60 days of receipt of this letter, we will presume your agency's concurrence with our determination of consistency in accordance with 15 CFR Section 930.41.

If you have any questions, please contact Kelli O'Donnell at (727) 824-5305 or kelli.odonnell@noaa.gov.

Sincerely,

Heather Blough
Acting Assistant Regional Administrator for Sustainable
Fisheries

cc: Chris Blankenship
Kevin Anson



Modifications to Spanish Mackerel Catch Limits in the Gulf of America



Framework Amendment 14 under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf and Atlantic Region

February 2026



This is a publication of the Gulf Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA20NMF4410007.

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The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service Southeast Regional Office and the Council prepared this Environmental Assessment (EA) for the Framework Action under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf and South Atlantic (EAXX-006-48-1SE-1772458272) in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and NOAA's Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities: Companion Manual for NOAA Administrative Order 216-6A (June 30, 2025).

Certifications

NOAA has considered the factors mandated by NEPA and has determined that the EA represents NOAA's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits. This prioritization reflects NOAA's expert judgment and any considerations addressed briefly or left unaddressed were, in NOAA's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

The resulting EA also represents NOAA's good-faith effort to fulfill NEPA's requirements within the congressionally mandated timeline. The EA is substantially complete and, in NOAA's expert opinion, the agency has thoroughly considered the factors mandated by NEPA. In NOAA's judgment, the analysis contained herein is adequate to inform and reasonably explain NOAA's final decision regarding the proposed activity or decision.

ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
ALS	accumulated landings system
AM	accountability measures
BEA	Bureau of Economic Analysis
BSIA	best scientific information available
CFR	code of federal regulations
CHTS	Coastal Household Telephone Survey
CMP	coastal migratory pelagics
Council	Gulf Council
Councils	Gulf and South Atlantic Fishery Management Councils
CS	consumer surplus
DPS	distinct population segments
E.O.	Executive Order
EA	Environmental Assessment
EEZ	exclusive economic zone
EFH	Essential Fish Habitat
EIS	economic impact statement
ESA	Endangered Species Act
FES	Fishing Effort Survey
FL	fork length
FMP	Fishery Management Plan
GDP	gross domestic product
GMFMC	Gulf of Mexico Fishery Management Council
Gulf	Gulf of America (Formerly Gulf of Mexico)
Gulf Spanish mackerel	Gulf Migratory Group Spanish mackerel
gw	gutted weight
HAPC	habitat areas of particular concern
IFQ	individual fishing quota
IRFA	initial regulatory flexibility analysis
LAPP	Limited Access Privilege Program
lw	landed weight
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammals Protection Act
mp	million pounds
MRFSS	Marine Recreational Fishery Statistics Survey
MRIP	Marine Recreational Information Program

NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOR	net operating revenue
OFL	overfishing limit
ppt	parts per thousand
PS	producer surplus
RFA	Regulatory flexibility analysis
RIR	Regulatory Impact Review
RQ	regional quotient
SBA	Small Business Association
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SM	Spanish mackerel
South Atlantic Council	South Atlantic Fishery Management Council
SPR	spawning potential ratio
SRHS	Southeast Regional Headboat Survey
SSC	Scientific and Statistical Committee
TAC	total allowable catch
WTP	willingness-to-pay
ww	whole weight

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CHAPTER 1. INTRODUCTION

1.1 Background

Framework Amendment 14 under the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources in the Gulf¹ and Atlantic Region (CMP FMP) is being developed by the Gulf Council to address the results of the Southeast Data, Assessment, and Review (SEDAR) 81 (2023) stock assessment for the Gulf of America (Gulf) migratory group of Spanish mackerel (Gulf Spanish mackerel), and subsequent overfishing limit (OFL) and acceptable biological catch (ABC) recommendations from the Gulf Council’s Scientific and Statistical Committee (SSC). Framework Amendment 14 to the CMP FMP (Framework 14) proposes revisions to the Gulf Spanish mackerel OFL, ABC, and stock annual catch limit (ACL).

Spanish mackerel is managed jointly by the Gulf Council and South Atlantic Fishery Management Council (South Atlantic Council; together: “Councils”) under the CMP FMP. Two migratory groups of Spanish mackerel are managed in the southeastern U.S.: the Atlantic migratory group (Atlantic Spanish mackerel) and Gulf Spanish mackerel. The current stock and management boundaries were established in March 2015 in Amendment 20B to the CMP FMP (GMFMC and SAFMC 2014a) and are shown in Figure 1.1.1.

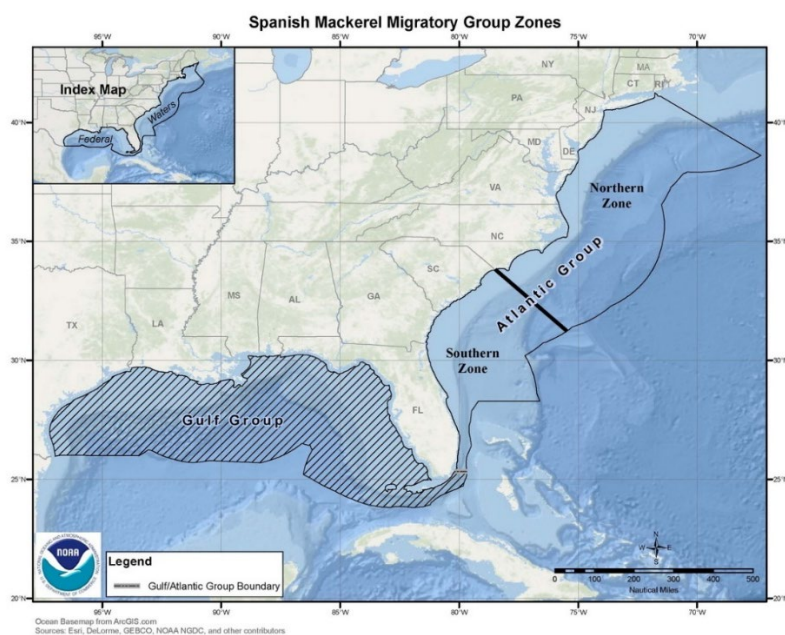


Figure 1.1.1. Gulf (hashed area) and Atlantic Spanish mackerel stock boundaries as currently used for management purposes by the Councils.

¹ The Gulf of Mexico was renamed the Gulf of America pursuant to Executive Order 14172, and Secretary of the Interior Order No. 3423.

The Gulf Council is responsible for management of Gulf Spanish mackerel under the CMP FMP from Texas to the Miami-Dade/Monroe County line in southeastern Florida (Figure 1.1.1), overlapping the jurisdiction of the South Atlantic Council in the Atlantic portion of the Florida Keys. Spanish mackerel landed north of the Miami-Dade/Monroe County line are considered Atlantic Spanish mackerel and managed by the South Atlantic Council. This framework action focuses only on Gulf Spanish mackerel; therefore, there will be no further discussion of Atlantic Spanish mackerel.

Gulf Spanish Mackerel Management Measures and Landings

The fishing year for Gulf Spanish mackerel is from April 1 to March 31. Gulf Spanish mackerel is managed without allocations between the commercial and recreational sectors (GMFMC and SAFMC 2011), does not have a scheduled seasonal closure, and has a minimum size limit of 12 inches fork length (FL) for both sectors. The commercial sector is not subject to possession or trip limits, while the recreational sector has a daily bag limit of 15 fish per person.

The Gulf Spanish mackerel stock ACL is monitored in pounds (lb) landed weight (lw); that is, combined whole and gutted weight. Gulf Spanish mackerel has an in-season accountability measure (AM), that if the stock ACL is reached or is projected to be reached within a fishing year, the National Marine Fisheries Service (NMFS) Southeast Regional Administrator will file a notification with the Office of the Federal Register to close the harvest for the remainder of the fishing year. The recreational landings are currently monitored in the Marine Recreational Information Program's (MRIP) Coastal Household Telephone Survey (CHTS) data units. Recently, in SEDAR 81, estimates of recreational catch and effort were calibrated to MRIP's more contemporary Fishing Effort Survey (FES) data units; the SEDAR 81 stock assessment and resultant catch projections using these data are considered by NMFS to be consistent with the best scientific information available (BSIA). The landings provided in this document include recreational landings in both CHTS and FES data units for reference. Although both MRIP-CHTS and MRIP-FES generate estimates measured in pounds of fish, these estimates are not directly comparable because FES generates larger estimates than CHTS, as described above. To signify that the estimates use different scales, this document uses the terms "MRIP-CHTS units" and "MRIP-FES units" to describe the recreational catch limits. A more detailed description of the recent changes to the collection of recreational catch and effort data can be found in Appendix A.

Gulf Spanish mackerel landings have been predominantly driven by the recreational sector, with one occurrence where the stock ACL was exceeded in the 2013/2014 fishing year (Table 1.1.1.). Landings after the last stock ACL modification via Framework Amendment 1 to the CMP FMP (GMFMC and SAFMC 2014b) have never exceeded 38% of the stock ACL.

Table 1.1.1. Gulf Spanish mackerel landings and stock ACL (in million pounds landed weight) for the fishing years 2000/2001 to 2022/2023. FES equivalent landings are provided for reference only.

Year	Rec. Landings	Rec. Landings FES	Comm. Landings	Total Landings	Total Landings FES	Stock ACL	% ACL	Units
2000/01	2,787,759	7,134,661	1,054,259	3,842,018	8,188,920	9.10	42.2%	MRFSS
2001/02	3,453,003	8,245,055	810,099	4,263,102	9,055,154	9.10	46.8%	MRFSS
2002/03	3,171,267	8,183,802	1,745,064	4,916,331	9,928,866	9.10	54.0%	MRFSS
2003/04	2,742,259	6,704,231	941,702	3,683,961	7,645,933	9.10	40.5%	MRFSS
2004/05	2,665,254	7,014,438	1,986,512	4,651,766	9,000,950	9.10	51.1%	MRFSS
2005/06	1,595,371	3,746,160	1,221,294	2,816,665	4,967,454	9.10	31.0%	MRFSS
2006/07	2,845,319	5,004,288	1,534,040	4,379,359	6,538,328	9.10	48.1%	MRFSS
2007/08	2,724,709	6,044,654	902,827	3,627,536	6,947,481	9.10	39.9%	MRFSS
2008/09	2,525,545	6,687,581	2,360,043	4,885,588	9,047,624	9.10	53.7%	MRFSS
2009/10	1,890,078	4,845,791	942,501	2,832,579	5,788,292	9.10	31.1%	MRFSS
2010/11	2,964,208	7,484,430	1,248,711	4,212,919	8,733,141	9.10	46.3%	MRFSS
2011/12	2,677,119	7,048,872	1,347,945	4,025,064	8,396,817	9.10	44.2%	MRFSS
2012/13	3,578,421	7,858,124	1,413,904	4,992,325	9,272,028	5.15	96.9%	MRFSS
2013/14	5,232,534	11,738,205	1,464,381	6,696,915	13,202,586	5.15	130.0%	MRFSS
2014/15	1,946,040	4,307,213	924,490	2,870,530	5,231,703	12.70	22.6%	CHTS
2015/16	2,616,377	6,669,809	1,219,634	3,836,011	7,889,443	11.80	32.5%	CHTS
2016/17	2,607,122	6,850,152	1,094,568	3,701,690	7,944,720	11.30	32.8%	CHTS
2017/18	2,184,055	7,900,308	700,383	2,884,438	8,600,691	11.30	25.5%	CHTS
2018/19	1,922,494	6,059,628	1,065,335	2,987,829	7,124,963	11.30	26.4%	CHTS
2019/20	3,251,330	9,887,158	989,648	4,240,978	10,876,806	11.30	37.5%	CHTS
2020/21	1,883,604	7,219,120	523,578	2,407,182	7,742,698	11.30	21.3%	CHTS
2021/22	1,445,107	5,509,628	352,847	1,797,954	5,862,475	11.30	15.9%	CHTS
2022/23	1,733,578	7,369,465	389,956	2,123,534	7,759,421	11.30	18.8%	CHTS

Source: Both SEFSC Commercial ACL and Recreational ACL data pulled February 25, 2025.

SEDAR 81 Operational Assessment

At its July 2023 meeting, the Gulf Council’s SSC reviewed the results and projections from the SEDAR 81 (2023) stock assessment report, prepared by the NMFS Southeast Fisheries Science Center (SEFSC). The stock assessment used updated data from the previous model (SEDAR 28 2013) and calibrated recreational landings to MRIP-FES, which replaced MRIP-CHTS in 2018 (Appendix A). The Gulf Spanish mackerel stock assessment (SEDAR 81 2023) determined the stock is not overfished and not undergoing overfishing. The terminal year of data used in the assessment is 2021. The SSC accepted SEDAR 81 as consistent with BSIA. The SSC set the OFL for Gulf Spanish mackerel based on SEDAR 81 using a constant catch of 12.074 million pounds (mp) whole weight (ww) for 2025 – 2027, and subsequent years. The SSC then recommended an ABC using the yield at 75% of $F_{30\%SPR}$. The constant catch ABC for 2025 – 2027 and subsequent years is 9.630 mp ww. For the purposes of consistency in regulations, whole weight and landed weight are treated synonymously for Gulf Spanish mackerel.

1.2 Purpose and Need

The purpose is to modify Gulf Spanish mackerel catch limits and management measures based on the results of the SEDAR 81 stock assessment.

The need is to update existing Gulf Spanish mackerel catch limits and management measures based on the best scientific information available for managing Gulf Spanish mackerel and to achieve optimum yield, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

1.3 History of Management

Joint Gulf and South Atlantic Documents

The **CMP FMP**, with environmental impact statement (EIS) and regulatory impact review (RIR), was approved in 1982 and implemented by regulations effective in February 1983 (GMFMC and SAFMC 1983). The management unit includes king mackerel, Spanish mackerel, and cobia. The CMP FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf. Atlantic cobia is managed by the Atlantic States Marine Fisheries Commission. A history of management for all CMP species can be found in **CMP Amendment 18** (GMFMC and SAFMC 2011), **Amendment 20B** (GMFMC and SAFMC 2014a), and **Framework Amendment 1** (GMFMC and SAFMC 2014b) and are incorporated here by reference. The history of management included in this document focuses on changes to Gulf Spanish mackerel catch levels. A complete history of management for CMP species can also be found on the Gulf Council website.²

² <https://gulfcouncil.org/fishery-management/implemented-plans/coastal-migratory-pelagics/>

Gulf-specific documents

A **May 1987 Regulatory Amendment**, with RIR, implemented in June 1987, set a total allowable catch (TAC) for Gulf Spanish mackerel at 2.5 mp with a commercial quota of 1.4 mp and recreational allocation for 1.1 mp.

Amendment 2, with an environmental assessment (EA), RIR, and Regulatory Flexibility Analysis (RFA), implemented in July 1987, recognized two migratory groups of Spanish mackerel, established allocations of TAC for the commercial and recreational sectors, and set commercial quotas and recreational bag limits.

A **May 1988 Regulatory Amendment**, with an EA and RIR, implemented in July 1988, set a TAC for Gulf Spanish mackerel at 5.0 mp allocated 43% to recreational sector and 57% to commercial sector.

A **May 1989 Regulatory Amendment**, with an EA and RIR, implemented in July 1989, set the TAC for Gulf Spanish mackerel at 5.25 mp.

A **May 1991 Regulatory Amendment**, with an EA and RIR, implemented in September 1991, increased the Gulf Spanish mackerel TAC to 8.6 mp.

A **May 1996 Regulatory Amendment**, with an EA and RIR, implemented in June 1997, reduced the Gulf Spanish mackerel TAC to 7.0 mp.

A **July 1999 Regulatory Amendment**, with an EA and RIR, implemented in September 1999, increased the TAC for Gulf Spanish mackerel to 9.1 mp.

Amendment 18, with an EA, RIR, and RFA, implemented in January 2012, established AMs and a single stock ACL for Gulf Spanish mackerel, thereby removing the previous sector allocation.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1: Modify the Gulf Migratory Group Spanish Mackerel (Gulf Spanish Mackerel) Overfishing Limit (OFL), Acceptable Biological Catch (ABC), and Stock Annual Catch Limit (ACL)

Alternative 1: No Action. Retain the current OFL, ABC, and stock ACL for Gulf Spanish mackerel as established in Framework Amendment 1 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources in the Gulf and Atlantic Regions (CMP FMP). The Gulf Spanish mackerel total stock ACL is set equal to the ABC.

Fishing Year	OFL	ABC	Stock ACL
2016/2017+	11.5	11.3	11.3
2016/2017+ MRIP-FES equivalent	15.2	14.9	14.9

Note: Catch limit values are in million pounds (mp) landed weight (lw). Recreational data are in Marine Recreational Information Program (MRIP) Coastal Household Telephone Survey (CHTS) data units. The catch limits reflect the Scientific and Statistical Committee’s (SSC) August 2013 recommendation.

Preferred Alternative 2: Modify the OFL and ABC as recommended by the Gulf Council’s SSC, for 2025/2026 – 2027/2028 and subsequent fishing years. The stock ACL is set equal to the ABC.

Fishing Year	OFL	ABC	Stock ACL
2025/2026 – 2027/2028 +	12.074	9.630	9.630

Note: Catch limit values are in mp lw. OFL and ABC as recommended by the Gulf Council’s SSC in mp whole weight (ww). The recreational portion of the OFL, ABC, and ACL are based on MRIP Fishing Effort Survey (FES) data. For management purposes, landed weight and whole weight are treated synonymously.

Alternative 3: Modify the OFL and ABC for Gulf Spanish mackerel as recommended by the Gulf Council’s SSC for 2025/2026 – 2027/2028 and subsequent fishing years. Set the stock ACL using the Gulf Council’s ACL/annual catch target (ACT) Control Rule for 2025/2026 – 2027/2028 and subsequent fishing years. This results in a 10% buffer between the ABC and stock ACL.

Fishing Year	OFL	ABC	Stock ACL
2025/2026 – 2027/2028 +	12.074	9.630	8.667

Note: Catch limit values are in mp lw. OFL and ABC as recommended by the Gulf Council’s SSC in mp ww. The recreational portion of the OFL, ABC, and ACL are based on MRIP-FES data. For management purposes, landed weight and whole weight are treated synonymously.

Discussion:

The Southeast Data, Assessment, and Review (SEDAR) 81 stock assessment (2023) incorporated recreational landings data from MRIP-FES and indicated that Gulf Spanish mackerel was not overfished or undergoing overfishing. The terminal year of data in the assessment is 2021. The Gulf Council's SSC determined SEDAR 81 to be consistent with the best scientific information available (BSIA) and recommended a constant catch OFL and ABC for the 2025/2026 – 2027/2028 fishing years, including MRIP-FES data units for recreational landings monitoring. To account for scientific uncertainty, the ABC is set lower than the OFL as the projected yield at 75% of $F_{SPR30\%}$. This buffer is much greater (i.e., ~20%) than the buffer between the OFL and ABC (i.e., ~2%) in **Alternative 1**. Although the Scientific and Statistical Committee's (SSC) recommendations only go through the 2027/2028 fishing year, the regulations would remain in effect until modified by a future management action.

Alternative 1 (No Action) retains the existing OFL, ABC, and stock ACL, all of which are based on the previous Gulf Spanish mackerel stock assessment (SEDAR 28 2013). The stock ACL is equal to the ABC, as specified in Amendment 18 to the CMP FMP (GMFMC and SAFMC 2011). The OFL, ABC, and stock ACL in **Alternative 1** are based, in part, on MRIP-CHTS recreational landings data. One of the major changes between the SEDAR 28 (2013) and SEDAR 81 (2023) base models is the incorporation of the MRIP-FES adjustments to the recreational catch and effort estimates, which are considered by the National Marine Fisheries Service (NMFS) to be consistent with the BSIA for Gulf Spanish mackerel. Therefore, retaining the OFL, ABC, and stock ACL under **Alternative 1**, which are based on MRIP-CHTS data, would be inconsistent with National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This discrepancy has led to a catch equivalency analysis to understand what the OFLs would have been in the previous SEDAR 28 assessment had MRIP-FES data been used. This catch equivalency analysis provides a basis for direct comparison between the new OFLs established in SEDAR 81, which utilizes MRIP-FES data, and the historical OFLs from SEDAR 28 which utilized MRIP-CHTS data, thus ensuring consistent and comparable management advice for Gulf Spanish mackerel. The catch equivalency analysis indicates that, despite recalibrating the SEDAR 28 OFLs using MRIP-FES, the catch limits set out in **Alternative 1** are greater than the more conservative recommendations provided by the SSC from SEDAR 81.

Preferred Alternative 2 would modify the catch limits for Gulf Spanish mackerel based on the SSC's OFL and ABC recommendations from SEDAR 81 and would be set using MRIP-FES for monitoring recreational landings. The catch limits in **Preferred Alternative 2** are consistent with the transition to MRIP-FES in the recreational catch and effort data. Additionally, using MRIP-FES under **Preferred Alternative 2** is consistent with National Standard 2 of the Magnuson-Stevens Act. **Preferred Alternative 2** would substantially reduce the Gulf Spanish mackerel ABC and stock ACL compared to the MRIP-FES estimates in **Alternative 1**. In this alternative, the ABC is set below the OFL to account for scientific uncertainty inherent in the stock assessment. This uncertainty includes, but is not limited to, uncertainty in life history traits, changes in habitat or environmental conditions, and the precision of catch and effort data. Such uncertainties are not unique to Gulf Spanish mackerel but are common challenges in the assessment of many fish stocks. Recognizing these uncertainties, the reduction in the catch limit

serves as a buffer, aiming to ensure the stock's sustainability by mitigating the risk of overfishing that might arise from unforeseen changes or data inaccuracies. While the majority of historic landings were below the stock ACL proposed in **Preferred Alternative 2** (Table 1.1.1), there is an increased probability of landing the stock ACL relative to **Alternative 1** (No Action) assuming current fishing practices and catch rates continue in the coming years.

Alternative 3, like **Preferred Alternative 2**, would modify the OFL and ABC based on the SSC's recommendations, and would be set using MRIP-FES for monitoring recreational landings. However, **Alternative 3** would use the Gulf Council's ACL/ACT Control Rule (Appendix B) to create a buffer of 10% between the ABC and stock ACL to account for management uncertainty. The control rule includes a set of criteria evaluating stock status, precision of data, and accountability measures (AM). It weighs these criteria, with scores given for each category, to determine the level of buffer necessary based on data from 2019-2022.

Alternative 3 results in a stock ACL that is approximately one million pounds less than **Preferred Alternative 2**. If harvest rates remain unchanged, total landings are expected to be closer to the stock ACL than those proposed in **Preferred Alternative 2**, therefore the likelihood of an in-season closure is increased (Table 1.1.1).

An analysis predicting the triggering of AMs, which would necessitate a fishing closure if the stock ACLs were reached or projected to be reached under **Preferred Alternative 2** and **Alternative 3**, suggests that the likelihood of a closure is minimal, although not zero (Appendix C). In the last decade, only the landings for fishing year 2019/2020 (in MRIP-FES data units) exceeded the stock ACLs proposed in **Preferred Alternative 2** and **Alternative 3** (Table 1.1.1).

At its February 2024 meeting, the CMP Advisory Panel recommended that the Gulf Council select **Preferred Alternative 2** and encouraged the Gulf Council to consider options that would prevent a fishery closure. The majority of respondents to the Gulf Council's Fisherman Feedback tool reported negative sentiment and indicated the Gulf Spanish mackerel population is in decline. Some of the responses attributed the decline to increased shark depredation and a reduction in available prey species.

Council Conclusions:

The Council recognized the advice from its SSC, CMP Advisory Panel, and public comments (Appendix E) that acknowledged the need to update Spanish mackerel catch levels based on results from SEDAR 81. The Council determined that setting the ABC equal to the ACL was appropriate to sustainably manage the stock (**Preferred Alternative 2**) and that using the ACL/ACT Control Rule to create a buffer between the ABC and ACL was not necessary (**Alternative 3**).

2.2 Action 2: Modify Gulf Spanish Mackerel Accountability Measures (AM)

Alternative 1: No Action. Retain the current AM, whereby the Regional Administrator will close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached.

Preferred Alternative 2: Modify the AM for Gulf Spanish mackerel. If the stock ACL is exceeded in a fishing year, then in the following fishing year, the Regional Administrator would close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached.

Discussion:

Amendment 18 to the CMP FMP set an in-season AM for Gulf Spanish mackerel, that if the stock ACL is reached or projected to be reached within a fishing year, the harvest would be subject to an in-season closure for the remainder of the fishing year. Combined with the reduction in ACLs being proposed in Action 1, the ability of NMFS to precisely monitor and apply the current in-season AM (**Alternative 1**) may be more problematic for achieving management objectives for the stock (i.e., management uncertainty).

NMFS generated closure projections (Appendix C) by analyzing Gulf Spanish mackerel landings for the last five years. The analysis suggests that in fishing year (2019/2020) when the total landings were greater than the stock ACL included in Action 1 (Table 1.1.1), a closure would have taken place in November or December. This would have resulted in a fishing season for Gulf Spanish mackerel of 7 to 8 months (the fishing year runs from April 1 – March 31). Historically, Gulf Spanish mackerel landings have remained below the stock ACL and have been declining (Table 1.1.1). Due to the transition in recreational data to MRIP-FES, the stock ACLs proposed in Action 1 are lower compared to the current ACL, which could increase the probability of an overage if there is an unanticipated increase in landings. Though this instance of an overage and subsequent closure would only have occurred once in the last 10 years, that is not to say that other such instances would be unlikely in the future.

Alternative 1 (No Action) would retain the current in-season closure AM, which is triggered based on the stock ACL chosen in Action 1. **Alternative 1** requires NMFS to monitor landings every year and implement an in-season closure when the stock ACL is reached or projected to be reached. Based on the most recent 10-year landings, the stock ACL in **Preferred Alternative 2** and **Alternative 3** in Action 1 would have been exceeded only once. During the 2019/2020 fishing year (Table 1.1.1), total landings in (MRIP-FES data units) were estimated at 10,876,806 lb lw. Landings for fishing years 2018/2019 and 2020/2021 were estimated at approximately 7,000,000 lb lw, which is lower than the stock ACL in **Preferred Alternative 2** and **Alternative 3** in Action 1.

Preferred Alternative 2 would modify the AM to a post-season AM, requiring that NMFS, in the fishing year after the stock ACL was exceeded, monitors, and closes recreational and

commercial harvest when the stock ACL is reached or projected to be reached. As a result, there may be no in-season closure for a single overage, providing more continuous fishing opportunity across seasons and resilience to anomalous overages. However, **Preferred Alternative 2** would delay a response to overages and might not address stock overexploitation as promptly as **Alternative 1**. Based on the most recent 10-year landings period, the stock ACLs in the alternatives in Action 1 would have been exceeded once (i.e., fishing year 2019/2020 in Table 1.1.1); yet under **Preferred Alternative 2**, a fishery closure would not have occurred during the following fishing year given that the landings in those subsequent years were below their respective ACLs. In summary, **Preferred Alternative 2** is a less conservative approach to management than **Alternative 1**, but may insulate the fishery from unnecessary closures due to irregular landings.

Council Conclusions

The Council acknowledged the need to implement a recreational AM for Spanish mackerel. Given that historical landings have rarely exceeded the stock ACL, the Council determined that a post-season recreational AM was most appropriate for managing the stock (**Preferred Alternative 2**). This alternative addresses the high uncertainty in shore-based landings (the predominate mode of Spanish mackerel recreational catch) while also allowing for recreational access to a sustainable level.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Physical Environment

A description of the physical environment for coastal migratory pelagic (CMP) species is provided in the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004), Generic Amendment 3 (GMFMC 2005), Amendment 18 to the Fishery Management Plan (FMP) for the CMP Resources in the Gulf and Atlantic Regions (CMP FMP; GMFMC and SAFMC 2011), Amendment 20B (GMFMC and SAFMC 2014a), and Amendment 26 to the CMP FMP (GMFMC and SAFMC 2016), which are hereby incorporated by reference, and are summarized below.

The Gulf of America (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 Fechtel 2005). Gulf surface water temperatures range from 54° F to 84° F (12° C to 29° C) depending on time of year and depth of water. Mean annual sea surface temperatures ranged from 73° F through 83° F (23-28° C) including bays and bayous (Figure 3.1.1) between 1982 and 2009, according to satellite-derived measurements.³ In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

³ <http://accession.nodc.noaa.gov/0072888>

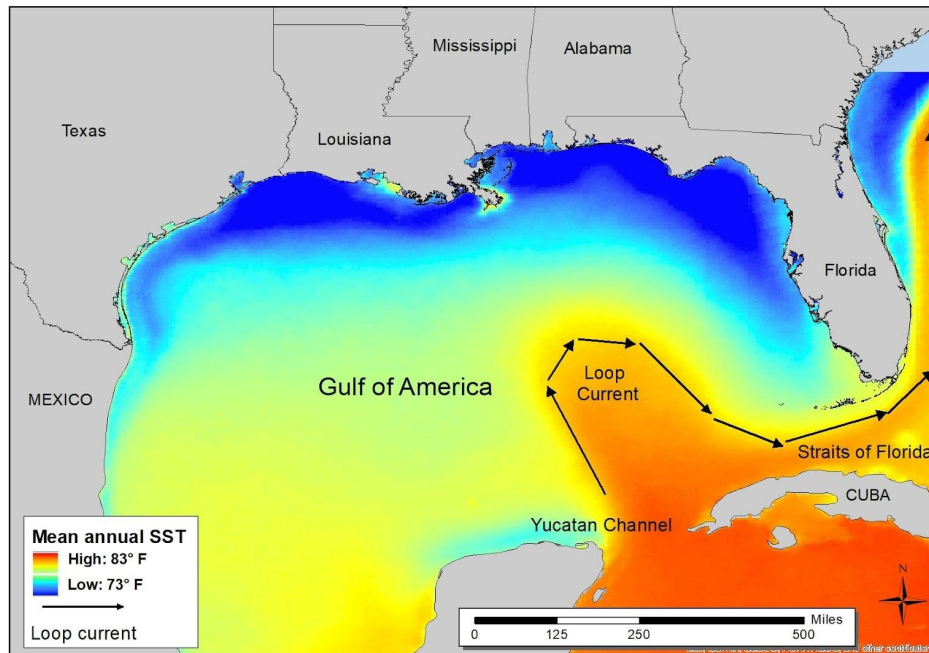


Figure 3.1.1. Mean annual sea surface temperature derived from the Advanced Very High-Resolution Radiometer Pathfinder Version 5 sea surface temperature data set.⁴

Habitat Areas of Particular Concern (HAPC)

Detailed information pertaining to HAPCs is provided in Generic Amendment 3 for addressing essential fish habitat (EFH), HAPC (GMFMC 2005) and Amendment 9 to the FMP for the Coral and Coral Reefs of the Gulf, U.S. Waters (GMFMC 2018). Detailed information pertaining to the Gulf area closures and marine reserves is provided in Amendment 32 to the FMP for the Reef Fish Resources of the Gulf (GMFMC 2011). There are environmental sites of special interest that are discussed in the Generic EFH Amendment (GMFMC 2004) that are relevant to CMP management. These documents are hereby incorporated by reference.

Northern Gulf Hypoxic Zone

Every summer in the northern Gulf, a large hypoxic zone forms. It is the result of allochthonous materials and runoff from agricultural lands resulting in increasing nutrient inputs to multiple rivers. These tributaries feed into the Mississippi River, which disperses to the Gulf, and creates a temperature and salinity dependent layering of waters. The nutrient rich fresh waters from the Mississippi create seasonal, large algal blooms at the surface that eventually die, sink to the bottom, and decompose. This creates the oxygen-poor, hypoxic, bottom water layer unless front or storm events occur, which allows for mixing of the layers (Rabalais and Turner 2019). Mapping of the hypoxic zone began in 1985. For 2021, the extent of the hypoxic area was 6,334 square miles, almost triple what it was in 2020 (2,116 square miles), but still less than the extent of the 2017 hypoxic area (8,776 square miles). The changes in hypoxic area can be attributed to

⁴ <https://www.ncei.noaa.gov/>

changing amounts of river discharge and its associated nutrient load and storm events. The major factor for the reduced size in 2020 was the active storm season with Hurricane Hanna passing right over the zone, allowing for mixing of the waters. The 2021 hypoxia area was higher than the 5-year hypoxic area average (5,408 square miles) and much larger than the 1,930 square mile goal set by the Interagency Mississippi River and Gulf Hypoxia Task Force to be reached by 2035.⁵ The hypoxic conditions in the northern Gulf directly impact less mobile benthic macroinvertebrates (e.g., polychaetes) by influencing density, species richness, and community composition (Baustian and Rabalais 2009; Breitburg et al. 2018). However, more mobile macroinvertebrates and fishes, such as Spanish mackerel, can detect lower dissolved oxygen levels and move away from hypoxic conditions. Therefore, these organisms are affected by limited prey availability and constrained available habitat (Baustian and Rabalais 2009; Craig 2012).

Deepwater Horizon MC252 Oil Spill

The presence of polycyclic aromatic hydrocarbons, which are highly toxic chemicals that tend to persist in the environment for long periods of time, in marine environments can have detrimental impacts on marine finfish, especially during the more vulnerable larval stage of development (Whitehead et al. 2012). The future reproductive success of fish species may be negatively affected by episodic events resulting in high-mortality years or low recruitment. These episodic events could leave gaps in the age structure of the population, thereby affecting future reproductive output (Mendelssohn et al. 2012). Other studies have described the vulnerabilities of various marine finfish species, with morphological and/or life history characteristics similar to species found in the Gulf, to oil spills and dispersants (Hose et al. 1996; Carls et al. 1999; Heintz et al. 1999; Short 2003).

In addition to the crude oil, over a million gallons of the dispersant, Corexit 9500A®, was applied to the ocean surface and an additional hundreds of thousands of gallons of dispersant was pumped to the mile-deep wellhead (National Commission 2010). No large-scale applications of dispersants in deep water had been conducted until the *Deepwater Horizon* MC252 oil spill. Thus, no data exist on the environmental fate of dispersants in deep water. Twenty-first century dispersant applications are thought to be less harmful than their predecessors. However, the combination of oil and dispersants has proven to be more toxic to marine fishes than either dispersants or crude oil alone. Marine fish which are more active (e.g. a pelagic species versus a demersal species) appear to be more susceptible to negative effects from interactions with weathered oil/dispersant emulsions. These effects can include mobility impairment and inhibited respiration (Swedmark et al. 1973). The effect of oil, dispersants, and the combination of oil and dispersants on fishes in the Gulf remains an area of concern. More information about the *Deepwater Horizon* MC252 oil spill is available on the NMFS Southeast Regional Office (SERO) website.⁶

⁵ <http://gulfhypoxia.net>

⁶ <https://www.fisheries.noaa.gov/news/deepwater-horizon-10-years-later-10-questions>

Environmental Variability

Projections predict increases in sea-surface temperature and sea level; decreases in sea-ice cover; and changes in salinity, wave climate, and ocean circulation (Intergovernmental Panel on Climate Change). These changes are likely to affect plankton biomass and fish larvae abundance that could adversely impact fish, marine mammals, seabirds, and ocean biodiversity. Kennedy et al. (2002) and Osgood (2008) have suggested global climate variation could affect temperature changes in coastal and marine ecosystems that can influence organism metabolism and alter ecological processes such as productivity and species interactions; change precipitation patterns and cause a rise in sea level which could change the water balance of coastal ecosystems; altering patterns of wind and water circulation in the ocean environment; and influence the productivity of critical coastal ecosystems such as wetlands, estuaries, and coral reefs.

3.2 Description of the Biological and Ecological Environment

A description of the biological and ecological environment can be found in Amendment 18 to the CMP FMP (GMFMC and SAFMC 2011), Amendment 20B (GMFMC and SAFMC 2014), and Amendment 26 to the CMP FMP (GMFMC and SAFMC 2016). Those descriptions are summarized in the following sections and incorporated herein by reference.

Gulf Spanish Mackerel Life History and Biology

Spanish mackerel (*Scomberomorus maculatus*) is migratory and moves into specific areas to spawn. It matures by age 2 years and can live up to 12 years. It primarily eats other fish species (herring, sardines, menhaden) and to a lesser extent crustaceans and squid at all life stages (larvae to adult). It is eaten primarily by larger pelagic predators like sharks, tuna, and bottlenose dolphin.

Spanish mackerel occurs throughout the coastal zones of the western Atlantic from southern New England to the Florida Keys and throughout the Gulf (Collette and Russo 1979). Adults usually are found from the low-tide line to the edge of the continental shelf, and along coastal areas. They inhabit estuarine areas (especially higher salinity areas) during seasonal migrations but are considered rare and infrequent in many Gulf estuaries. It may occur in depths up to 225 ft (75 m) but is primarily found in depths of 60 ft (20 m) or less.

Spawning occurs along the inner continental shelf from April to September. Eggs and larvae are most frequently found offshore over the inner continental shelf at temperatures between 68°F (20°C) and 89.6°F (32°C) and salinities between 28 and 37 ppt. Eggs and larvae are found frequently in water depths from 27 ft (9 m) to 252 ft (84 m) but are most common in <150 ft (50 m).

Juveniles are most often found in coastal and estuarine habitats and at temperatures greater than 77°F (25°C) and salinities greater than 10 ppt. Although they occur in waters of varying salinity, juveniles appear to prefer marine salinity levels and generally are not considered estuarine-dependent. Adult Spanish mackerel are migratory, generally moving from wintering areas of south Florida and Mexico to more northern latitudes in spring and summer (Powell 1975).

The Gulf Spanish mackerel stock biomass was estimated at 62,538,455 lb in 2011, according to a 2013 assessment (SEDAR 28). While the most recent total biomass estimate of Gulf Spanish mackerel was 35,966,171 lb in 2021 (SEDAR 81, 2023), the average biomass of the stock between 1995 and 2021 was 28,651,242 lb, with a minimum of 17,623,732 lb in 1995.

Bycatch

Details of previous bycatch estimates in the Spanish mackerel portion of the CMP fishery can be found in Appendix F (Bycatch Practicability Analysis) of Amendment 26 to the CMP FMP (GMFMC 2016) and is hereby incorporated by reference and summarized below.

Most Spanish mackerel are harvested using hook-and-line gear. Discards in the commercial sector are relatively low (less than 1%), including the gillnet component, while discards in the recreational charter (26%) and headboat (9%) are higher, with recreational private discards (47%) being much higher. Due to how the fishery is prosecuted for this species, little bycatch of other finfish species occurs.

For Spanish mackerel, SEDAR 81 (2023) used the following discard mortality rate of 10% for the commercial sector utilizing hook-and-line gear, 100% for commercial gillnet, and 20% for the recreational private, headboat, and charter. Commercial discard mortality recommended for shrimp trawl use is 100%. There is no evidence that the Gulf Spanish mackerel portion of the CMP fishery is adversely affecting seabirds or marine mammals.

Protected Resources

The National Marine Fisheries Service (NMFS) manages marine protected species in the Southeast region under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). A summary of these two laws and more information is available on NMFS Office of Protected Resources website.⁷ ESA-listed species or Distinct Population Segments (DPS) of marine mammals, sea turtles, fish, and corals occur in the exclusive economic zone (EEZ) of the Gulf and South Atlantic. There are numerous stocks of marine mammals managed within the Southeast region. All marine mammals in U.S. waters are protected under the MMPA.

Six of the marine mammals (sperm, sei, fin, blue, North Atlantic right whale, and Rice's⁸) protected under the MMPA are also listed as endangered under the ESA and may occur in the Gulf. Rice's whales are the only resident baleen whales in the Gulf. Manatees, listed as threatened under the ESA, also occur in the Gulf and South Atlantic and are the only marine mammal species in this area managed by the U.S. Fish and Wildlife Service.

Sea turtles, fish, and corals that are listed as threatened or endangered under the ESA and occur in the Gulf include the following: five species/DPS of sea turtles (Kemp's ridley, Northwest Atlantic DPS of loggerhead, North Atlantic DPS of green, leatherback, and hawksbill); five

⁷ <https://www.fisheries.noaa.gov/about/office-protected-resources>

⁸ Rice's whale was known at the time of listing as the Gulf Bryde's whale, but was later identified as morphologically and genetically distinct from other whales under the Bryde's whale complex. Therefore, NMFS revised the enumeration of endangered marine and anadromous species accordingly (86 FR 47022, Aug. 23, 2021).

species/DPS of fish (Gulf sturgeon, U.S. DPS of smalltooth sawfish, Nassau grouper, oceanic whitetip shark, and giant manta ray); and seven species of coral (elkhorn, staghorn, lobed star, mountainous star, boulder star, pillar, and rough cactus).

Additionally, critical habitat designated under the ESA for the Northwest Atlantic Ocean DPS of loggerhead sea turtle, sawfish, and Gulf sturgeon occurs in the Gulf, though only loggerhead critical habitat occurs in federal waters.

NMFS completed a biological opinion on June 18, 2015, evaluating the impacts of the CMP fishery on ESA-listed species. In the biological opinion (NMFS 2015), NMFS determined that the operation of the CMP fishery is not likely to adversely affect ESA-listed whales, corals, and have no effect on Gulf sturgeon. NMFS also determined that the CMP fishery is not likely to adversely affect designated critical habitat for elkhorn and staghorn coral or the Northwest Atlantic DPS of loggerhead sea turtle. The 2015 biological opinion concluded that the CMP fishery's continued authorization is likely to adversely affect, but is not likely to jeopardize, green, hawksbill, Kemp's ridley, leatherback, or the Northwest Atlantic DPS of loggerhead sea turtles, as well as smalltooth sawfish. An incidental take statement for sea turtles and smalltooth sawfish was issued. Reasonable and prudent measures to minimize the impact of these incidental takes were specified, along with terms and conditions to implement them.

On April 6, 2016, NMFS and the U.S. Fish and Wildlife Service published a final rule (81 FR 20057), effective May 6, 2016, listing 11 DPSs of green sea turtle. The final rule, which superseded the previous green sea turtle listing, listed eight DPSs as threatened and three DPSs as endangered. On June 29, 2016, NMFS published a final rule (81 FR 42268) to list Nassau grouper as threatened under the ESA, effective July 29, 2016. Because the range of both the North Atlantic and South Atlantic DPSs of green sea turtle and the Nassau grouper occur within the action area of the CMP fishery, NMFS reinitiated consultation on the CMP fishery in March 2017. NMFS completed an Amendment to the 2015 biological opinion on November 18, 2017. The amended biological opinion (NMFS 2017) concluded that the CMP fishery's continued authorization is not likely to adversely affect Nassau grouper and is likely to adversely affect, but is not likely to jeopardize, the North Atlantic and South Atlantic DPSs of green sea turtle. A revised incidental take statement was issued.

On January 22, 2018, NMFS published a final rule (83 FR 2916) listing the giant manta ray as threatened under the ESA. On January 30, 2018, NMFS published a final rule (83 FR 4153) listing the oceanic whitetip shark as threatened under the ESA. In a memorandum dated June 11, 2018, NMFS reinitiated consultation on the CMP FMP to address the listings of the giant manta ray and oceanic whitetip shark. The consultation memo determined that fishing under the CMP FMP during the reinitiation period is not likely to adversely affect oceanic whitetip sharks and will not appreciably reduce the likelihood of the giant manta ray's survival or recovery within its range.

On April 15, 2019, NMFS published a final rule listing the Gulf Bryde's whale (now Rice's whale) as endangered under the ESA.⁹ In a memorandum dated July 8, 2019, NMFS determined that the very limited overlap between the CMP fishery and Gulf Bryde's whale habitat and the utilization of a gear type unlikely to pose an entanglement risk, the risk of adverse effects on the Gulf Bryde's whale from interactions with fishing under the CMP FMP were discountable. In that same July 8, 2019, memorandum, NMFS concluded that the activities associated with the CMP FMP were not likely to adversely affect the continued existence of the Gulf Bryde's whale during the revised reinitiation period.

There is no information to indicate marine mammals and birds rely on Gulf Spanish mackerel for food, and they are not generally caught by fishermen harvesting Spanish mackerel. The primary gear in the Gulf CMP fishery used to harvest Spanish mackerel is hook-and-line. This gear is classified in the proposed 2025 MMPA List of Fisheries as a Category III fishery (89 FR 77789, September 24, 2024), meaning 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 CMP gillnet component of the CMP fishery is classified as a Category II fishery. 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 gillnet portion of the CMP fishery has no documented interaction with marine mammals; NMFS classifies the gillnet portion of the CMP fishery as Category II based on analogy (similar risk to marine mammals) with other gillnet fisheries. Additionally, there is no evidence that the Gulf Spanish mackerel portion of the CMP fishery as a whole is adversely affecting seabirds.

3.3 Description of the Economic Environment

This framework action would affect both commercial and recreational harvest within the CMP fishery. The CMP fishery is composed of three stocks, and each stock has two migratory groups. The Gulf king mackerel, Gulf Spanish mackerel and Gulf cobia migratory groups are managed by the Gulf Council. Atlantic king mackerel and Atlantic Spanish mackerel are managed by the South Atlantic Fishery Management Council. Atlantic cobia is managed by the Atlantic States Marine Fisheries Commission (ASMFC). This action pertains only to the harvest of Gulf Spanish mackerel, so its focus is on Gulf Spanish mackerel. For more information on Gulf cobia or Gulf king mackerel, see the Gulf States Marine Fisheries Commission report (March 2019), Amendment 32 to the CMP FMP (GMFMC and SAFMC 2022), and Framework Amendment 11 to the CMP FMP (GMFMC 2022), which are incorporated by reference. For information on the Atlantic migratory groups, see ASFMC (November 8, 2022), Amendment 34 to the CMP FMP (SAFMC 2022), and Amendment 27 to the CMP FMP (SAFMC 2017).

⁹ The changes to the taxonomic classification of this species and its common name have no effect on NMFS's conclusion that the activities associated with the CMP FMP will not jeopardize the continued existence of the species during the revised reinitiation period.

The following description of the relevant economic environment includes both the commercial and recreational sectors as they pertain to fishing for Gulf Spanish mackerel. Note that all dollar figures in this section are in 2022 dollars.

3.3.1 Commercial Sector

Any fishing vessel that harvests Spanish mackerel in the EEZ off the Gulf or Atlantic in excess of the recreational bag limit and sells that harvest must have a valid federal commercial Spanish mackerel (SM) permit on board.¹⁰ The SM permit is an open-access permit. From 2018 through 2022, the number of commercial vessels with homeports in the Gulf and with a valid SM permit ranged from 914 to 1,025 (Table 3.3.1).¹¹ A substantial number of SM-permitted vessels do not report landings of Gulf Spanish mackerel in any given year. An annual average of approximately 87% of vessels with a valid Spanish mackerel permit and homeported in the Gulf (Alabama, West Florida, Louisiana, Mississippi and Texas) did not report landings of Gulf Spanish mackerel during the 5-year period.

Table 3.3.1. Number of valid SM-permitted vessels with a homeport in the Gulf, number of those vessels that reported Gulf Spanish mackerel landings, and percentage of valid SM-permitted vessels that reported Gulf Spanish mackerel landings, 2018 – 2022.

Year	SM Permitted Vessels with Homeports in Gulf Region	SM Permitted Vessels with Gulf SM Landings	Percentage SM Permitted Vessels with SM Landings
2018	1,025	157	15.32%
2019	983	141	14.34%
2020	914	156	17.07%
2021	914	114	12.47%
2022	933	83	8.90%
Average	954	130	13.62%

Source: SERO Permit Office, for number of permitted vessels and Southeast Fisheries Science Center (SEFSC) Socioeconomic Panel (July 23) accessed by the SEFSC Economic Query System (November 2023) for permitted vessels with reported landings.

From 2018 through 2022, Gulf Spanish mackerel landings represented, on average, 2.56% of SM-permitted vessels’ total annual landings by weight and 1.30% by value (Tables 3.3.2 and 3.3.3). The average price per pound over the 5-year period was \$1.58; however, it ranged annually from \$1.39 to \$2.36. The average SM-permitted vessel with Gulf Spanish mackerel landings had annual total revenue of \$65,335. None of the vessels had annual revenue from all landings reaching or exceeding \$11 million, which is the small business size standard for businesses operating primarily in the commercial fishing industry. Note that over the 5-year

¹⁰ The captain/crew of a for-hire fishing vessel with a valid charter/headboat permit for king or Spanish mackerel can sell a bag limit quantity of king or Spanish mackerel, respectively.

¹¹ Valid permits for at least one day during the calendar year.

period all reported harvest of Gulf Spanish mackerel by SM-permitted vessels was landed in a Gulf state.

Table 3.3.2. Reported landings in pounds (lb) gutted weight (gw) of Gulf Spanish mackerel, jointly caught species and other species by SM-permitted vessels that reported landings of Gulf SM, and percentage of their total landings from Gulf SM, 2018-2022.

Year	Landings of SM (lb gw)	Landings of Jointly Caught Species (lb gw)	Landings of Other Species (lb gw)	Total Landings (lb gw)	Percentage of Total Landings from SM
2018	67,643	488,163	2,479,109	3,034,915	2.23%
2019	65,053	453,941	3,046,503	3,565,497	1.82%
2020	98,614	417,425	2,459,446	2,975,485	3.31%
2021	66,630	243,849	1,633,312	1,943,791	3.43%
2022	32,323	125,229	1,440,296	1,597,848	2.02%
Average	66,053	345,721	2,211,733	2,623,507	2.56%

Source: SEFSC Socioeconomic Panel (Jul 2023) accessed by the SEFSC Economic Query System (Oct 2023), and U.S. Bureau of Economic Analysis (BEA) Gross Domestic Product (GDP) Implicit Price Deflator (issued October 26, 2023).

Landings from federal waters only.

Table 3.3.3. Ex-vessel revenue from landings of Gulf Spanish mackerel, jointly caught species and other species landed by SM-permitted vessels that reported landings of Gulf SM, and percentage of total annual ex-vessel revenue from Gulf SM landings, 2018 – 2022.

Year	Revenue from SM	Revenue from Jointly Caught Species	Revenue from Other Species	Total Revenue	Percentage of Total Revenue from SM	Average Total Revenue per Vessel
2018	\$101,352	\$1,340,990	\$8,405,390	\$9,847,731	1.03%	\$62,724
2019	\$97,668	\$1,375,711	\$9,607,938	\$11,081,317	0.88%	\$78,590
2020	\$136,769	\$1,113,706	\$8,833,823	\$10,084,298	1.36%	\$64,642
2021	\$111,246	\$666,889	\$5,903,629	\$6,681,763	1.66%	\$58,611
2022	\$76,238	\$316,320	\$4,445,518	\$4,838,076	1.58%	\$58,290
Average	\$104,655	\$962,723	\$7,439,259	\$8,506,637	1.30%	\$65,335

Source: SEFSC Socioeconomic Panel (Sep 2023) accessed by the SEFSC Economic Query System (Nov 2023), and BEA GDP Implicit Price Deflator (issued Oct. 26, 2023).

Trips with Gulf Spanish mackerel landings represented, on average, about 21.19% of all annual trips made by the SM-permitted vessels that reported Gulf Spanish mackerel landings from 2018 through 2022. The average Gulf SM trip landed 136 lb gw of Gulf Spanish mackerel, and the average SM-permitted vessel with reported Gulf SM landings harvested 499 lb whole weight (ww) of it annually (Table 3.3.4). Note that there is no commercial trip limit for Gulf Spanish mackerel.

Table 3.3.4. Annual Gulf SM trips and other trips by SM-permitted vessels, percentage of total trips with SM landings, average SM landings per trip, and average annual SM landings per SM-permitted vessel, 2018 – 2022.

Year	Gulf SM Trips	Other Trips	Total Trips	Percentage SM trips	Average Gulf SM Landings per SM Trip (lb gw)	Average Annual Gulf SM Landings per Vessel
2018	573	2,245	2,818	20.33%	118	430
2019	702	2,239	2,941	23.87%	92	461
2020	641	1,979	2,620	24.47%	153	632
2021	478	1,648	2,126	22.48%	139	584
2022	183	1,055	1,238	14.78%	176	389
Average	515	1,833	2,349	21.19%	136	499

Source: SEFSC Socioeconomic Panel (Jul 2023) accessed by the SEFSC Economic Query System (Oct 2023).

The largest percentage of Gulf Spanish mackerel landed by SM-permitted vessels are harvested with gillnet, followed in turn by hand hook-and-line (H & L), trolling hook and line and other gear types (Table 3.3.5).¹² The average gillnet trip landed more Gulf Spanish mackerel than other gear types (Table 3.3.6); however, H & L gear were used more often (Table 3.3.7).

Table 3.3.5. Annual Gulf SM landings (lb gw) reported by SM-permitted vessels by gear, 2018 – 2022.

Year	Gillnet	Hand H&L	H&L Troll	All Other	Total	Percent Gillnet	Percent Hand H&L	Percent H&L Troll	Percent All Other
2018	25,143	19,861	21,406	1,232	67,642	37.17%	29.36%	31.65%	1.82%
2019	28,715	21,125	14,366	848	65,054	44.14%	32.47%	22.08%	1.30%
2020	70,008	16,515	10,736	1,355	98,614	70.99%	16.75%	10.89%	1.37%
2021	52,053	8,667	5,568	342	66,630	78.12%	13.01%	8.36%	0.51%
2022	19,519	8,154	4,192	457	32,322	60.39%	25.23%	12.97%	1.41%
Average	39,088	14,864	11,254	847	66,052	58.16%	23.36%	17.19%	1.29%

Source: SEFSC Socioeconomic Panel (Jul 2023) accessed by the SEFSC Economic Query System (Oct 2023).

¹² The minimum allowable mesh size for a gillnet used to fish for Gulf Spanish mackerel is 3.5 inches stretched mesh (<https://www.ecfr.gov/current/title-50/chapter-VI/part-622/subpart-Q/section-622.377>). A vessel on a trip with a gillnet on board with a mesh size less than 3.5 inches (8.9 cm) stretched mesh cannot possess on that trip any Spanish mackerel.

Table 3.3.6. Average Gulf SM landings (lb gw) per trip by gear, 2018 – 2022.

Year	Gillnet	Hand H&L	H&L Troll	All Gears
2018	645	71	97	118
2019	532	59	59	93
2020	1,000	52	50	154
2021	777	40	32	139
2022	2,788	79	70	177
Average	1,148	60	62	128

Source: SEFSC Socioeconomic Panel (July 2023) accessed by the SEFSC Economic Query System (October 2023).

Table 3.3.7. Trips with Gulf SM landings by gear, 2018 – 2022.

Year	Gillnet	Hand H&L	H&L Troll	All Other	Total	Percent H & L
2018	39	278	221	35	573	87.09%
2019	54	359	244	45	702	85.90%
2020	70	315	215	41	641	82.68%
2021	67	215	173	23	478	81.17%
2022	7	103	60	13	183	89.07%
Average	47	254	183	31	515	85.18%

Source: SEFSC Socioeconomic Panel (Jul 2023) accessed by the SEFSC Economic Query System (Oct 2023).

Overstreet et al. (2019) provide annual vessel-level estimates of costs (as a percentage of revenue) and net revenue from operations for federally permitted vessels that harvested Spanish mackerel in the Gulf from 2014 through 2016 (Table 3.3.8); however, these cost estimates, although representing the best available scientific information, exhibit significant uncertainty because of small sample size and instability of federally permitted vessels that report landings of Gulf Spanish mackerel on a year to year basis. Therefore, the estimates in the table illustrate how the estimates of average annual net cash flow, producer surplus (PS), net revenue from operations, and economic return on asset value are generated for federally permitted vessels that harvested Gulf Spanish mackerel from 2014 through 2016. Producer surplus is annual gross revenue minus the annual costs for fuel, other supplies, hired crew, and the opportunity cost of an owner’s time as captain. Net Cash Flow is annual gross revenue minus the annual costs for fuel, other supplies, hired crew, vessel repair and maintenance, insurance, overhead, loan payments, and individual fishing quota (IFQ) purchase. Net revenue from operations, which most closely represents economic profits to the owner(s), is total annual revenue minus the costs for fuel, other supplies, hired crew, vessel repair and maintenance, insurance, overhead, and the opportunity cost of an owner’s time as captain, as well as the vessel’s depreciation. Economic return on asset value is calculated by dividing the mean Net Revenue from Operations by the mean Vessel Value.¹³

¹³ Practically, this return is shared between owners of vessel capital and IFQ shares. By purposefully ignoring the IFQ shareholder distribution, the focus is on the real productive capacity of the commercial fishing sector. All IFQ transactions are zero-sum in that they transfer wealth. The catch share management structure allows for the realization of resource rents that will, in all likelihood, accrue to the IFQ shareholders.

Table 3.3.8. Average annual cost, producer surplus, net cash flow and other estimates as percentages of total revenue for SM-permitted vessels that harvested Gulf Spanish mackerel, 2014 – 2016.

Category	Cost Category	Percentage of revenue for federally permitted vessels with Gulf Spanish mackerel landings, 2014 –2016
A	Fuel	11.4%
B	Other Supplies (Bait, Ice, Groceries, Miscellaneous)	11.2%
C	Hired Crew	22.5%
D	Vessel Repair & Maintenance	10.7%
E	Insurance	1.0%
F	Overhead	6.5%
G	Opportunity Cost of Owner-Captain Time	10.2%
H	Loan Payment	1.0%
I	IFQ Purchase	4.1%
J	Sum of A, B, C, D and G	66.0%
K	Sum of A, B, C, D, E, F, H and I	68.4%
	Producer Surplus (100% less J)	34.0%
	Net Cash Flow (100% less K)	31.6%
L	Vessel Depreciation	3.8%
M	Sum of A, B, C, D, E, F, G, I and L	77.3%
	Net Revenue for Operations (100% less M)	22.8%
	Economic Return on Asset Value	31.1%

Source: Overstreet et al. (2019).

PS for commercial vessels that harvested Spanish mackerel in the Gulf was estimated to be 34% of their annual gross revenue. Net revenue from operations was 22.8% of their average annual gross revenue during this period. Applying these percentages to the average annual total revenue per SM-permitted vessel that reported Gulf Spanish mackerel landings (\$65,335 as shown in Table 3.3.3) would result in an estimated per vessel average annual PS of \$22,214 and an average annual net revenue from operations of \$14,896 per year.¹⁴

¹⁴ Estimations of the full economic value of the commercial sector requires an assessment of multiple segments within the supply chain: from commercial fishers to dealer/processors, from dealers/processors to wholesalers and distributors, from wholesalers and distributors to retailers/grocers and restaurants, and from retailers/grocers and restaurants to consumers. First, there is the producer surplus of harvesters, which is described above, but that is followed by the producer surplus of dealers/processors, wholesalers, distributors, retailers/grocers and restaurants. Second, there is the consumer surplus of those who purchase Gulf Spanish mackerel to consume at their table (home and restaurant). Estimates of producer surplus of the non-harvesting segments of the supply chain and consumer surplus at the retail/restaurant level are not available.

Imports

Most of the seafood consumed in the U.S. is imported. In 2020, the U.S. imported 6.1 billion pounds of seafood products, valued at \$21.4 billion (NOAA 2022).¹⁵ The overall balance of trade in edible seafood products in 2020 was a deficit of \$17.0 billion, essentially holding steady.

Import data for Spanish mackerel are not available; however, there are import data for mackerel. From 2018 through 2022, the Gulf Region imported, on average, almost 225 times as much mackerel than it exported out of the country by weight (NMFS Foreign Fishery Trade data). Imported seafood affects the ex-vessel prices that commercial fishermen receive for their landings and tend to set the price in domestic markets where imports dominate. Additional information on U.S. seafood trade can be found in NMFS (2022) and information on imports of seafood products can be found in Ferreira et al. (2022), which are incorporated by reference.

Associated Economic Impacts/Market Activity

Estimations of the economic impacts of commercial fishing for Gulf Spanish mackerel requires an assessment of associated expenditures at multiple segments within the supply chain: from commercial Gulf Spanish mackerel fishers to dealers/processors, from dealers/processors to wholesalers and distributors, from wholesalers and distributors to grocers and restaurants, and from grocers and restaurants to consumers. As Gulf Spanish mackerel moves along the supply chain, its associated expenditures generate jobs, sales, income, and value added.

From 2018 through 2022, SM-permitted vessels that reported Gulf Spanish mackerel landings collectively received \$104,655 annually, on average, from the sales of their combined landings. In turn, those sold landings had associated expenditures along the supply chain as briefly explained above and generated economic impacts. Table 3.3.9 shows the economic impacts to the nation from commercial landings of Gulf Spanish mackerel.

¹⁵ See NOAA's Fisheries of the United States 2020. Available at <https://media.fisheries.noaa.gov/2022-05/Fisheries-of-the-United-States-2020-Report-FINAL.pdf>.

Table 3.3.9. Average annual market activity/economic impacts associated with annual commercial landings of Gulf Spanish mackerel, 2018 – 2022.

Harvesters	
Employment impacts (jobs)	2,617
Income impacts	\$88,415
Total value added impacts	\$138,613
Output impacts	\$277,168
Primary dealers/processors	
Employment impacts (jobs)	885
Income impacts	\$51,497
Total value added impacts	\$71,587
Output impacts	\$163,175
Secondary wholesalers/distributors	
Employment impacts (jobs)	430
Income impacts	\$25,801
Total value added impacts	\$36,918
Output impacts	\$78,517
Grocers	
Employment impacts (jobs)	1,123
Income impacts	\$41,440
Total value added impacts	\$55,378
Output impacts	\$95,952
Restaurants	
Employment impacts (jobs)	6,443
Income impacts	\$170,032
Total value added impacts	\$233,210
Output impacts	\$426,137
Harvesters and Seafood Industry	
Employment impacts (jobs)	11,497
Income impacts	\$377,184
Total value added impacts	\$535,705
Output impacts	\$1,040,949

Source: Estimates of economic impacts calculated by NMFS SERO using model developed for NMFS (May 2023 version).

3.3.2 Recreational Sector

The recreational sector is composed of anglers (recreational fishers) and for-hire fishing vessels that take anglers offshore. Anglers who fish in the Gulf EEZ for any stock are not required to have a federal permit; however, they must have either an up-to-date state fishing license or be

enrolled in the National Saltwater Angler Registry, subject to appropriate exemptions.¹⁶ As such, there is insufficient information to identify the number of anglers who target or catch Gulf Spanish mackerel.

Any for-hire fishing vessel that takes anglers into the Gulf EEZ to harvest CMP must have a valid limited-access (federal) charter/headboat permit for CMP issued to that vessel and the permit must be onboard. From 2016 through 2020, there were an annual average of 1,267 vessels with a valid or renewable charter/headboat permit for CMP (SERO Permit Office) (Table 3.3.10).

Table 3.3.10. For-hire fishing vessels homeported in Gulf states with a valid or renewable charter/headboat permit for CMP, 2016 – 2020.

Year	AL	FL	LA	MS	TX	Total
2016	126	757	112	33	232	1,260
2017	133	766	112	31	218	1,260
2018	130	781	115	30	211	1,267
2019	138	793	107	29	199	1,266
2020	142	799	109	28	204	1,282
Average	134	779	111	30	213	1,267

Source: SERO permit office.

The above standard charter/headboat permit for CMP is issued to a vessel, whereas the historical captain permit for CMP was issued to a person. In 2018, several stakeholders expressed concerns about the limitations of historical captain permits. They noted that the inability to transfer the permit and the requirement that the captain must be present on the vessel are impediments to the continued operation of the historical captain’s business and are not necessary to meet conservation and management objectives of the reef fish and CMP fisheries. In response, the Gulf Council took action to provide eligible historical captains with an opportunity to voluntarily convert historical captain permits into standard for-hire permits. To allow for an orderly conversion of historical captain permits into standard for-hire permits, eligible permit owners had two years from May 21, 2020, to replace eligible historical captain permits with standard for-hire permits and associate the newly issued standard for-hire permits with a vessel. A total of 31 historical captain permits for CMP were eligible for conversion to the standard permit, and as of March 8, 2022, all eligible historical captain permits for CMP had been converted into standard for-hire permits for CMP (K. McIntosh, NMFS-SERO, pers. comm. March 2022).

Although the charter/headboat permit application collects information on the primary method of operation, the permit itself does not identify the permitted vessel as either a headboat or a charter vessel, and vessels may operate in both capacities. However, only federally permitted headboats are required to submit harvest and effort information directly to the Southeast Regional Headboat

¹⁶ An angler with a saltwater recreational fishing license or registration from any state or U.S. territory, except Hawaii, Puerto Rico, or the U.S. Virgin Islands, is automatically registered and does not need to take further action.

Survey (SRHS), and participation in the SRHS is based on determination by the Southeast Fishery Science Center (SEFSC) that the vessel primarily operates as a headboat. As of November 1, 2023, there are 67 Gulf headboats registered in the SRHS (K. Brennan, NMFS SEFSC, pers. comm. 2023). The majority of these headboats are located in Florida (40), followed by Texas (17), Alabama (7), and Mississippi/Louisiana (3).

From 2018 through 2022, an annual average of about 7.07 mp of Gulf Spanish mackerel were landed by anglers on shore, private/leased vessels, charter vessels and headboats (Table 3.3.11). Anglers in Alabama and West Florida combined, accounted for, on average, 98.2% Gulf Spanish mackerel recreational landings during that time. In turn, they were followed by anglers in Mississippi, Louisiana and Texas who harvested Gulf Spanish mackerel.¹⁷

Table 3.3.11. Gulf Spanish mackerel in lb whole weight recreationally harvested (AB1) from Gulf EEZ by state/area, 2018 – 2022.

Year	AL	WFL	LA	MS	TX	Total
2018	1,333,523	3,997,156	17,594	301,408	14,398	5,664,079
2019	3,692,679	6,963,687	24,014	51,803	5,335	10,737,517
2020	805,547	5,322,454	19,263	50,087	2,904	6,200,255
2021	907,651	5,873,320	10,978	26,942	825	6,819,716
2022	1,026,299	4,894,020	7,574	14,776	1,862	5,944,529
Average	1,553,140	5,410,127	15,885	89,003	5,065	7,073,219

Source: M. Larkin, NMFS SERO LAPP, pers. com. November 2023.

Recreational fishing effort is described as the number of fishing trips. The number of angler trips that catch Gulf Spanish mackerel is one indicator of recreational effort, while the number of angler trips that target Gulf Spanish mackerel is another. From 2018 through 2022, an annual average of about 3.06 million angler trips targeted Gulf Spanish mackerel as the primary or secondary target (Table 3.3.12).¹⁸ Most of these trips were by anglers in West Florida, where approximately 81.5% of the angler trips that targeted Spanish mackerel were made (Table 3.3.13).

¹⁷ There is a recreational bag limit of 15 fish per person per day, and Gulf Spanish mackerel must be landed with heads and fins intact. The minimum size limit is 12 inches fork length, and there is no maximum size limit.

¹⁸ Recreational fishing effort for Gulf Spanish mackerel is greater than for Gulf king mackerel or Gulf cobia as evidenced by it being more often the primary or secondary target of a Gulf angler trip. For example, in West Florida from 2018 through 2022, more angler trips (all areas and charter, private/leased and shore modes) targeted Gulf Spanish mackerel than angler trips targeting Gulf king mackerel or Gulf cobia.

Table 3.3.12. Angler trips that targeted Gulf Spanish mackerel by mode, 2018 – 2022.

Year	Private/Leased	Charter	Shore	Total
2018	234,104	44,012	2,635,736	2,913,852
2019	254,844	31,814	3,259,525	3,546,183
2020	288,780	21,137	2,642,295	2,952,212
2021	514,088	25,563	1,905,029	2,444,680
2022	408,848	45,729	2,990,618	3,445,195
Average	340,133	33,651	2,686,641	3,060,425

Source: M. Larkin, NMFS SERO LAPP, pers. com. November 2023.

Table 3.3.13. Angler trips that targeted Gulf Spanish mackerel by state, 2018 – 2022.

Year	AL	WFL	MS	LA & TX	Total	Percentage WFL
2018	749,242	2,133,878	29,987	746	2,913,853	73.23%
2019	752,077	2,792,047	1,967	92	3,546,183	78.73%
2020	252,897	2,695,114	4,119	82	2,952,212	91.29%
2021	465,559	1,978,776	190	154	2,444,679	80.94%
2022	577,469	2,864,480	3,197	49	3,445,195	83.14%
Average	559,449	2,492,859	7,892	225	3,060,425	81.47%

Source: M. Larkin, NMFS SERO LAPP, pers. com. November 2023.

The money spent on the above angler trips that target Gulf Spanish mackerel generate economic impacts to the nation, such as jobs and income.¹⁹ From 2018 through 2022, an annual average of about 3.06 million trips targeted Spanish mackerel and generated 2,581 jobs, \$142.6 million in income impacts, \$249.9 million in value-added impacts, and \$432.0 million in sales impacts (Table 3.3.14).

Table 3.3.14. Estimates of average annual economic impacts of angler trips that target Gulf Spanish mackerel, 2018 – 2022.

Mode	Trips	Value Added (thousands)	Sales Impacts (thousands)	Income Impacts (thousands)	Jobs
Charter	33,651	\$17,875	\$31,386	\$10,454	218
Private/Rental	340,340	\$25,098	\$44,212	\$13,872	230
Shore	2,686,434	\$206,894	\$356,360	\$118,312	2,132
Total	3,060,425	\$249,867	\$431,958	\$142,639	2,581

Source: Estimates of economic impacts calculated by NMFS Southeast Regional Office (SERO) using model developed for NMFS (2023).

The headboat data does not contain information collected at the angler level, nor does it collect target intent information; however, recreational fishing effort of headboats is estimated in terms

¹⁹ Because SRHS data do not identify species that are targeted during a trip, the economic impacts of headboat trips that may target Council-managed species cannot be estimated. The multipliers used to estimate the economic impacts generated by target trips vary by mode (shore, private/leased, charter).

of angler days. Data on effort are provided as number of anglers on a given headboat trip. The numbers of anglers are standardized, depending on the type of trip (length in hours), by converting number of anglers to “angler days” (e.g., 30 anglers on a half-day trip would yield 15 angler days, while 30 anglers on a full-day trip would yield 30 angler days). From 2018 through 2022, there was an average annual total of 402,679 angler days in the Gulf (Table 3.3.15).

Table 3.3.15. Total angler days of Gulf headboats, 2018 – 2022.

Year	TX	LA & MS	AL	FLW	Total
2018	52,160	3,235	19,851	346,980	422,226
2019	52,456	2,632	18,607	343,901	417,596
2020	51,498	1,728	13,091	259,033	325,350
2021	71,344	3,197	13,844	369,626	458,011
2022	62,705	3,675	14,588	309,245	390,213
Average	58,033	2,893	15,996	325,757	402,679

Source: M. Larkin, NMFS SERO LAPP, pers. com. November 2023.

Participation, harvest, and effort are indicators of the economic value of saltwater recreational fishing. However, a more specific indicator of economic value is the satisfaction that anglers experience over and above their costs of fishing. The economic (monetary) value of this satisfaction is referred to as consumer surplus (CS). The value or benefit derived from the recreational fishing experience is dependent on several quality determinants, which include fish size, catch success rate, and the number of fish kept.²⁰ These variables help determine the value of a fishing trip and influence total demand for recreational fishing trips.

Estimates of marginal consumer surplus are based on estimates of anglers’ average maximum willingness-to-pay (WTP) to experience the catching and keeping of an additional fish less their average cost of catching and keeping that additional fish. If it is assumed that there is no additional cost to the angler of catching and keeping an additional fish, such as if there were no changes in the costs of a fishing trip, the maximum WTP is equivalent to consumer surplus.²¹ In 2003/2004, Carter and Liese (2012) surveyed willing anglers who engaged in southeast sports fishing to estimate their average WTP to catch and keep versus catch and release an additional sports fish, specifically grouper, red snapper, dolphinfish and king mackerel. The survey did not estimate average WTP for a Spanish mackerel. Moreover, it did not distinguish anglers by mode (who fish from private versus for-hire vessels or from shore),²² nor did it distinguish fish released dead versus alive. Nonetheless, Carter and Liese (2012) estimate the average angler’s WTP for a second, third, fourth, fifth and sixth caught and kept king mackerel are approximately \$118.88, \$79.24, \$58.41, \$46.04, and \$37.91 (updated to 2022 dollars using BEA GDP

²⁰ These are not all of the factors that shape the quality of a recreational fishing experience. Other factors include fishing partners, aesthetics (such as the natural setting), access to fishing sites, and crowding/congestion to name a few.

²¹ The length of the trip and any other inputs that affect the cost of that trip, such as more bait, would be assumed to be constant whether one catches and keeps an additional fish or not.

²² Carter et al. (2020) estimated WTP that does distinguish anglers by mode (charter versus private boat trips).

deflator).²³ It is important to note that this WTP is for the experience of both catching and keeping an additional fish; it is not just for keeping a fish that has already been caught. In fact, Carter and Liese (2012) note that angler WTP to catch and release (dead or alive) a king mackerel above the bag limit was more than half the WTP to catch and keep a king mackerel. As such, more than half the value derived from catching and keeping a king mackerel was/is attributable to the sport of catching it. More recently, in 2013, Carter, Lovell and Liese (2020) surveyed Gulf anglers and estimated Gulf anglers are willing to pay \$24.63 on average for the option to experience an opening of the offshore king mackerel season with a 1-fish bag limit (versus zero), \$30.22 for the option of a 2-fish bag limit, and \$32.46 for a 3-fish bag limit.²⁴ Carter et al. (2020) note that the bag limit for king mackerel had been 2 fish since 2000, and their results may indicate that king mackerel anglers are more interested in the sport of catching a king mackerel than its bag limit. There are no comparable estimates for either Spanish mackerel or cobia.

Those WTP (CS) estimates should not be confused with angler expenditures or the economic activity (impacts) associated with their expenditures. While the money spent by an angler for a fishing trip may serve as a proxy or lower bound²⁵ of the total value to that angler, those expenditures do not represent the net value (benefits less cost) of the trip nor the change in value associated with a change in the fishing experience.²⁶ However, the economic impacts of their spending is important as that spending generates jobs, income and other economic benefits as was shown in Table 3.3.14.

While anglers receive economic value as measured by the consumer surplus associated with fishing, for-hire businesses receive value from the services they provide. PS associated with fishing trips are not available; however, proxy values in the form of net operating revenues (NOR) are available. For charter fishing vessels, the estimated NOR value is \$189 per charter angler trip in the Gulf (Liese and Carter 2011); and the estimated NOR value per headboat angler trip in the Gulf is \$65 (C. Liese, NMFS SEFSC, pers. comm.).²⁷ Estimates of NOR for for-hire trips that target specific species, such as king mackerel, are not available.

Estimates of average annual gross revenue for charter vessels in 2009 are provided in Savolainen et al. (2012). The average annual gross revenue for a Gulf headboat is approximately \$306,232 (\$229,830 in 2009 dollars), while the average annual gross revenue for a Gulf charter vessel is approximately \$105,029 (\$78,825 in 2009 dollars).²⁸ More recent estimates of average annual gross revenue for Gulf headboats are provided in Abbott and Willard (2017) and SEFSC (pers. comm., 2018). Abbott and Willard (2017) suggest that the Savolainen et al. (2012) estimate of average annual gross revenue for headboats may be an underestimate as data in the former

²³ Carter and Liese (2012) estimates in 2003 dollars are \$77.59 for the second fish, \$51.72 for the third, \$38.12 for the fourth, \$30.05 for the fifth fish, and \$24.74 for the sixth.

²⁴ Carter et al.'s estimate was in 2013 dollars and is adjusted above in 2022 dollars.

²⁵ It is expected that an angler would not spend more for a trip than what they believe that trip is worth to them.

²⁶ One example of a change in the experience is an increase in the maximum number of fish that can be kept.

²⁷ Both adjusted from 2013 dollars to 2022 dollars using BEA GDP deflator issued October 26, 2023.

²⁸ Adjusted to 2022 dollars using BEA Table 1.1.4 Price Indexes for Gross Domestic Product, issued October 26, 2023.

suggest that average gross revenue in 2009 for the vessels in their sample was approximately \$541,594 (\$406,471 in 2009 dollars). Further, their data suggests average annual gross revenue per vessel had increased to approximately \$654,249 by 2014 (\$534,706 in 2014 dollars). However, Abbott and Willard's estimates are based on a sample of 17 headboats that chose to participate in the Headboat Collaborative Program in 2014, while Savolainen, et al.'s are based on a random sample of 20 headboats. The headboats that participated in the Collaborative Program may be economic highliners, in which case Abbott and Willard's estimates would overestimate average annual gross revenue for Gulf headboats. D. Carter (SEFSC, pers. com. 2018) recently estimated that average annual gross revenue for Gulf headboats in 2017 were approximately \$427,515 (\$362,313 in 2017 dollars). This estimate is likely the best current estimate of annual gross revenue for Gulf headboats as it is based on a relatively large sample of 63 boats, or more than 90% of the active fleet, and is more recent. The maximum annual gross revenue for a single headboat in the Gulf was about \$1.38 million in 2017. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels, reflecting the fact that businesses that own charter vessels are typically smaller than businesses that own headboats.

Gross revenues overstate the annual economic value and profits generated by for-hire vessels. Economic value for for-hire vessels can be measured by annual PS. Economic profit is the amount of money a vessel owner earns in excess of variable and fixed costs, inclusive of all implicit costs, such as the value of a vessel owner's time as captain and as entrepreneur, and the cost of using physical capital (i.e., depreciation of the vessel and gear). In 2022 dollars, Savolainen, et al. (2012) estimated annual PS and annual economic profit for the average Gulf headboat is \$215,257 and \$89,807, respectively. Similarly, they estimated annual PS and economic profit for the average Gulf charter boat is \$66,773 and \$30,012, respectively.²⁹ Estimates of PS and economic profit for headboats are not available from Abbott and Willard (2017) or D. Carter (2018), as they did not collect comprehensive cost data at the vessel level.³⁰

With regard to for-hire trips, economic value can be measured by PS. Estimates of revenue, costs, and trip net revenue for trips taken by charter vessels and headboats in 2017 are available from Souza and Liese (2019). They also provide estimates of trip net cash flow per angler trip, which are an approximation of PS per angler trip. After accounting for transactions fees, supply costs, and labor costs, net revenue per trip was 42% of revenue for Gulf charter vessels and 55% of revenue for Gulf headboats, or \$880 and \$2,157, respectively³¹. Given the respective average number of anglers per trip for each fleet, PS per trip is estimated to be \$160 for charter vessels and \$76 for headboats.³²

²⁹ Savolainen, et al. (2012) account for all explicit variable and fixed costs, but they do not account for implicit costs. Consequently, they over-estimate actual economic profits for these vessels.

³⁰ Although Abbott and Willard (2017) report revenue net of fuel costs, they ignore important costs such as processing fees, commissions, ice, bait, tackle, and labor.

³¹ Souza and Liese (2019) estimate the average gross revenues for a Gulf charter fishing trip and Gulf headboat trip are \$2,094 (\$1,775 in 2017 dollars) and \$3,922 (\$3,324 in 2017 dollars), respectively.

³² Souza and Liese (2019) estimate an average of 28.2 angler passengers on a Southeast headboat trip and an average of 5.5 angler passengers on a Gulf charter boat trip.

3.4 Description of the Social Environment

This framework amendment affects the commercial and recreational management of Gulf Spanish mackerel. This section provides community background and current descriptions of Gulf Spanish mackerel fishing for which the proposed actions will be evaluated in Chapter 4.

The following description includes commercial and recreational Spanish mackerel landings and commercial and federal for-hire permits by state in order to provide information on the geographic distribution of fishing involvement. Descriptions of the top communities involved in commercial fishing for Spanish mackerel are included, along with the top recreational fishing communities based on recreational engagement and reliance, top ranked Spanish mackerel communities by the number of commercial permits, and the top ranked CMP communities by the number of federal for-hire permits. Lastly, social vulnerability data are presented for all top-ranking communities. Community level data are presented in order to meet the requirements of National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the consideration of the importance of fishery resources to human communities when changes to fishing regulations are considered.

3.4.1 Commercial Sector

Permits

Federal commercial Spanish mackerel permits are held by individuals in the Gulf, South Atlantic, and Mid-Atlantic, New England, and other states. Individuals in the Gulf hold approximately 40.7% of commercial Spanish mackerel permits (SERO permit office, 2020). Within the Gulf, the majority of commercial Spanish mackerel permits are held by individuals in Florida (35.9%, includes the west coast of Florida and the Florida Keys), followed by Louisiana (2.4%), Alabama (1.5%), Texas (0.5%), and Mississippi (0.4%). Commercial Spanish mackerel permits are held by individuals with mailing addresses in 351 communities, located in 20 states.

Communities in the Gulf with the most commercial Spanish mackerel permits are located in Florida and Louisiana (Table 3.4.1.1). The communities with the most commercial Spanish mackerel permits are Key West, Florida (8.4% of commercial Spanish mackerel permits); Marathon, Florida (3.4%); and Panama City, Florida (2.6%).

Table 3.4.1.1. Top communities by number of federal commercial Spanish mackerel permits.

State	Community	Permits
FL	Key West	188
FL	Marathon	76
FL	Panama City	58
FL	Key Largo	27
FL	Tarpon Springs	27
FL	St. Petersburg	24
FL	Naples	22
FL	Destin	20
FL	Islamorada	18
FL	Hernando Beach	17
FL	Cortez	17
FL	Madeira Beach	16
FL	Big Pine Key	14
LA	Grand Isle	14
FL	Panama City Beach	13
FL	Pensacola	12
FL	Summerland Key	10
FL	Clearwater	10

Source: SERO permit office, 2020.

Landings

The majority of Gulf commercial Spanish mackerel landings are from waters adjacent to Alabama (average of approximately 71.7% from 2018-2022), followed by Florida (26.2%), Mississippi (1.9%), and Louisiana (0.2%, SEFSC Commercial ACL Data).

The descriptions of communities include information about the top communities based on a “regional quotient” (RQ) of commercial landings for Spanish mackerel. The RQ is the proportion of landings out of the total landings of that species for that region and that year, and is a relative measure. The RQ is reported individually only for the top 10 communities by total landings for the years of 2018 through 2022. All other communities that landed Spanish mackerel are grouped as “Other Communities.” Figure 3.4.1.1 shows the RQ in percentage of pounds from 2018 to 2022. The top community of Bon Secour, Alabama has relatively stable landings by year; however, the landings of many communities fluctuate with no landings in some years for several communities. The top Spanish mackerel communities are located in Alabama, Florida, and Mississippi. About 70% of the total Spanish mackerel landings from 2018 to 2022 is landed in the top two communities of Bon Secour and Bayou La Batre, Alabama combined.

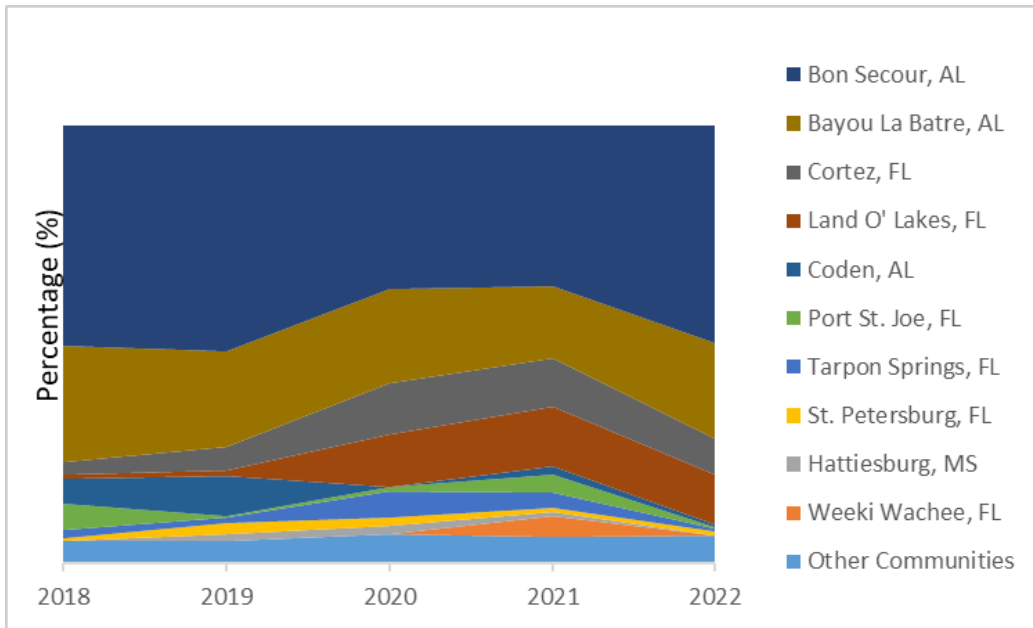


Figure 3.4.1.1. Regional Quotient (pounds) for top Gulf communities by Spanish mackerel landings from 2018 to 2022. The actual RQ values (y-axis) are omitted from the figure to maintain confidentiality.

Source: SERO, Community ALS.

Engagement and Reliance

Figure 3.4.1.2 is an overall measure of a community’s commercial fishing engagement and reliance and includes the communities with the strongest relationship to the commercial sector for Spanish mackerel as depicted in Figure 3.4.1.1. Hattiesburg, Mississippi and Weeki Wachee, Florida are not included because data are not available for these communities. The majority of the communities in Figure 3.4.1.2 would be considered to be highly or moderately engaged in commercial fishing, as several are at or above 1 standard deviation of the mean factor score and a few are at or above ½ standard deviation. Land O’ Lakes and Port St. Joe, Florida show the least amount of engagement in commercial fishing overall. Bon Secour, Alabama; Bayou La Batre, Alabama; and Cortez, Florida demonstrate the highest level of commercial reliance.

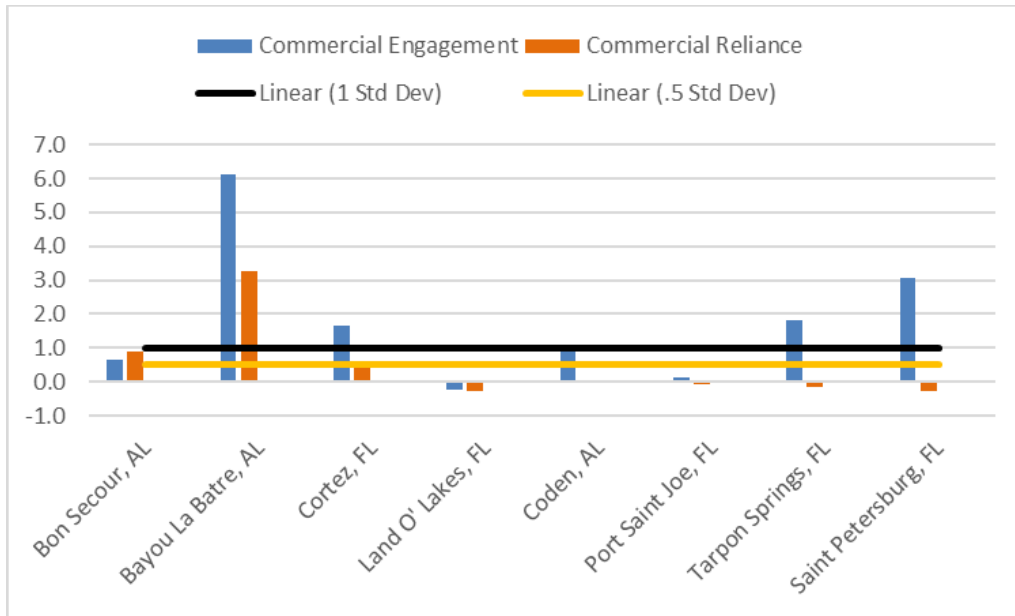


Figure 3.4.1.2. Commercial fishing engagement and reliance for top Spanish mackerel communities.

Source: SERO, Community Social Vulnerability Indicators Database 2019.

3.4.2 Recreational Sector

Permits

The majority of federal Gulf CMP for-hire permits are held by entities, such as individuals and businesses in Florida (61.3%), followed by Texas (15.7%), Alabama (11%), Louisiana (8.4%), Mississippi (2.2%), and other states (1.4%, SERO permit office, 2020). Gulf CMP for-hire permits are held by entities with mailing addresses in 213 communities, located in 15 states.

Communities with the most Gulf CMP for-hire permits are located in Florida, Alabama, Texas, and Louisiana (Table 3.4.2.1). The communities with the most Gulf CMP for-hire permits are Destin, Florida (4.6% of Gulf CMP for-hire permits); Panama City, Florida (4.3%); and Orange Beach, Alabama (4%).

Table 3.4.2.1. Top communities by number of federal Gulf CMP for-hire permits.

State	Community	Permits
FL	Destin	102
AL	Orange Beach	100
FL	Panama City	53
TX	Galveston	49
FL	Key West	48
LA	Venice	46
FL	Naples	44
TX	Freeport	38
TX	Port Aransas	32
FL	Clearwater	31
FL	Panama City Beach	31
FL	Pensacola	27
FL	St. Petersburg	26
FL	Sarasota	20
FL	Madeira Beach	19
AL	Dauphin Island	18
MS	Biloxi	18
FL	Crystal River	17
FL	Marco Island	17

Source: SERO permit office, 2020.

Landings

The greatest proportion of Gulf recreational Spanish mackerel landings are from waters adjacent to Florida (average of approximately 70.6% from 2018-2022), followed by Alabama (26.6%), Louisiana and Mississippi (2.6%), and Texas (0.2%, SEFSC Recreational MRIP-CHTS Data)

Engagement and Reliance

Landings for the remainder of the recreational sector are not available by species at the community level, making it difficult to identify communities as dependent on recreational fishing for Spanish mackerel. Because limited data are available concerning how recreational fishing communities are engaged and reliant on specific species, indices were created using secondary data from permit and infrastructure information for the southeast recreational fishing sector at the community level (Jepson and Colburn 2013, Jacob et al. 2013). Recreational fishing engagement is represented by the number of for-hire permits and vessels designated as “recreational” by homeport and owner’s address. Fishing reliance includes the same variables as fishing engagement, divided by population. Factor scores of both engagement and reliance were plotted by community.

Figure 3.4.2.1 identifies the top Gulf communities that are engaged and reliant upon recreational fishing in general. Two thresholds of one and one-half standard deviation above the mean were plotted to help determine a threshold for significance. Communities are presented in ranked order by fishing engagement and all 20 included communities demonstrate high levels of recreational engagement, although this is not specific to fishing for Spanish mackerel. Because the analysis used discrete geo-political boundaries, Panama City and Panama City Beach had separate values for the associated variables. Calculated independently, each still ranked high enough to appear in the top 20 list suggesting a greater importance for recreational fishing in that area. Four communities (Islamorada, Florida; Orange Beach, Alabama; Tavernier, Florida; and Venice Louisiana) demonstrate high levels of recreational reliance.

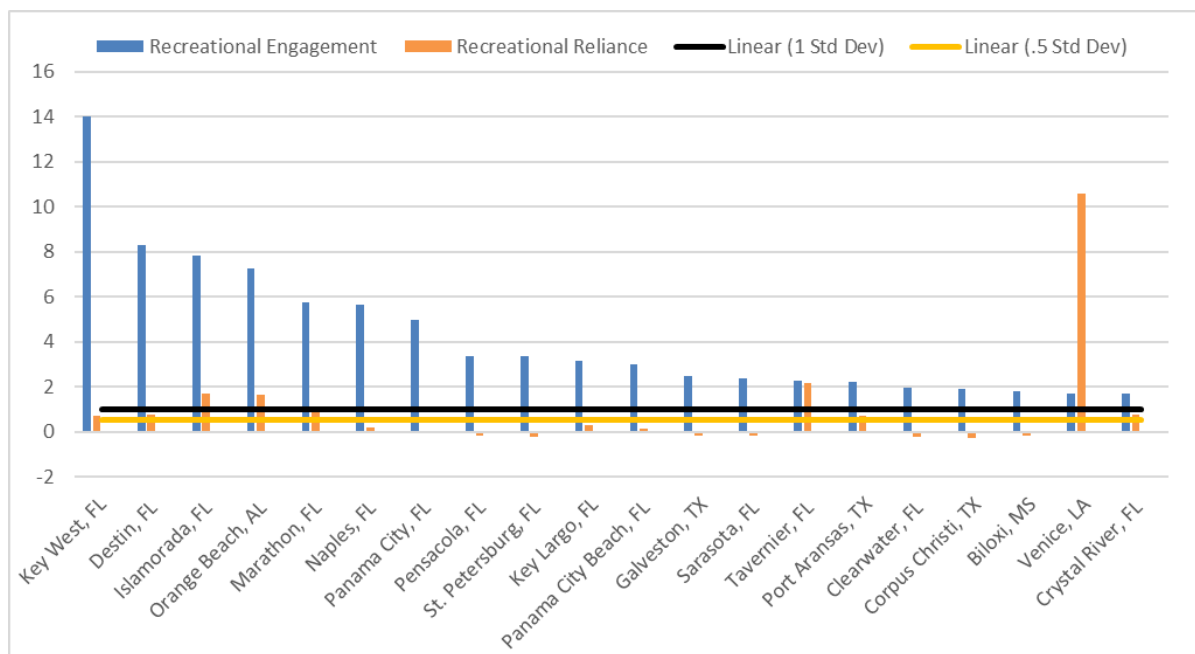


Figure 3.4.2.1. Top 20 communities by recreational fishing engagement and reliance. Source: SERO, Community Social Vulnerability Indicators Database 2019.

3.4.3 Social Vulnerability

A suite of indices were created using census data to examine the social vulnerability of coastal communities. The three indices are poverty, population composition, and personal disruptions. The variables included in each of these indices have been identified through the literature as being important components that contribute to a community’s vulnerability. Indicators such as increased poverty rates for different groups, more single female-headed households and households with children under the age of five, disruptions such as higher separation rates, higher crime rates, and unemployment all are signs of populations experiencing vulnerabilities. Again, for those communities that exceed the threshold it would be expected that they would exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change.

Figures 3.4.3.1 and 3.4.3.2 provide social vulnerability rankings for place-based communities identified in Section 3.4 as important to fishing for Spanish mackerel specifically (commercial sector) or fishing for coastal migratory pelagics or recreational fishing in general (recreational sector). Several communities exceed the threshold of one standard deviation above the mean for at least one indicator, Bayou La Batre, Alabama; Crystal River, Florida; Grand Isle, Louisiana; Venice, Louisiana; and Freeport, Texas. These communities would be the most likely to exhibit vulnerabilities to social or economic disruption resulting from regulatory change.

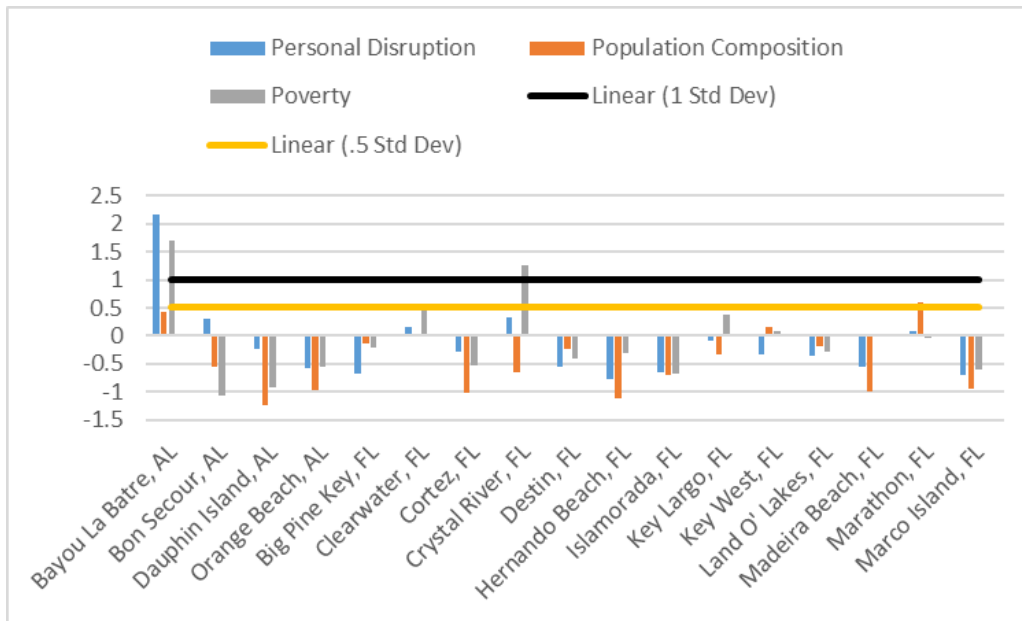


Figure 3.4.3.1. Social vulnerability indices for top commercial and recreational Spanish mackerel and CMP communities.

Source: SERO, Community Social Vulnerability Indicators Database 2020.

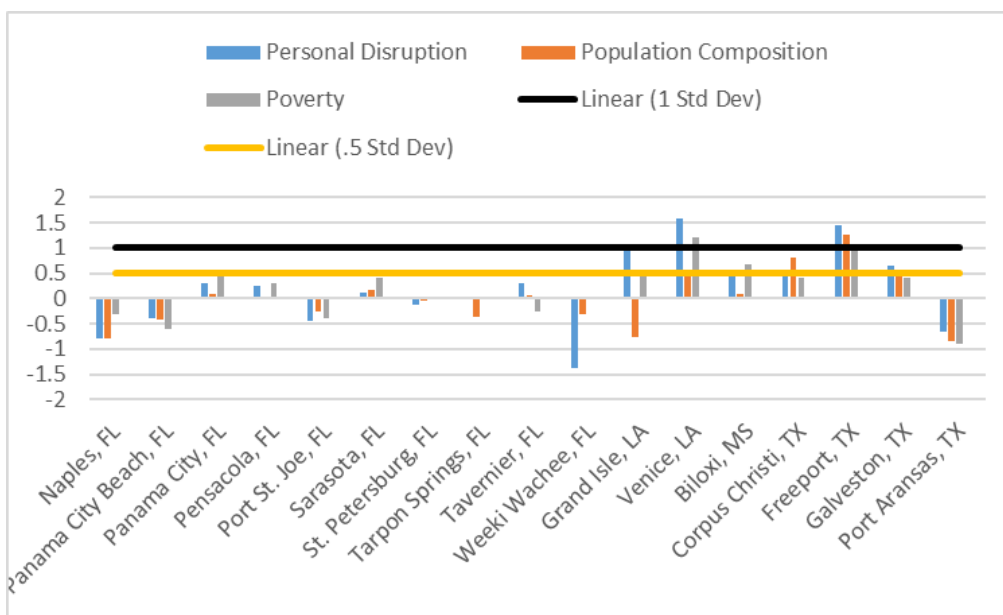


Figure 3.4.3.2. Social vulnerability indices for top commercial and recreational Spanish mackerel and CMP communities continued.

Source: SERO, Community Social Vulnerability Indicators Database 2020.

The brief description of fishing activities presented here highlights which communities may be most involved in Gulf Spanish mackerel fishing. It is expected that the impacts from the regulatory action in this framework amendment, whether positive or negative, will most likely affect those communities identified above.

3.5 Description of the Administrative Environment

3.5.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the 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. The EEZ is defined as an area extending 200 nautical miles from the seaward boundary of each of the coastal states. The Magnuson-Stevens Act also claims authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management decision-making is vested with the Secretary of Commerce (Secretary) who reviews and implements fishery management plans prepared by eight regional fishery management councils that represent the expertise and interests of constituent states. 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. These waters extend 9 to 200 nautical miles offshore from the seaward boundaries of Alabama, Florida,

Louisiana, Mississippi, and Texas, as those boundaries have been defined by law. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline extending 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Gulf Council consists of seventeen voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NMFS. The public is also involved in the fishery management process.

3.5.2 State Fishery Management

The purpose of state representation at the Gulf 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 of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five Gulf states exercises legislative and regulatory authority over their states' natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources. A more detailed description of each state's primary regulatory agency for marine resources is provided on their respective web pages (Table 3.5.2.1).

Table 3.5.2.1. Gulf state marine resource agencies and web pages.

State Marine Resource Agency	Web Page
Alabama Marine Resources Division	http://www.outdooralabama.com/
Florida Fish and Wildlife Conservation Commission	http://myfwc.com/
Louisiana Department of Wildlife and Fisheries	http://www.wlf.louisiana.gov/
Mississippi Department of Marine Resources	http://www.dmr.ms.gov/
Texas Parks and Wildlife Department	http://tpwd.texas.gov/

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Effects on the Physical Environment

Effects from fishing on the physical environment are generally tied to fishing effort. The greater the fishing effort, the more gear interacts with the bottom. Different gear types have different levels of impact. Gulf of America (Gulf) Spanish mackerel are often captured within the water column while using hook-and-line or commercial gillnet gear which can come in contact with bottom habitat. If gear is lost or improperly disposed of, it can entangle marine life. Anchor damage is also associated with vertical line fishing vessels, particularly by the recreational sector where anglers may repeatedly visit well-marked fishing locations. Preferred fishing sites, like reefs, are targeted and revisited multiple times (Bohnsack 2000). Fouled fishing gear may entangle and harm deep-water coral habitats, and may also contribute to algal growth on and adjacent to fouled gear (Bohnsack 2000). Barnette (2001) suggested that physical impacts may include entanglement and minor degradation of benthic species from line abrasion and the use of weights (sinkers). Recreational vessels that use vertical line gear are typically known to anchor more frequently over the reef sites.

Action 1

Modifications to the overfishing limit (OFL), acceptable biological catch (ABC), and stock annual catch limit (ACL) are being proposed in Action 1. Fishing methods to capture Spanish mackerel are not expected to change in either the recreational or commercial sector due to modifying catch limits. Increases or decreases in catch levels can affect season durations; and therefore, affect the physical environment. For example, if an increase in catch limits allows for a longer fishing duration, fishery participants may spend more days fishing; and therefore, would increase the likelihood of having fishing gear interact with the physical environment. Under **Alternative 1** (No Action), there is no expected change in access to fishing for Spanish mackerel. Therefore, no changes in effects to the physical environment are expected. For **Preferred Alternative 2** and **Alternative 3**, catch limits would be decreased relative to **Alternative 1**. Therefore, it is possible any effects to the physical environment may be decreased if fishing effort also decreases. However, historic landings have remained below the catch limits proposed in **Preferred Alternative 2** and **Alternative 3** in all fishing years except one and fishing effort would be expected to shift to other species if Spanish mackerel is closed, so effects may remain the same as under **Alternative 1**.

Action 2

For **Alternative 1** (No Action), harvest of Spanish mackerel is monitored annually, and an in-season closure implemented if the harvest meets or is expected to meet the stock ACL during the fishing season. For **Preferred Alternative 2**, the accountability measure (AM) would only be considered in the year following an observed overage of the stock ACL. So, while differing in the management approach, both alternatives allow for a possible seasonal closure.

Given the relatively low fishing effort for this species, it is unlikely **Alternative 1** (No Action) or **Preferred Alternative 2** would result in an in-season closure. Even if a seasonal closure is realized, it is likely that effort would shift to another targeted species, resulting in fishing gear

still being deployed and possibly becoming entangled with the physical environment. Therefore, effects to the physical environment are expected to be the same under either alternative and none are expected to be substantial.

4.2 Effects on the Biological Environment

Management actions that affect the biological environment mostly relate to the impacts of fishing on a species' population size, life history, and the role of the species within its habitat. Removal of fish from the population through fishing can reduce the overall population size if harvest is not maintained at sustainable levels. Impacts of these alternatives on the biological environment would depend on the resulting reduction or increases in the level of fishing as a result of each alternative.

Action 1

Modifications to the Gulf Spanish mackerel OFL, ABC, and stock ACL could result in changes to the biological and ecological effects. **Alternative 1** (No Action) would retain the current stock ACL for Spanish mackerel of 11.3 million pounds (mp), which is based, in part, on Marine Recreational Information Program Coastal Household Telephone Survey (MRIP-CHTS) landings data. This alternative is not viable because it is not consistent with the best scientific information available, which would be inconsistent with National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). **Preferred Alternative 2** would set the OFL, ABC, and stock ACL lower than the current levels. **Alternative 3** would further reduce the stock ACL by implementing the ABC control rule to set the stock ACL with a 10% buffer from the ABC. Additionally, catch limits proposed in **Preferred Alternative 2** and **Alternative 3** incorporate MRIP-Fishing Effort Survey (FES) data, resulting in a reduction in the stock catch limits compared to **Alternative 1**. These proposed reductions in Spanish mackerel harvest are expected to result in beneficial effects to the biological and ecological environment compared to **Alternative 1** as the reduction in fishing mortality is expected to increase the spawning stock biomass.

Action 2

While both **Alternative 1** (No Action) and **Preferred Alternative 2** allow for a seasonal AM consideration when managing Spanish mackerel, it is unlikely the stock ACL would be met based on the recent landing history (past 10 years). However, **Preferred Alternative 2** would delay a response to overages and might not address stock overexploitation as promptly as **Alternative 1**. Therefore, if fishing effort increases, **Preferred Alternative 2** may lead to more negative effects to the biological environment than **Alternative 1**. Regardless of the alternative selected, no substantial impacts to the biological environment are expected.

4.3 Effects on the Economic Environment

Action 1

Alternative 1 (No Action) would maintain the current OFL, ABC, and the stock ACL for Gulf Spanish mackerel. Therefore, **Alternative 1** would not be expected to change fishing practices or recreational and commercial Spanish mackerel harvests and would not be expected to result in economic effects. However, **Alternative 1**, with its OFL, ABC, and stock ACL based on MRIP-CHTS data, is not a viable alternative because it is not consistent with the best scientific information available and would be inconsistent with National Standard 2 of the Magnuson-Stevens Act. **Preferred Alternative 2** and **Alternative 3** would revise the OFL, ABC, and stock ACL for Gulf Spanish mackerel. Table 4.3.1 lists the OFL, ABC, and stock ACL by alternative and provides differences relative to the status quo, e.g., **Preferred Alternative 2** OFL minus **Alternative 1** OFL.

Table 4.3.1. OFL, ABC, and stock ACLs by alternative and differences relative to **Alternative 1** in MRIP-FES units.

	OFL	ABC	Stock ACL
Alternative 1	15.200	14.900	14.900
Preferred Alternative 2	12.074	9.630	9.630
Alternative 3	12.074	9.630	8.667
Difference relative to Alternative 1			
Preferred Alternative 2	-3.1260	-5.270	-5.270
Alternative 3	-3.1260	-5.270	-6.233

Relative to Action 1 **Alternative 1**, **Preferred Alternative 2** and **Alternative 3** would decrease the OFL, ABC and stock ACL. **Preferred Alternative 2** sets a wider buffer between the OFL and ABC than the buffer between OFL and ABC under **Alternative 1**. Therefore, **Preferred Alternative 2** and **Alternative 3** would better account for scientific uncertainty and would be expected to mitigate the risk of overfishing Gulf Spanish mackerel. Relative to the status quo, **Preferred Alternative 2** and **Alternative 3** would be expected to result in economic benefits due to the added protection to the Gulf Spanish mackerel.

Table C1 (Appendix C) indicates that the Spanish mackerel fishery would not close under the proposed stock ACLs if the 3-year average (2019/2020 to 2021/2022) or 5-year average (2017/2018 to 2021/2022) landings are used as baseline landings. Therefore, using either one of these baselines would not be expected to affect current fishing practices or recreational and commercial Spanish mackerel landings and would not be expected to result in economic effects.

The closure analysis in Appendix C also indicates that if the highest Spanish mackerel landings recorded during the last five years are used as reference, the stock ACLs proposed in **Preferred Alternative 2** and **Alternative 3** would result in fishery closures. To illustrate potential economic effects expected to result from the stock ACLs considered in **Preferred Alternative 2** or **Alternative 3**, highest recorded recreational and commercial Spanish mackerel landings could be used as baseline landings. Recorded during the fishing year 2019/2020, the highest recreational (expressed in MRIP-FES units) and commercial landings in the past 5 years were estimated at 9,887,158 lbs and 989,648 lbs, respectively (Table 1.1.1). The recreational and commercial sectors accounted for 90.9% and 9.1% of the landings, respectively. These percentages are used to apportion the Spanish mackerel stock ACL for the analyses in this section because there is no formal allocation of the Spanish mackerel ACL between the sectors.

For the commercial sector, economic effects expected to result from changes in stock ACLs are evaluated based on expected changes in commercial ex-vessel revenues. For **Preferred Alternative 2** and **Alternative 3**, Table 4.3.2 provides the Spanish mackerel stock ACLs, estimated pounds attributed to the commercial sector, and changes in landings and commercial ex-vessel revenues. The 2018-2022 average ex-vessel price for Spanish mackerel derived from Tables 3.3.2 and 3.3.3 is estimated at \$1.58 (\$2022).

Table 4.3.2. Estimated commercial Spanish mackerel attributed landings, highest landings, and differences in landings and in ex-vessel revenues.

	Stock ACL	Estimated Commercial Attributed Landings	Highest Landings	Difference relative to Alternative 1	
				Landings	Ex-vessel Revenues
Preferred Alternative 2	9,630,000	876,330	89,648	-113,318	-\$179,042
Alternative 3	8,667,000	788,697	989,648	-200,951	-\$317,503

Relative to **Alternative 1**, **Preferred Alternative 2** and **Alternative 3** could be expected to result in changes in ex-vessel revenues estimated at -\$179,042 and -\$317,503 (in \$2022), respectively.

For the recreational sector, the economic effects expected to result from **Preferred Alternative 2** and **Alternative 3** are evaluated based on changes in economic value, i.e., changes in consumer surplus (CS) for anglers and changes in producer surplus (PS) to for-hire operators. Changes in CS are evaluated based on differences between estimated landings attributed to the recreational sector considered in **Preferred Alternative 2** and **Alternative 3** and highest recorded recreational Spanish mackerel landings. CS per additional fish kept during a trip is defined as the amount of money an angler would be willing to pay for a fish in excess of the cost to harvest the fish. Changes in CS are based on a CS per Spanish mackerel estimated at \$24.63. Changes in PS are evaluated based on expected changes in PS and in the number of for-hire trips targeting

Spanish mackerel. PS per angler trip, which is estimated at \$160, is the amount of money a vessel owner earns in excess of the cost of providing the trip.

For **Preferred Alternative 2** and **Alternative 3**, Table 4.3.3 provides the Spanish mackerel stock ACLs, estimated pounds attributed to the recreational sector, and changes in landings, numbers of fish and in CS. Differences in number of fish are calculated based on an average weight of a recreationally caught Spanish mackerel of 1.412 lb per fish (M. Larkin, SERO, pers. comm., April 24, 2025).

Table 4.3.3. Estimated recreational Spanish mackerel attributed landings, highest landings, and differences in landings, in numbers of fish, and in consumer surplus.

	Stock ACL	Estimated Landings Attributed to Recreational Sector	Highest Landings	Difference relative to Alternative 1		
				Landings	Number of Fish	Consumer Surplus
Preferred Alternative 2	9,630,000	8,753,670	9,887,158	-1,133,488	-802,754	-\$19,771,820
Alternative 3	8,667,000	7,878,303	9,887,158	-2,008,855	-1,422,702	-\$35,041,146

Relative to **Alternative 1**, **Preferred Alternative 2** and **Alternative 3** could be expected to result in changes in CS estimated at -\$19.8 million and -\$35.04 million (in \$2022), respectively.

For **Preferred Alternative 2** and **Alternative 3**, Table 4.3.4 provides closure dates, estimated differences in for-hire angler trips and in PS. Relative to **Alternative 1**, **Preferred Alternative 2** and **Alternative 3** could be expected to result in changes in PS estimated at -\$191,765 and -\$545,792 (in \$2022), respectively.

Table 4.3.4. Closure dates estimated differences in for-hire angler trips and in producer surplus.

	Closure Date	Difference relative to Alternative 1	
		For-Hire Angler Trips	Producer Surplus
Preferred Alternative 2	18-Dec	-1,199	-\$191,765
Alternative 3	24-Nov	-3,411	-\$545,792

If recreational private and for-hire landings equal the highest landings recorded during the previous five years would be expected to result in closures of the Spanish mackerel fishing season and result in substantial economic losses. This scenario, which is evaluated here for

illustrative purposes only, is not expected to materialize. Because the Spanish mackerel season is not expected to close when landings equal their 3-year or 5-year averages, the likely scenario would be that under typical circumstances observed to date, **Preferred Alternative 2** and **Alternative 3** would not be expected to result in discernible economic effects.

Action 2

Alternative 1 (No Action) would maintain the existing in-season closure AM and would close the Spanish mackerel fishery when the stock ACL is reached or projected to be reached. Therefore, **Alternative 1** would not be expected to affect current fishing practices or recreational and commercial Spanish mackerel harvests and would not be expected to result in economic effects.

Under **Preferred Alternative 2**, if the Spanish mackerel stock ACL is exceeded in a fishing year, then in the following fishing year, the Regional Administrator will close the fishing season for Gulf Spanish mackerel if the stock ACL is reached or projected to be reached. **Preferred Alternative 2** would implement a less conservative AM than **Alternative 1** but would be more flexible given the inherent uncertainty associated with landings data and resulting challenges in implementing the current in-season AM. Although **Preferred Alternative 2** would be expected to result in adverse economic effects due to delays in management response should overages occur, it would also be expected to result in positive economic effects due to the additional time afforded to regulators to ascertain the uncertainty, if any, attached to the landings data and provide an appropriate response. Net economic effects from **Preferred Alternative 2** would be negative if the adverse effects on the stock due to delays in management response outweigh the positive effects resulting from the added time to evaluate landings data.

4.4 Effects on the Social Environment

Action 1

Under **Alternative 1** (No Action), existing access and fishing practices would remain unchanged, but this alternative is unlikely to align with updated harvest data and scientific recommendations. **Preferred Alternative 2** and **Alternative 3** would implement reductions to the allowable harvest, with **Alternative 3** applying a more conservative buffer. In practical terms, greater reductions increase the likelihood of an in-season closure, which may disrupt fishing access—especially for charter operators and recreational anglers who encounter Spanish mackerel as part of mixed-use or seasonal trips. **Preferred Alternative 2** may represent the best balance between reducing closure risk and maintaining reasonable access, particularly given that recent landings have remained below the proposed limits.

Although Spanish mackerel is not a primary target for most participants, it is still encountered regularly, particularly on for-hire trips when other species are less available. In some areas, such as the Florida Panhandle, it remains a familiar part of seasonal fishing activity. Closures, if they occur, could reduce flexibility for trip planning or affect customer expectations. Commercial impacts are likely to be limited, but some harvesters may adjust effort if access becomes more constrained. Feedback from the Gulf Council Coastal Migratory Pelagic Special Engagement indicates that availability varies across the Gulf, and while Spanish mackerel is generally viewed

as stable, some stakeholders noted regional declines or concerns about the effects of localized gear use.

Action 2

Alternative 1 (No Action) would retain the current in-season closure, which could result in mid-year disruptions that are difficult for for-hire and private recreational users to anticipate.

Preferred Alternative 2 would delay the closure to the following year if needed, which may help avoid unnecessary interruptions caused by single-year variability. This approach may be especially useful given that landings estimates for shore-based anglers can be prone to spikes due to sampling uncertainty and Spanish mackerel are harvested both offshore and nearshore.

Delaying the closure would provide a buffer against such variability while still maintaining accountability over the long term.

Overall, the social effects of the proposed actions are expected to be limited under current fishing patterns but may become more pronounced if access is constrained or closures become more frequent. Stakeholder responses will likely depend not only on direct harvest opportunity, but also on how clearly and predictably regulations are implemented, and how well they align with observed conditions.

4.5 Effects of the Administrative Environment

Action 1

Under **Alternative 1** (No Action), the Gulf Spanish mackerel stock ACL remains equal to the ABC. Maintaining the existing catch limits is not expected to change current fishing practices or monitoring procedures. While no changes to current monitoring or outreach procedures are expected under **Alternative 1**, retaining catch limits based on MRIP-CHTS data is inconsistent with the best scientific information available as required under National Standard 2 of the Magnuson-Stevens Act. Although this discrepancy may not create immediate administrative burdens, it could complicate long-term management and policy alignment, potentially requiring future corrective action.

Preferred Alternative 2 would modify the OFL and ABC for Gulf Spanish mackerel, as recommended by the SSC, for the 2025/2026 through 2027/2028 fishing years and subsequent years. Under this alternative, the stock ACL would be set equal to the ABC. The proposed adjustment reflects updated scientific information and aims to ensure catch limits remain consistent with the best available data. Implementation of this alternative is not expected to result in substantial administrative burden, as the Southeast Regional Office (SERO) routinely modifies catch limits. Minor administrative work may be required to update regulatory documents and inform stakeholders of the revised catch limits, but these efforts are expected to be limited in scope. Overall, this alternative supports sustainable management while maintaining an efficient administrative process.

Alternative 3 would modify the OFL and ABC for Gulf Spanish mackerel based on the Gulf Council's Scientific and Statistical Committee (SSC) recommendations for the 2025/2026 through 2027/2028 fishing years and beyond. Unlike **Preferred Alternative 2**, this alternative

would apply the Gulf Council’s ACL/Annual Catch Target (ACT) Control Rule, resulting in a 10% buffer between the ABC and the stock ACL. Like **Preferred Alternative 2**, **Alternative 3** is not expected to result in substantial administrative burden, as SERO routinely modifies catch limits.

Action 2

Alternative 1 (No Action) would retain the current in-season AM for Gulf Spanish mackerel, under which the Regional Administrator closes the fishing season for both commercial and recreational sectors when the stock ACL is reached or projected to be reached. This alternative relies on accurate and timely landings monitoring to implement closures within the fishing year. Although no new administrative systems would be required, the transition to MRIP-FES recreational data introduces increased scientific and management uncertainty, including lower precision in in-season harvest estimates. This may complicate the accurate forecasting of ACL attainment and challenge National Marine Fisheries Services’ ability to implement timely in-season closures. As such, while the administrative procedures under this alternative remain unchanged, the increased uncertainty in the data may impose greater strain on existing monitoring frameworks and staff resources tasked with maintaining accurate, real-time assessments of landings. No additional outreach beyond standard updates is anticipated.

Preferred Alternative 2 would modify the AM for Gulf Spanish mackerel to a post-season approach. If the stock ACL is exceeded in a fishing year, then in the following fishing year, the Regional Administrator would implement a closure when the ACL is reached or projected to be reached. This approach would reduce the reliance on real-time monitoring of landings and offer greater flexibility in managing the fishery amid increased uncertainty from MRIP-FES data. As a result, the administrative burden associated with near real-time monitoring and in-season closure projections may be reduced. However, some additional administrative responsibilities may arise in tracking year-to-year overages, updating regulatory documents, and communicating the rationale for the delayed closure mechanism to stakeholders. Overall, this alternative may ease certain operational pressures. Additionally, law enforcement effort would be reduced under this alternative as potential closures would no longer occur on a yearly basis.

In summary, Action 1, **Preferred Alternative 2** would update catch limits using the best available science, supporting sustainable management with minimal administrative burden. For Action 2, **Preferred Alternative 2** would shift to a post-season AM, which could alleviate some real-time monitoring pressure.

CHAPTER 5. REGULATORY IMPACT REVIEW

5.1 Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: 1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action; 2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem; and, 3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost-effective way. The RIR also serves as the basis for determining whether the regulations are a “significant regulatory action” under the criteria provided in Executive Order (E.O.) 12866. This RIR analyzes the impacts this action would be expected to have on the Gulf of America (Gulf) Spanish mackerel fishery.

5.2 Problems and Objectives

The problems and objectives addressed by this action are discussed in Section 1.2

5.3 Description of Fisheries

A description of the Gulf Spanish mackerel fishery is provided in Section 3.3.

5.4 Impacts of Management Measures

5.4.1 Action 1: Modify the Gulf Migratory Group Spanish Mackerel Overfishing Limit (OFL), Acceptable Biological Catch (ABC), and Stock Annual Catch Limit (ACL)

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Relative to **Alternative 1** (No Action), **Preferred Alternative 2** would set a wider buffer between the OFL and ABC. Therefore, **Preferred Alternative 2** would better account for scientific uncertainty and would be expected to better mitigate the risk of overfishing Gulf Spanish mackerel. Relative to the status quo, **Preferred Alternative 2** would be expected to result in economic benefits due to the added protection to Gulf Spanish mackerel.

As indicated in Appendix C (Table C1), the Spanish mackerel fishing season is not expected to close if annual landings are less than or equal to their 3-year (2019/2020 to 2021/2022) or 5-year (2017/2018 to 2021/2022) averages, which are likely scenarios under circumstances observed to

date. Therefore, **Preferred Alternative 2** would not be expected to result in discernible economic effects.

5.4.2 Action 2: Modify Gulf Spanish Mackerel Accountability Measures (AM)

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Preferred Alternative 2 would implement a less conservative AM than **Alternative 1** but would be more flexible given the inherent uncertainty associated with landings data and resulting challenges in implementing the current in-season AM. Although **Preferred Alternative 2** would be expected to result in adverse economic effects due to delays in management response should overages occur, it would also result in economic benefits due to the added time available to regulators to ascertain the uncertainty attached to the landings data and provide appropriate corrective measures. **Preferred Alternative 2** would result in net economic benefits if the positive economic effects expected from the added time to evaluate landings data are greater than the adverse effects on the stock due to delays in management response.

5.5 Determination of Significant Regulatory Action

Pursuant to E.O. 12866, a regulation is considered a “significant regulatory action” if it is likely to result in: 1) an annual effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; 2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or 4) raise legal or policy issues for which centralized review would meaningfully further the President’s priorities or the principles set forth in this E.O., as specifically authorized in a timely manner by the Administrator of the Office of Information and Regulatory Affairs in each case. Based on the information provided above, this action has been determined to not be economically significant for the purposes of E.O. 12866.

CHAPTER 6. INITIAL REGULATORY FLEXIBILITY ANALYSIS

The purpose of the Regulatory Flexibility Act (RFA) is to establish a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure such proposals are given serious consideration. The RFA does not contain any decision criteria; instead the purpose of the RFA is to inform the agency, as well as the public, of the expected economic effects of various alternatives contained in the regulatory action and to ensure the agency considers alternatives that minimize the expected economic effects on small entities while meeting the goals and objectives of the applicable statutes (e.g., the Magnuson-Stevens Fishery Conservation and Management Act [Magnuson-Stevens Act]).

With certain exceptions, the RFA requires agencies to conduct an initial regulatory flexibility analysis (IRFA) for each proposed rule. The IRFA is designed to assess the effects various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. An IRFA is primarily conducted to determine whether the proposed regulatory action would have a significant economic effect on a substantial number of small entities. In addition to analyses conducted for the Regulatory Impact Review (RIR), the IRFA provides: 1) a description of the reasons why action by the agency is being considered; 2) a succinct statement of the objectives of, and legal basis for, the proposed regulatory action; 3) a description and, where feasible, an estimate of the number of small entities to which the proposed regulatory action will apply; 4) a description of the projected reporting, record-keeping, and other compliance requirements of the proposed regulatory action, including an estimate of the classes of small entities which will be subject to the requirements of the report or record; 5) an identification, to the extent practicable, of all relevant federal rules, which may duplicate, overlap, or conflict with the proposed rule; and 6) a description of any significant alternatives to the proposed regulatory action which accomplish the stated objectives of applicable statutes and would minimize any significant economic effects of the proposed regulatory action on small entities.

In addition to the information provided in this section, additional information on the expected economic effects of the proposed action is included in Chapter 4 and the RIR.

6.1 Statement of the need for, objective of, and legal basis for the proposed action

A discussion of the reasons why action by the agency is being considered is provided in Chapter 1. In summary, there is a need to update existing Gulf of America (Gulf) Spanish mackerel (Spanish mackerel) catch limits and management measures based on the best scientific information available and to achieve optimum yield, in accordance with the Magnuson-Stevens Act. The objective of this proposed action is to reduce the Spanish mackerel harvest consistent

with the results of the Southeast Data, Assessment, and Review (SEDAR) 81 (2023) stock assessment for the Gulf migratory group of Spanish mackerel and subsequent overfishing limit (OFL) and acceptable biological catch (ABC) recommendations from the Gulf Council's Scientific and Statistical Committee (SSC). The Magnuson-Stevens Act provides the statutory basis for this proposed action. All monetary estimates in the following analysis are in 2022 dollars.

6.2 Description and estimate of the number of small entities to which the proposed action would apply

This proposed action would reduce the Spanish mackerel OFL and ABC as recommended by the Gulf Council's SSC for 2025/2026 – 2027/2028 and subsequent fishing years. The catch limits would be set using Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) landings data and the stock annual catch limit (ACL) would be set equal to the new ABC. Both the ABC and stock ACL would be reduced from the current MRIP-FES equivalent value of 14.9 million pounds landed weight (mp lw) to 9.63 mp lw. The action would also modify the Gulf Spanish mackerel accountability measures (AM), such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, the Regional Administrator (RA) will close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AMs for Spanish mackerel require the Regional Administrator to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. The reduction in the stock ACL and modification of the AMs would apply to all commercial fishing businesses, for-hire fishing businesses (charter vessels and headboats), and recreational anglers that fish for Spanish mackerel in federal waters of the Gulf.

The RFA requires the National Marine Fisheries Service (NMFS) to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)-(6)). Recreational anglers are not businesses, organizations, or governmental jurisdictions, so they are outside the scope of this analysis.

From 2018 through 2022, the number of federally-permitted commercial vessels with homeports in the Gulf and with a valid Spanish mackerel (SM) permit averaged 954 annually, with 130 vessels (14%) reporting landings. Ex-vessel revenue from landings of Spanish mackerel averaged \$104,655, representing 1.3% of total ex-vessel revenue for the vessels that harvested Gulf Spanish mackerel. The average total revenue per vessel was \$65,335. Net revenue from operations of SM-permitted vessels that harvested Spanish mackerel from 2014-2016 was 22.8% of their average annual gross revenue during this period. Applying this percentage to the average annual total revenue per SM-permitted vessel that reported Spanish mackerel landings would result in an estimated per vessel average annual net revenue from operations of \$14,896 per year. The maximum annual revenue from all species reported by a single vessel that harvested Gulf Spanish mackerel from 2018 through 2022 was \$641,585.

Any for-hire fishing vessel that takes anglers into the Gulf exclusive economic zone to harvest coastal migratory pelagic (CMP) species must have a valid limited-access (federal) charter/headboat permit for CMP issued to that vessel and the permit must be on board. From 2016-2020, there were an average of 1,267 vessels with charter/headboat permits for CMP. Although the charter/headboat for CMP permit application collects information on the primary method of operation, the resultant permit itself does not identify the permitted vessel as either a headboat or a charter vessel. Operation as either a headboat or charter vessel is not restricted by permitting regulations and vessels may operate in both capacities. However, only selected headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS). Participation in the SRHS is based on determination by the Southeast Fisheries Science Center (SEFSC) that the vessel primarily operates as a headboat. As of November 1, 2023, 67 Gulf headboats were registered in the SRHS (K. Brennan, NMFS SEFSC, pers. comm. 2023). As a result, of the 1,267 vessels with federal charter/headboat permits for CMP, up to 67 may primarily operate as headboats and the remainder as charter vessels. The most recent estimates of average annual gross revenues for Gulf for-hire vessels are \$105,029 for charters in 2009 and \$427,515 for headboats in 2017.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR § 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System [NAICS] code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed action are believed to be small entities based on the NMFS size standard.

A business primarily involved in the operation of a for-hire fishing vessel is included within the broader scenic and sightseeing transportation, water industry (NAICS code 487210). For-hire fishing operations (NAICS 487210) make up just part of the broader industry. A business primarily involved in scenic and sightseeing transportation, water industry is classified as a small business by the Small Business Administration (SBA) if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and its combined annual receipts are no more than \$14 million for all of its affiliated operations worldwide. All of the for-hire fishing businesses directly regulated by this proposed action are believed to be small entities based on the SBA size standard.

No other small entities that would be directly affected by this proposed action have been identified.

6.3 Description of the projected reporting, record-keeping and other compliance requirements of the proposed action

This proposed action would not establish any new reporting, record-keeping, or other compliance requirements.

6.4 Identification of all relevant federal rules, which may duplicate, overlap or conflict with the proposed action

No federal rules have been identified that duplicate, overlap or conflict with the proposed action.

6.5 Significance of economic impacts on a substantial number of small entities

Substantial number criterion

If implemented, this proposed action is expected to directly affect 130 of the 954 vessels with commercial Spanish mackerel permits, or approximately 14% of those commercial fishing businesses. Some portion of the 1,267 vessels with a valid or renewable charter/headboat permit for CMP would also be directly affected. All regulated commercial and for-hire fishing businesses have been determined, for the purpose of this analysis, to be small entities. Based on this information, the proposed action is expected to affect a substantial number of small businesses.

Significant economic effects

The outcome of “significant economic impact” can be ascertained by examining two factors: disproportionality and profitability.

Disproportionality: Do the regulations place a substantial number of small entities at a significant competitive disadvantage to large entities?

All entities directly regulated by this proposed action have been determined to be small entities. Thus, the issue of disproportionality does not arise in the present case.

Profitability: Do the regulations significantly reduce profits for a substantial number of small entities?

A detailed analysis of the economic effects associated with this proposed regulatory action can be found in Chapter 4. The following information summarizes that analysis and additionally, analyzes the effects of this proposed action on the profitability of small entities.

The proposed action would reduce the Spanish mackerel stock ACL from an MRIP-FES equivalent value of 14.9 mp lw to 9.63 mp lw. Although the stock ACL would be reduced by 35% relative to the status quo, the Spanish mackerel fishing season would not be expected to close if annual landings are less than or equal to their 3-year (2019/2020 to 2021/2022) or 5-year (2017/2018 to 2021/2022) averages, which are likely scenarios under typical circumstances observed to date. Therefore, there are no expected economic effects associated with a reduction in harvest for commercial fishing businesses or a reduction in trips for for-hire businesses.

Additionally, the proposed action would modify the Gulf Spanish mackerel AMs, such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, the RA will close the

fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AMs for Spanish mackerel require the RA to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. By shifting from an in-season to a post-season AM, this proposed action would reduce the likelihood of an in-season closure and corresponding negative economic effects on commercial and for-hire fishing businesses from anomalous single-year overages.

In summary, this proposed action would not be expected to have a significant economic impact on a substantial number of small entities.

6.6 Description of the significant alternatives to the proposed action and discussion of how the alternatives attempt to minimize economic impacts on small entities

This proposed action, if implemented, would not be expected to have a significant economic impact on a substantial number of small entities. As a result, the issue of significant alternatives is not relevant.

CHAPTER 7. LIST OF PREPARERS AND AGENCIES CONSULTED

Preparers:

Name	Expertise	Responsibility	Agency
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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

U.S. Coast Guard

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Florida Fish and Wildlife Conservation Commission

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Texas Parks and Wildlife Department

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APPENDIX A: CHANGES TO RECREATIONAL DATA COLLECTION

Changes to the Recreational Data Collection Survey

The Marine Recreational Fisheries Statistics Survey (MRFSS) was created in 1979 by NMFS. In the Gulf, MRFSS collected data on catch and effort in recreational fisheries, including Spanish mackerel since 1981. The program included the Access Point Angler Intercept Survey (APAIS), which consists of onsite interviews at marinas and other points where recreational anglers fish, to determine catch. MRFSS also included Coastal Household Telephone Survey (CHTS), which used random-digit dialing of homes in coastal counties to contact anglers to determine fishing effort. In 2000, the For-Hire Survey (FHS) was implemented to incorporate for-hire effort due to lack of coverage of charter boat anglers by the CHTS. The FHS used a directory of all known charter boats and a weekly telephone sample of the charter boat operators to obtain effort information.

MRFSS included both offsite telephone surveys and onsite interviews at marinas and other points where recreational anglers fish. In 2012 a new design was certified and subsequently implemented in 2013: Marine Recreational Information Program (MRIP) replaced MRFSS to meet increasing demand for more precise, accurate, and timely recreational catch estimates. MRIP is a more scientifically sound methodology for estimating catch because it reduces some sources of potential bias as compared to MRFSS, resulting in more accurate catch estimates. Specifically, CHTS was improved to better estimate private angling effort. Instead of random telephone calls, MRIP-CHTS used targeted calls to anglers registered with a federal or state saltwater fishing registry. The MRIP APAIS began incorporating a new survey design in 2013. This new design addressed concerns regarding the validity of the survey approach, specifically that trips recorded during a given time period are representative of trips for a full day (Foster et al. 2018). The more complete temporal coverage with the new survey design provides for consistent increases or decreases in APAIS angler catch rate statistics, which are used in stock assessments and management, for at least some species (NOAA Fisheries 2019).

MRIP also transitioned from the legacy CHTS to a new mail survey (Fishing Effort Survey, FES) beginning in 2015, and in 2018, FES replaced CHTS. Both survey methods collect data needed to estimate marine recreational fishing effort (number of fishing trips) by shore and private/rental boat anglers on the Atlantic and Gulf coasts. The CHTS used random-digit dialing of homes in coastal counties to contact anglers. The new mail-based FES uses angler license and registration information as one way to identify and contact anglers (supplemented with data from the U.S. Postal Service, which includes virtually all U.S. households). Because the FES and CHTS are so different (with FES producing relatively higher estimates of recreational landings), NMFS conducted side-by-side testing of the two methods from 2015 to 2018 and developed calibration procedures to convert the historical catch estimates (MRFSS, MRIP-CHTS, MRIP-APAIS [collectively MRFSS]) into MRIP-FES. In general, landings estimates are higher using the MRIP-FES as compared to the MRFSS estimates. This is because the FES is designed to more accurately measure fishing activity than the CHTS, not because there was a sudden rise in fishing effort. NMFS developed a calibration model to adjust historic effort estimates so that

they can be accurately compared to new estimates from the FES. The new effort estimates alone do not lead to definitive conclusions about stock size or status in the past or at current. NMFS determined that the MRIP-FES data, when fully calibrated to ensure comparability among years and across states, produced the best available data for use in stock assessments and management (NOAA Fisheries 2019).

The results of a 2023 pilot study (NOAA 2023³³) suggest that the order of the questions in the MRIP-FES survey may have led to an overestimation of fishing effort. A more comprehensive pilot study occurred in 2024 and is currently being independently peer-, and will be available for evaluation by data users (e.g., the Southeast Fisheries Science Center [SEFSC], Southeast Regional Office [SERO], and the Council) thereafter.

NOAA's Office of Science and Technology (OST) is conducting a more comprehensive pilot study which began in 2024 and is expected to end data collection in March 2025. NOAA OST plans to produce a public report with key findings and estimate comparisons in summer 2025 and determine if a new design will be implemented in 2026, pending study results and peer review. In mid-2026, NOAA OST is expecting to produce calibrated historical effort estimates to reflect the findings of the updated survey design for use in future stock assessments and fisheries management. Prior to when data calibration is finalized in spring 2026, any expectation about results would be speculative. After the updated survey data is finalized, it will then be available for evaluation by data users (e.g., the Southeast Fisheries Science Center, Southeast Regional Office, and the Council).

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¹ <https://www.fisheries.noaa.gov/recreational-fishing-data/fishing-effort-survey-research-and-improvements>

APPENDIX C: PREDICTING CLOSURE DATES FOR THE SPANISH MACKEREL STOCK IN THE GULF OF AMERICA

Introduction

In 2023, a stock assessment was conducted for Gulf of America (Gulf) Spanish mackerel (SEDAR 81). Results from the assessment showed the Spanish mackerel Gulf migratory group is not overfished and not experiencing overfishing. Following the results of SEDAR 81 the Gulf Council is considering changing the stock annual catch limit (ACL) for the Spanish mackerel stock in Framework Amendment 14 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf and Atlantic Region (Framework Amendment 14). The Gulf Spanish mackerel stock ACL combines both the commercial and recreational landings (referred to as stock landings) and compares them to a single ACL (referred to as a stock ACL). Additionally, following SEDAR 81, the new stock ACLs proposed in Framework Amendment 14 were set with the recreational landings coming from the Marine Recreational Information Program Fishing Effort Survey (MRIP-FES) data instead of the previously used Marine Recreational Information Program Coastal Household Telephone Survey (MRIP-CHTS).

Data Sources and Predicted Landings

Stock landings for Gulf Spanish mackerel are a combination of commercial and recreational landings. The recreational landings are a combination of data from MRIP-FES and the Southeast Region Headboat Survey. These data were provided from the Southeast Fisheries Science Center with the commercial landings provided on September 18, 2023 and the recreational landings provided on December 20, 2023. At the present time the most recent full calendar year of finalized landings is 2022, therefore, 2022 landings are the final year used in this analysis. The commercial landings are organized by month and the recreational landings are organized by two-month wave. Framework Amendment 14 proposes a range of stock ACLs. An estimate of future landings are required to estimate if the Framework Amendment 14 stock ACLs will be met and then the Spanish mackerel sector will be closed. The Gulf migratory group Spanish mackerel stock has a fishing year from April 1st to March 31st. Three different scenarios were used for predicting future Gulf Spanish mackerel stock landings for the fishing year: 1) Using the highest fishing year of Spanish mackerel stock landings in the past 5 years (fishing year 2019/2020 landings), 2) three-year average of landings for the past 3 fishing years (2019/2020, 2020/2021, and 2021/2022), and 3) five-year average of landings for the past 5 fishing years (2017/2018 to 2021/2022). Figure C1 provides the Gulf migratory group Spanish mackerel stock landings for the past 5 fishing years, and also the three and five year average landings.

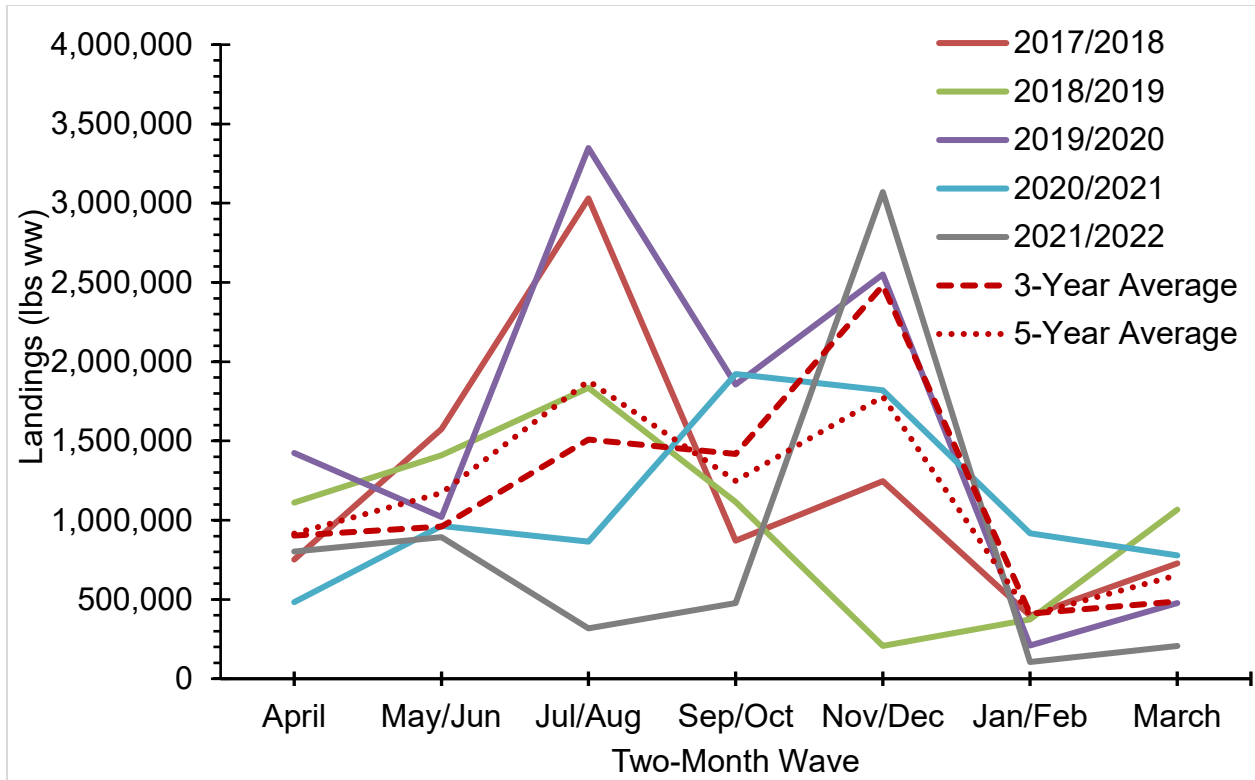


Figure C1. Gulf migratory group Spanish mackerel stock landings for April, March, and the other monthly landings by two-month wave for the fishing years of 2017/2018 through 2021/2022. Also, the three and five year averages are provided. All landings are in pounds reported. The stock landings combine the commercial and recreational landings.

Predicted Closure Dates

Closure dates were predicted from assuming uniform landings for each day in a month for the three landings scenarios. Then the landings per day were cumulatively summed and compared to the stock ACL Alternatives in Framework Amendment 14. A closure date was determined as the day the cumulatively summed stock landings met or exceeded the ACL. Table C.1 provides the predicted closure dates under the various proposed stock ACLs of Framework Amendment 14. The predicted closure dates range from November 24 to no closure.

Table C1. The projected closure dates for the stock ACLs proposed in Framework Amendment 14 for three different landings scenarios. Three different scenarios were used for predicting future Spanish mackerel stock landings: 1) Using the highest fishing year of stock landings in the past 5 years (fishing year 2019/2020), 2) three-year average of landings by two-month wave for the past 3 fishing years (2019/2020 to 2021/2022), and 3) five-year average of landings by two-month wave for the past 5 fishing years (2017/2018 to 2021/2022).

	ACL	Closure Dates		
		Highest Landings	3-Year Average	5-Year Average
Alternative 1	14,900,000	No Closure	No Closure	No Closure
Alternative 2	9,630,000	December 18	No Closure	No Closure
Alternative 3	8,667,000	November 24	No Closure	No Closure

References

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APPENDIX D: CONSIDERED BUT REJECTED

Action 3: Modify Gulf Spanish Mackerel Bag Limits

Alternative 1: No Action. Retain the current bag limit of 15 fish per person per day for the recreational sector.

Alternative 2: Reduce the bag limit to 10 fish per person per day for the recreational sector.

Alternative 3: Reduce the bag limit to 7 fish per person per day for the recreational sector.

Alternative 4: Reduce the bag limit to 5 fish per person per day for the recreational sector.

Alternative 5: Reduce the bag limit to 3 fish per person per day for the recreational sector.

Discussion:

Gulf Spanish mackerel has a recreational bag limit of 15 fish per person per day (**Alternative 1**). Based on recreational landings data from the Texas Parks and Wildlife Department creel survey (TPWD), Louisiana Department of Wildlife and Fisheries creel survey (LA Creel), MRIP, and the Southeast Region Headboat survey (Headboat) from 2021 to 2023, the impact of various reduced bag limits was analyzed (Figure D1).

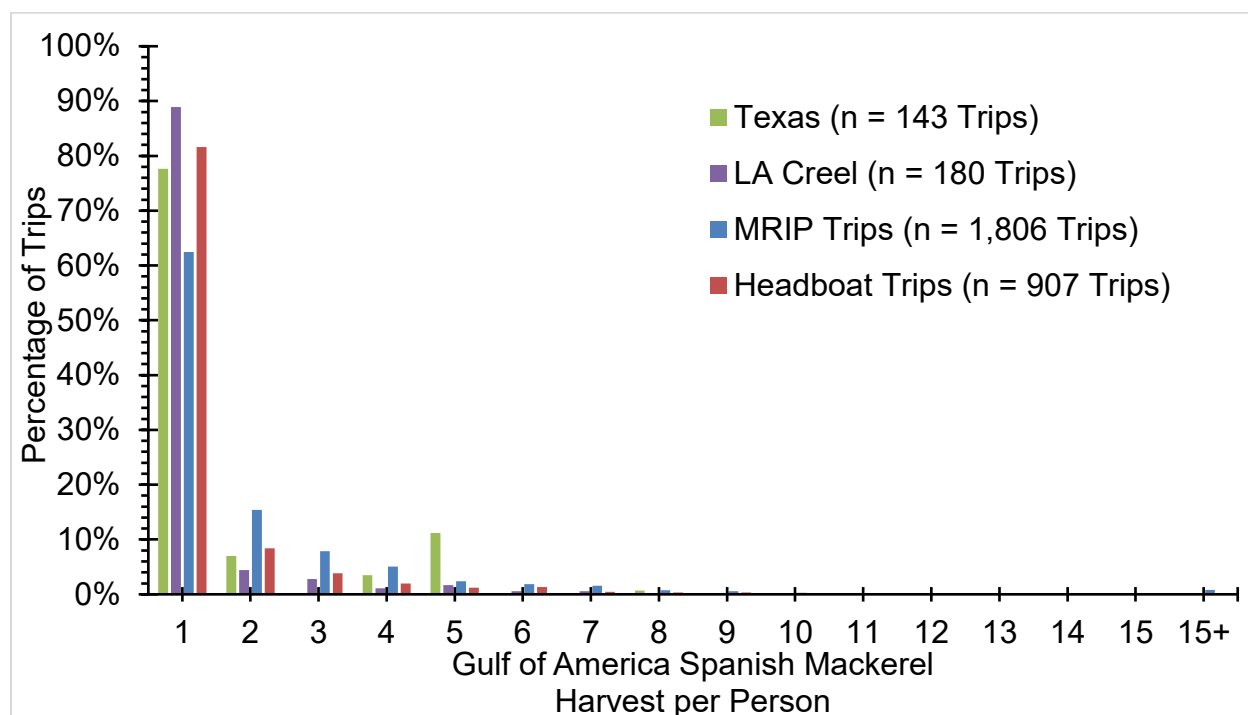


Figure D1. Distribution of Gulf Spanish mackerel recreationally harvested per person by dataset. The data are from 2021 through 2023.

The bag limit analysis estimated the impact on landings from decreasing the bag limit by modifying recent trips that harvested Spanish mackerel in the past 3 years (2021 through 2023). Trips that harvested less than 15 Spanish mackerel per person or more than 15 Spanish mackerel per person were not modified. Trips that exceeded the bag limit under consideration were reduced to the bag limit under consideration. For example, if a reduced bag limit of 5 Spanish mackerel per person is considered, then trips that harvested 6 to 15 Spanish mackerel per person were reduced to have a harvest of 5 fish per person. Trips that harvested less than the bag limit were not modified. Then, a percent decrease in landings was determined from the following equation:

$$\text{Percent Decrease} = [(\text{Harvest from Unmodified Trips} - \text{Harvest from Modified Trips for the Considered Bag Limit}) / \text{Harvest from Unmodified Trips}] \times 100.$$

Table D1. Percent decrease in Gulf Spanish mackerel recreational landings generated from data from the years 2021 through 2023. The percent decrease estimates were calculated by weighting the decrease in the daily bag limit for each dataset. The weighting was based on the percentage of landings each dataset contributed to the overall landings from 2021 through 2023.

Bag Limit	Percent Decrease in Landings
3 Fish per Person	17%
5 Fish per Person	7%
7 Fish per Person	2%
10 Fish per Person	<1%

The daily bag limit analysis indicates that most anglers do not catch anywhere near the current daily limit of 15 fish per person per day, with the majority catching fewer than 3 fish per trip (Figure D1). This suggests that only a substantial reduction in the recreational bag limit would make a meaningful difference in the overall harvest. Conversely, reducing bag limits is unlikely to affect the catch results of many anglers because most do not retain the current maximum allowed. Therefore, while substantial reductions in the bag limit could help protect the Spanish mackerel stock and address public concerns about its potential decline, such changes would have minimal impact on the typical angler's catch outcomes. Recently, Gulf Spanish mackerel landings have declined for both the commercial and recreational sector, reducing the recreational bag limit could demonstrate the Council's aim to consider more conservative management measures should the stock rebound to its future levels. However, it is important to recognize that even if most anglers do not typically catch and land the daily bag limit, reduction may still impact their perception of the recreational fishing experience. The potential to catch more fish, even if rarely realized, can be an important aspect of the recreational fishing experience.

Seasonal closures of Spanish mackerel are generally unlikely due to the overall projected landings remaining below the Action 1 catch limits (Appendix C, Table C1). The bag limit reductions offer protection in a worst-case scenario, ensuring that even in seasons with exceptionally high landings, such as those observed in 2019-2020, closures would be avoided or delayed. However, on average, no closures are expected based on the analysis (Appendix C).

Table D2. Projected closure dates for the Gulf Spanish mackerel fishery based on 2019-2020 landings under different ACL and bag limit alternatives. The fishing year runs from April 1 to March 31. The table shows the impact of various bag limit reductions on delaying the potential closure dates for each ACL alternative. Note that alternative 1 of Action 1 is inconsistent with BSIA, and not a viable alternative. It is included here only for comparison purposes.

Action 1 Alternatives	ACL	3 Fish	5 Fish	7 Fish	10 Fish	15 Fish
Alternative 1	14,900,000	None	None	None	None	None
Pref. Alternative 2	9,630,000	None	18-Feb	23-Dec	20-Dec	18-Dec
Alternative 3	8,667,000	4-Mar	11-Dec	29-Nov	27-Nov	25-Nov

Alternative 1 (No Action) would retain the current bag limit of 15 fish per person per day. This alternative does not introduce any new regulations. However, maintaining the status quo may not adequately address concerns about the perceived health and the long-term sustainability of the Gulf Spanish mackerel stock. Historical data suggest that annual landings have not frequently exceeded the stock ACL, but this alternative does not provide additional safeguards against the increasing likelihood of seasonal closures, considering the reductions in ACL proposed in Action 1.

Alternative 2 would reduce the bag limit to 10 fish per person per day. This reduction is expected to have a minimal impact on overall landings, with an expected decrease in recreational landings of less than 1% based on recreational landings from 2021 through 2023 as compared to **Alternative 1**.

Alternative 3 would reduce the bag limit to 7 fish per person per day. While this represents more than a 50% reduction in the bag limit, the analysis estimates a minimal decrease in landings of 2% based on recreational landings from 2021 through 2023. At the April 2024 Gulf Council meeting, some stakeholders expressed support for a reduction to 7 fish, noting a balance between maintaining viability and providing conservation benefits.

Alternative 4 would reduce the bag limit to 5 fish per person per day. This alternative aims to further reduce landings while maintaining a level that might still be acceptable to a portion of the fishing community. According to the analysis, a daily bag limit of 5 fish per person could reduce the overall landings by approximately 7% based on recreational landings from 2021 through 2023. This reduction offers better conservation benefits than higher limits but is less restrictive than the 3-fish option. This alternative could reduce the likelihood of seasonal closures more

effectively than higher limits, while balancing conservation and fishing interests. However, its overall impact on landings and projected closures is still modest.

Alternative 5 would reduce the bag limit to 3 fish per person per day. According to the analysis, a daily bag limit of 3 fish per person could reduce the overall landings by approximately 17% based on recreational landings from 2021 through 2023. This reduction is expected to have the most substantial impact on reducing total landings, thereby providing the greatest conservation benefit. While this alternative offers strong conservation benefits, it may face resistance from the recreational fishing community due to the optically highly restrictive nature of the limit, as well as the stock assessment not resulting in overfished or overfishing status, potentially impacting the economic and social aspects of the fishery. Although most anglers do not catch more than 3 Spanish mackerel per trip, removing the potential for a larger catch would likely influence them negatively. This reduction could diminish the appeal of fishing trips for some anglers, who might prioritize the opportunity to catch a larger number of fish as part of the recreational experience.

In summary, each alternative presents trade-offs between conservation benefits and stakeholder impacts. Alternative 5 offers the strongest comparative conservation benefit, but may not balance stakeholder preferences and may not allow the ACL to be harvested. Alternatives 3 and 4 offer a more balanced approach, but, if current catch rates continue, their impacts on overall landings may be minimal. Alternative 2 offers minimal conservation benefits at current catch rates but could provide some conservation benefit if the stock size and catch rate increase as expected from the reduction in catch limits in Action 1. Alternative 1 maintains the current regulations, which may not effectively address concerns over about a declining stock.

Council Conclusions

The Council decided to move this action to Considered but Rejected because implementation of bag limit would not achieve a desired level of harvest reduction. As presented in the bag limit analysis, majority of recreational trips only harvest one Spanish mackerel (Figure D1). It is possible the Council could implement a recreational bag limit on Spanish mackerel in the future if that management measure was shown to achieve a management goal for the stock.

APPENDIX E. PUBLIC COMMENT RECEIVED

Framework 14: Modifications to Gulf Migratory Group Spanish Mackerel Catch Limits Comments Received from 1/24 – 5/25

6 comments received.

- Stock health seems to be improving.
 - Average size seems to be up.
- Spanish are less abundant of Mississippi than they used to be.
- Current bag limit is too high.
 - Reducing the bag from 15 fish won't cause much dissatisfaction.
 - Most anglers don't keep more than a few.
- Increase the bag limit to 25 to improve economic benefit.
- Lack of cobia and kingfish is causing effort to shift to Spanish.
- Less commercial fishing should be allowed.
- Gillnetting should not be allowed.
- Regulations should remain the same.

Additional comments on the status and management of various Coastal Migratory Species (CMP), including Gulf Spanish mackerel were received during an in-person meeting of the Gulf Council's CMP Advisory Panel (AP) held on February 13, 2024. Those comments are available at the following link: https://gulf-council-media.s3.amazonaws.com/uploads/2025/05/C-5a-AP-CMP-Special-Engagement-Summary-Feb-2024_02282024.pdf