

DISCUSSION DOCUMENT

# Coastal Migratory Pelagics Joint Amendment 24

(allocation/ACL shifts)

Socio-Economic Panel  
Scientific and Statistical Committee



April 2014

**Background**

The Gulf of Mexico and South Atlantic Councils are considering ways to increase the opportunity for the total ACL to be reached for Gulf migratory group king mackerel and Atlantic migratory group Spanish mackerel. In multiple fishing seasons over the past ten years in both the Gulf migratory group king mackerel fishery and the Atlantic migratory group Spanish mackerel fishery, the commercial sector has exceeded the commercial ACL while the recreational sector has landed increasingly lower proportions of the recreational ACL (**Tables 1 and 2**).

Ways to increase opportunity to reach total ACL

- change restrictions for a sector that is not reaching its sector ACL (bag/trip limits, minimum size limits, seasonal closures, etc)
- revise sector allocations
- in-season ACL shift
- use a stock ACL (no allocations)
- others?

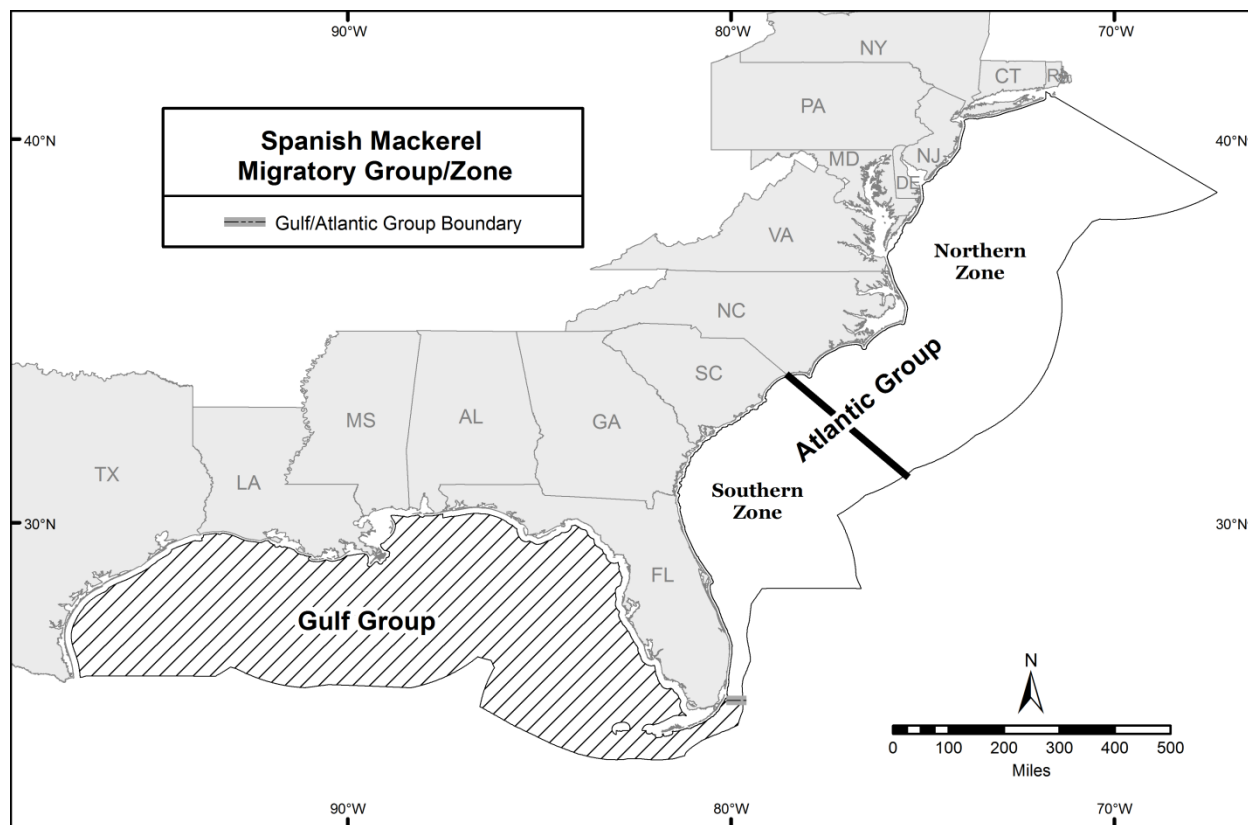
**Table 1.** Proportion of sector ACLs landed and proportion of total ACL landed for Atlantic migratory group Spanish mackerel (South Atlantic and Mid-Atlantic regions)

Fishing Year	Total ACL	TOTAL ACL Landed	% of Sector ACL Landed	
			Comm <sup>1</sup>	Rec <sup>2</sup>
2000-01	7.04 MP	70.7%	68.9%	72.8%
2001-02	7.04 MP	72.6%	79.2%	64.6%
2002-03	7.04 MP	69.2%	83.5%	51.8%
2003-04	7.04 MP	79.5%	96.8%	58.5%
2004-05	7.04 MP	67.0%	86.7%	42.9%
2005-06	7.04 MP	75.5%	94.7%	52.0%
2006-07	7.04 MP	75.2%	94.1%	52.2%
2007-08	7.04 MP	68.0%	79.5%	54.0%
2008-09	7.04 MP	74.1%	81.9%	64.6%
2009-10	7.04 MP	89.5%	108.3%	66.5%
2010-11	7.04 MP	89.8%	117.7%	55.7%
2011-12	5.69 MP	92.1%	128.1%	48.1%

<sup>1</sup>Commercial allocation = 55%      <sup>2</sup>Recreational allocation = 45%  
 Fishing year = March to February      Source: SERO

**Table 2.** Proportion of the proposed sector ACLs (Framework Amendment 1) that would have been met by the actual commercial and recreational landings since 1987.

year	Comm Landings	Rec Landings	% of the Proposed Commercial ACL that would have been met by Actual Commercial Landings	% of the Proposed Recreational ACL that would have been <b>met</b> by Actual Recreational Landings	% of the Proposed Recreational ACL that would have been <b>left</b> by Actual Recreational Landings
2000-01	2,668,757	2,306,607	80.9%	84.6%	15.4%
2001-02	3,066,183	2,046,039	92.9%	75.0%	25%
2002-03	3,233,790	1,640,822	98.0%	60.2%	39.8%
2003-04	3,746,542	1,853,294	113.5%	68.0%	32%
2004-05	3,357,857	1,359,360	101.8%	49.8%	50.2%
2005-06	3,668,168	1,648,291	111.2%	60.4%	39.6%
2006-07	3,643,175	1,653,413	110.4%	60.6%	39.4%
2007-08	3,079,343	1,710,276	93.3%	62.7%	37.3%
2008-09	3,169,967	2,046,806	96.1%	75.1%	24.9%
2009-10	4,192,335	2,107,213	127.0%	77.3%	22.7%
2010-11	4,556,352	1,763,640	138.1%	64.7%	35.3%
2011-12	4,008,625	1,231,696	121.5%	45.2%	54.8%



**Figure 1.** Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel, with the proposed Northern and Southern Zones in the Atlantic Group (pending submission and approval of CMP Amendment 20B).

### **Recent Council Decisions**

- In February 2014, the Gulf Council decided to hold further development of the amendment until after the results of the king mackerel stock assessment (SEDAR 38) are final.
- In March 2014, the South Atlantic Council directed staff to provide a paper in June 2014 with options for an in-season ACL shift for Atlantic Spanish mackerel and other ideas for ways to increasing the opportunity to reach the total Atlantic Spanish mackerel ACL.

### **Comments Summary for South Atlantic Scoping for CMP Amendment 24 January 2014**

General topics from public input (including recorded testimony, written comments, and informal discussion):

- some support for re-allocating to allow the total ACL to be met for each stock
- concern about validity of recreational data/MRIP
- support for an in-season mechanism to move part of a sector ACL to the other sector if one sector has not met a certain percentage of its ACL by a certain time in the year, then going back to original allocations at the start of the new year
- consideration of the variation in recreational and commercial landings in the different zones/sub-zones for Gulf king mackerel
- discussion of the value of leaving fish in the water instead of reallocating some of the recreational ACL to the commercial ACL

## Comments Summary from Mackerel Advisory Panel – April 2014

- Overall, the AP was not opposed to moving allocation with an ACL shift, but did not want to make recommendations at this time without more information about the rationale and potential effects.
- some AP members felt that there was not a problem, so should not change the allocations
- Council should look at other ways to help recreational sector meet its ACL (increasing bag limit, etc)
- concern about MRIP data
- concern that if the allocations are changed, they could not be changed back if needed
- proposed sunset clause
- wait until total landings start getting close to total ACL before making changes to sector allocations

**SIDE NOTE:** Pending approval of Framework Amendment 1 and submission/approval of Amendment 20B, 21% of the Atlantic group Spanish mackerel commercial ACL will be allocated to the Northern Zone (north of the NC-SC line) and 79% will be allocated to the Southern Zone.

### Current Atlantic Spanish mackerel ACLs:

Total= 5.69 mp ww

Commercial ACL (from Monroe/Miami-Dade line through NY): 3.13 mp ww

### Expected ACLs and quotas if/when Framework Am 1 and Am 20B are approved:

Total ACL= 6.063 mp ww

Commercial ACL: 3.33 mp ww

Northern Zone Commercial Quota (from NC/SC line north through NY): 699,300 lbs ww

Southern Zone Commercial Quota (from NC/SC line south to Monroe/Miami-Dade line): 2,630,700 lbs ww

**This discussion document includes three ways to move around the Atlantic Spanish mackerel ACL: (1) functional reallocation; (2) in-season ACL shift; and (3) pre-season ACL shift.**

## **(1) Functional (permanent) reallocation**

Through a plan amendment, this would change the current allocations of Atlantic Spanish mackerel. The allocations would stay the same until changed in a subsequent plan amendment.

**Current allocations:** 55% Commercial, 45% Recreational

### **History of sector allocation for Atlantic group Spanish mackerel:**

- Amendment 2 (1987): based on landings ratio 1979-1985 (76% Commercial and 24% Rec).
- Amendment 4 (1989): changed to 50/50 because the landings period was during a time when Spanish mackerel was being overfished and recreational participation was low, but at the time the recreational sector had limited access due to the low allocation.
- Amendment 8 (1996): modified the Framework Procedure so that Framework Adjustments could include a 10% shift in sector allocations.
- Framework Adjustment (August 1998): set the current allocations (55/45).

### **Some ways to allocate ACLs to sectors**

- Base allocations on landings over a period of time
  - Time period
    - long period to capture harvest dynamics
    - older period
    - more recent period
    - 50% older + 50% recent (Bowtie Law)
  - Calculation
    - Average landings
    - Average with one or more years dropped (due to hurricanes, oil spill, etc.)
    - Other?
- Shift underage from one sector to the other
  - Amount of shift
    - Reallocate total underage
    - Reallocate a percentage of the underage
  - Time period
    - long period to capture harvest dynamics
    - older period
    - more recent period
    - 50% older + 50% recent (Bowtie Law)
  - Calculation
    - Average underage
- Average with one or more years dropped (due to hurricanes, oil spill, etc.)
- Others?

**Table 3** on the following page shows the proportion of total landings that each sector harvested for Atlantic Spanish mackerel.

**Table 3.** Landings and proportions landed by each sector for Atlantic migratory group Spanish mackerel (South Atlantic and Mid-Atlantic regions)

Fishing Year	Total Atlantic Spanish mackerel Landings	Sector Landings		% of Total Landings by each sector	
		Comm	Rec	Comm	Rec
2000-01	4,975,364	2,668,757	2,306,607	53.6%	46.4%
2001-02	5,112,222	3,066,183	2,046,039	60.0%	40.0%
2002-03	4,874,612	3,233,790	1,640,822	66.3%	33.7%
2003-04	5,599,836	3,746,542	1,853,294	66.9%	33.1%
2004-05	4,717,217	3,357,857	1,359,360	71.2%	28.8%
2005-06	5,316,459	3,668,168	1,648,291	69.0%	31.0%
2006-07	5,296,588	3,643,175	1,653,413	68.8%	31.2%
2007-08	4,789,619	3,079,343	1,710,276	64.3%	35.7%
2008-09	5,216,773	3,169,967	2,046,806	60.8%	39.2%
2009-10	6,299,548	4,192,335	2,107,213	66.5%	33.5%
2010-11	6,319,992	4,556,352	1,763,640	72.1%	27.9%
2011-12	5,240,321	4,008,625	1,231,696	76.5%	23.5%

Fishing year = March to February

Source: SERO

## **2) In-season ACL shift**

This mechanism would be set up through a plan amendment, but the ACL shift would occur via a notice published by the Regional Administrator when the shift is triggered. At the end of the fishing year, the sector allocations would go back to the permanent allocations.

Draft Actions and Alternatives from Council/SERO staff:

### **DRAFT Action 1 – Establish the Trigger Thresholds for an ACL shift for Atlantic migratory group Spanish mackerel**

**Alternative 1 (No Action):** Do not shift allocation during the fishing year for Atlantic migratory group Spanish mackerel.

#### **REC-> COMM w/ one trigger**

**Alternative 2.** Shift Atlantic migratory group Spanish mackerel ACL from the recreational sector to the commercial sector for the current fishing year if:

- Sub-Alternative 2a.** After the first wave of the fishing year (MRIP Wave 2 March/April), recreational landings are less than 10% of the recreational ACL
- Sub-Alternative 2b.** After the second wave of the fishing year (MRIP Wave 3, May/June), recreational landings are less than 25% of the recreational ACL
- Sub-Alternative 2c.** After the third wave of the fishing year (MRIP Wave 4, July/August), recreational landings are less than 40% of the recreational ACL
- Sub-Alternative 2d.** After the fourth wave of the fishing year (MRIP Wave 5, Sept/Oct), recreational landings are less than 50% of the recreational ACL

#### **REC-> COMM w/ two triggers**

**Alternative 3.** Shift Atlantic migratory group Spanish mackerel ACL from the recreational to commercial sector for the current fishing year if:

- Sub-Alternative 3a.** After the first wave of the fishing year (MRIP Wave 2, March/April) recreational landings are less than 10% of the recreational ACL and commercial landings are greater than x% of the commercial ACL
- Sub-Alternative 3b.** the second wave of the fishing year (MRIP Wave 3, May/June), recreational landings are less than 25% of the recreational ACL and commercial landings are greater than x% of the commercial ACL
- Sub-Alternative 3c.** After the third wave of the fishing year (MRIP Wave 4, July/August), recreational landings are less than 40% of the recreational ACL and commercial landings are greater than x% of the commercial ACL
- Sub-Alternative 3d.** After the fourth wave of the fishing year (MRIP Wave 5, Sept/Oct), recreational landings are less than 50% of the recreational ACL and commercial landings are greater than x% of the commercial ACL

#### **COMM->REC w/ two triggers**

**Alternative 4.** Shift Atlantic migratory group Spanish mackerel ACL from the commercial sector to recreational sector for the current fishing year if:

- Sub-Alternative 4a.** After the first wave of the fishing year (MRIP Wave 2, March/April) recreational landings are greater than 10% and commercial landings are less than x%
- Sub-Alternative 4b.** After the second wave of the fishing year (MRIP Wave 3,



May/June) recreational landings are greater than 25% and commercial landings are less than x%

**Sub-Alternative 4c.** After the third wave of the fishing year (MRIP Wave 4, July/August) recreational landings are greater than 40% and commercial landings are less than x%

**Sub-Alternative 4d.** After the fourth wave of the fishing year (MRIP Wave 5, Sept/Oct), recreational landings are greater than 50% of the recreational ACL and commercial landings are less than x% of the commercial ACL

#### **EITHER WAY w/ two triggers**

**Alternative 5.** Shift Atlantic migratory group Spanish mackerel ACL from the sector projected to close last to the sector projected to close first during the current fishing year if:

**Sub-Alternative 5a.** After the first wave of the fishing year (MRIP Wave 2, March/April) landings from the sector projected to close last are less than 10% of that sector's ACL and landings from the sector projected to close first are greater than x% of that sector's ACL.

**Sub-Alternative 5b.** After the second wave of the fishing year (MRIP Wave 3, May/June) landings from the sector projected to close last are less than 25% of that sector's ACL and landings from the sector projected to close first are greater than x% of that sector's ACL.

**Sub-Alternative 5c.** After the third wave of the fishing year (MRIP Wave 4, July/August) landings from the sector projected to close last are less than 40% of that sector's ACL and landings from the sector projected to close first are greater than x% of that sector's ACL.

**Sub-Alternative 5d.** After the fourth wave of the fishing year (MRIP Wave 5, Sept/Oct) landings from the sector projected to close last are less than 50% of that sector's ACL and landings from the sector projected to close first are greater than x% of that sector's ACL.

## **DRAFT Action 2 – Shift the ACL between the Recreational and Commercial Sectors**

**Alternative 1 (No Action):** Allocation for Atlantic migratory group Spanish mackerel will remain 55% commercial and 45% recreational for the entire fishing year.

#### **REC->COMM only, goes with Alts 2,3,5 in Action 1**

**Alternative 2.** Shift a percentage of the recreational ACL to the commercial quota based on trigger specified in Action 1. The resulting commercial quota and recreational quota would remain in place for the remainder of the fishing year. The shift would follow the closed framework procedure, i.e. NMFS will publish a notice in the *Federal Register* (no action needed by the Council).

**Sub-Alternative 2a.** Shift 5% of the recreational ACL to the commercial quota.

**Sub-Alternative 2b.** Shift 8% of the recreational ACL to the commercial quota.

**Sub-Alternative 2c.** Shift 10% of the recreational ACL to the commercial quota.

**Sub-Alternative 2d.** Shift 50% of the remaining proportion of the recreational ACL to the commercial quota. (E.g., if at the time of the trigger, the recreational sector has used 60% of its ACL and 40% is left, then 20% of the recreational ACL will be shifted to the commercial quota.)

**Alternative 3.** Shift a percentage of the total ACL from one sector's ACL to the sector projected to close first in the direction determined by the trigger specified in Action 1. The change in the ACL would remain in place for the remainder of the fishing year. The shift would follow the closed framework procedure, i.e. NMFS will publish a notice in the *Federal Register* (no action needed by the Council).

**Sub-Alternative 4a.** Shift X% of the ACL

**Sub-Alternative 4b.** Shift X% ACL

**Sub-Alternative 4c.** Shift X% ACL

**Sub-Alternative 4d.** Shift 50% of the remaining proportion of a sector's ACL to the sector projected to close first. (E.g., if at the time of the trigger, the transferring sector has used 60% of its ACL and 40% is left, then 20% of the transferring sector's ACL will be shifted to the receiving sector.)

### AN EXAMPLE OF HOW THIS COULD WORK IF SHIFT IS TRIGGERED

Using Action 1 **Sub-Alternative 2c.** After the third wave of the fishing year (MRIP Wave 4, July/August), recreational landings are less than 40% of the recreational ACL and Action 2 **Sub-Alternative 2c.** Shift 10% of the recreational ACL to the commercial quota. Using the Proposed ACLs in Framework Amendment 1: 3.33 mp (comm) and 2.727 mp (rec)

1) In mid-October, MRIP indicates that recreational landings are at 750,000 lbs. [The average Wave 4 rec landings are 743,000 lbs for last 12 years.]

2) The threshold is <40% of the rec ACL (=1,090,800 lbs). Recreational landings are less than 40% of the rec ACL.

3) NMFS publishes a notice that changes the recreational ACL to 2,454,300 lbs and the commercial ACL to 3,602,700 lbs (Northern Zone quota-756,567 lbs; Southern Zone quota-2,846,133 lbs) for the remainder of the fishing year.

Accountability measures will be triggered by these modified sector ACLs.

At the start of the subsequent fishing year (March), the recreational ACL will go back to 2.727 mp and the commercial ACL will be 3.33 mp (Northern Zone quota-699,300 lbs; Southern Zone quota-2,630,700 lbs).

**Note:** This mechanism shifts a percentage of a sector ACL, not the total ACL, to the other sector.

### **3) Pre-season ACL shift**

This mechanism would be set up through a plan amendment by changing the framework procedure to allow an ACL shift via abbreviated open framework. Both Councils would approve the recommendation and submit a document outlining the proposed allocations and associated biological, social and economic effects. NMFS would publish the notice with the recreational ACL, commercial ACL and commercial quotas for the Northern and Southern Zones. If the Councils do not submit a recommendation for allocations for the subsequent fishing year, then at the end of the fishing year, the sector allocations would go back to the permanent specified allocations.

Mid-Atlantic Bluefish allows a pre-season ACL shift:

(2) *Commercial quota*. If 17 percent of the TAL is less than 10.5 million lb (4.8 million kg) and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.5 million lb (4.8 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed the TAL. If research quota is specified as described in paragraph (g) of this section, the commercial quota will be based on the TAL remaining after the deduction of the research quota.

## **DRAFT Action – Modify the CMP Framework Procedure**

**Alternative 1 (No Action):** Do not modify the CMP framework procedure.

**Alternative 2.** Allow changes up to x% to the amount of the annual ACL shift for Atlantic migratory group Spanish mackerel (as set in Action 2) through the abbreviated open framework procedure

**Sub-Alternative 2a.** Allow up to 5% change.

**Sub-Alternative 2b.** Allow up to 8% change.

**Sub-Alternative 2c.** Allow up to 10% change.

**Alternative 3.** Allow changes up to x% of the allocation for Atlantic migratory group Spanish mackerel (currently 55% commercial and 45% recreational) through the standard open framework procedure (framework amendment).

**Sub-Alternative 3a.** Allow up to 5% change.

**Sub-Alternative 3b.** Allow up to 8% change.

**Sub-Alternative 3c.** Allow up to 10% change.

**Alternative 4.** Allow changes up to x% to the amount of the annual ACL shift for Atlantic migratory group Spanish mackerel (as set in Action 2) through the abbreviated open framework procedure **and** allow changes up to x% of the allocation for Atlantic migratory group Spanish mackerel (currently 55% commercial and 45% recreational) through the standard open framework procedure (framework amendment).

**Sub-Alternative 4a.** Allow up to 5% change.

**Sub-Alternative 4b.** Allow up to 8% change.

**Sub-Alternative 4c.** Allow up to 10% change.

## AN EXAMPLE OF HOW THIS COULD WORK

Using **Alternative 2**. Allow changes up to x% to the amount of the annual ACL shift for Atlantic migratory group Spanish mackerel through the abbreviated open framework procedure:

**Sub-Alternative 2c**. Allow up to 10% change.

Using the Proposed ACLs in Framework Amendment 1: 3.33 mp (comm) and 2.727 mp (rec)

- 1) At the September Council meeting, the South Atlantic Council reviews performance of commercial and recreational sectors. If the Council decides to shift a percentage of the ACL (not to exceed 10%) from one sector to another, they direct staff to prepare the document and vote to recommend the shift to NMFS. In this example, we will assume 10% shift in allocation from recreational to commercial—65% commercial and 35% recreational.
- 2) The Gulf Council reviews the recommendation at their October meeting, and upon final Gulf Council approval, the document and letter will be submitted to NMFS in October or November.
- 3) Upon approval, NMFS publishes a notice to set the recreational ACL at 2,122,050 lbs; commercial ACL at 3,940,950 lbs; Northern Zone commercial quota at 827,600 lbs; and Southern Zone commercial quota at 3,113,350 lbs for the upcoming fishing year (starts in March). The notice will be published before March 1.
- 4) Unless the Council takes action to specify sector ACLs other than 55% commercial/ 45% recreational for the next year, in the next year the allocations will return to 55%/45%.