



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

FOR INFORMATION CONTACT:

Susan Gerhart or susan.gerhart@noaa.gov
727/824-5305, FAX 727/824-5308

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NOAA Announces New Regulations for King Mackerel, Spanish Mackerel, and Cobia in the Gulf of Mexico and South Atlantic

Small Entity Compliance Guide

On December 15, 2011, NOAA Fisheries Service approved Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic. A final rule implementing these regulations published in the *Federal Register* on December 29, 2011 (76 FR 82058). The fishery management plan is jointly managed by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils).

NOAA Fisheries Service and the Councils developed Amendment 18 to address new requirements of the Magnuson-Stevens Fishery Conservation and Management Act, which requires establishing the following for most federally managed stocks:

- *Annual catch limits*, the highest level of landings that is acceptable to maintain the stock, are required for most federally managed species.
- *Annual catch targets*, acceptable levels of landings that provide a buffer for management uncertainty, are optional.
- *Accountability measures*, which help keep landings within the catch limits or catch targets, or make adjustments if those levels are exceeded, are also required.

The final rule makes the following changes to the fishery management plan:

- Removes four species (cero, little tunny, dolphin, and Gulf of Mexico bluefish) from the fishery management plan.
- Establishes annual catch limits, annual catch targets, and accountability measures for king mackerel, Spanish mackerel, and cobia.
- Establishes separate migratory groups for cobia.
- Revises the framework procedure, which allows for more timely implementation of routine regulatory changes.

In addition, the amendment contains non-regulatory actions to revise thresholds used to determine the status

of the stock, such as overfishing (rate of removal is too high) and overfished (population abundance is too low). The Councils also established an acceptable biological catch control rule and set allocations for Atlantic group cobia.

Changes from the Proposed Rule

When finalizing the Atlantic migratory group Spanish mackerel commercial quota, NOAA Fisheries Service realized the adjusted commercial quota also needed to be revised. The adjusted commercial quota is relevant to trip limit reductions for the commercial sector. In this final rule, the adjusted quota is revised from 3.63 million pounds to 2.88 million pounds as a result of the change in the commercial quota from 3.87 million pounds to 3.13 million pounds.

Although the intent of the adjusted quota is to allow continued harvest after the 2.88 million pound adjusted quota is reached, total harvest for the fishing year still must be restricted to the annual catch limit. This means that if the entire commercial quota of 3.13 million pounds is reached or projected to be reached, the commercial sector will close for the remainder of the fishing year.

Request for Comments

Because the change to the adjusted commercial quota for Atlantic migratory group Spanish mackerel was not available for comment during the proposed rule stage, NOAA Fisheries Service is soliciting comments on the adjusted quota portion of the rule only. Written comments must be received no later than January 30, 2012, to be considered by NOAA Fisheries Service. See the Addresses section for information on where and how to submit comments.

Addresses

Copies of the rule and Amendment 18 may be obtained from the NOAA Fisheries Service Web site <http://sero.nmfs.noaa.gov/sf/MackerelHomepage.htm>

or the Federal e-Rulemaking Portal
www.regulations.gov.

You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: www.regulations.gov. All comments received are part of the public record and will generally be posted to www.regulations.gov without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments.
- To submit comments through the Federal e-Rulemaking Portal: www.regulations.gov, click on "submit a comment," then enter "NOAA-NMFS-2011-0202" in the keyword search and click on "search." To view posted comments during the comment period, enter "NOAA-NMFS-2011-0202" in the keyword search and click on "search." You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Susan Gerhart, NOAA Fisheries Service,

Southeast Regional Office, Sustainable Fisheries
Division, 263 13th Avenue South, St. Petersburg,
Florida 33701-5505

Comments received through means not specified in this bulletin will not be considered.

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Electronic copies of the amendment and final rule may be obtained from the NOAA Fisheries Service Web site <http://sero.nmfs.noaa.gov/sf/MackerelHomepage.htm>. For more information on Amendment 18 please refer to the [Frequently Asked Questions](#) on the NOAA Fisheries Service Web site.

This bulletin provides only a summary of the information regarding the existing regulations. Any discrepancies between this bulletin and the regulations as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

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