

Decision Document

Coastal Migratory Pelagics Framework Amendment 5

(Modify permit restrictions)

South Atlantic Mackerel Cobia Committee
September 2016



August 25, 2016

ACTION FOR FRAMEWORK AMENDMENT 5

- Modify Restrictions Applicable to Federal Commercial Permits for King and Spanish Mackerel

BACKGROUND

Framework Amendment 5 includes an action to modify regulations to remove restrictions on commercial king mackerel and Spanish mackerel permits that prohibit retaining the bag limit on recreational (non-commercial and non-charter/headboat) trips on federally permitted vessels when commercial harvest is closed in that zone or region. King mackerel and Spanish mackerel are the only two species with this restriction on federally permitted vessels.

50 CFR 622.384(e)(2):

(e) Restrictions applicable after a quota closure. (1) A person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued, as required under §622.370(a)(1) or (3), may not fish for king or Spanish mackerel in the EEZ or retain king or Spanish mackerel in or from the EEZ under a bag or possession limit specified in §622.382(a) for the closed species, migratory group, zone, subzone, or gear, except as provided for under paragraph (e)(2) of this section.

(2) A person aboard a vessel for which valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish and a valid commercial vessel permit for king or Spanish mackerel have been issued may continue to retain fish under a bag and possession limit specified in §622.382(a), provided the vessel is operating as a charter vessel or headboat.

EXPECTED TIMELINE FOR FRAMEWORK AMENDMENT 5

- June 2016- Gulf Council reviews and selects preferred alternatives
- September 2016- South Atlantic Council approves for formal review
- October 2016- Gulf Council approves for formal review
- October/November 2016- Submit for Secretarial review

REVISED (GULF) PURPOSE AND NEED

The purpose of this action is to eliminate permit restrictions unique to commercial king and Spanish mackerel permitted vessels.

The need for this action is to standardize vessel permit restrictions applicable after a commercial quota closure, remove restrictions on recreational fishing, and reduce the potential for regulatory discards in the king mackerel and Spanish mackerel components of the CMP fishery.

COMMITTEE ACTION

- 1) Review, edit and approve the draft purpose and need.

Action 1: Modify Restrictions Applicable to Federal Commercial Permits for King and Spanish Mackerel

GULF ALTERNATIVES

Alternative 1: No Action – Do not modify restrictions applicable to federal commercial permits for king or Spanish mackerel. King or Spanish mackerel may not be retained aboard a vessel with an federal pelagic commercial permit for king or Spanish mackerel when the applicable commercial season is closed and, for king mackerel, in the zone in which that commercially permitted vessel is fishing, except when that vessel also holds a Charter/Headboat permit for Pelagic Fish and is operating in a for-hire capacity.

Gulf Preferred Alternative 2: Remove the restriction on retaining the recreational bag limit of king mackerel on a vessel with a federal pelagic commercial permit for king mackerel that is fishing recreationally when the commercial zone in which the vessel is fishing is closed.

Gulf Preferred Alternative 3: Remove the restriction on retaining the recreational bag limit of Spanish mackerel on a vessel with a federal pelagic commercial permit for Spanish mackerel when the commercial Spanish mackerel fishing season is closed.

IPT Recommendations on Alternatives

Alternative 1: No Action –Persons aboard a vessel with a federal commercial permit for king or Spanish mackerel **may not fish for or retain the recreational bag limit** if commercial harvest for the species is closed (i.e., the species, migratory group, zone, subzone, or gear is closed) except when that vessel also holds the applicable federal for-hire permit (Gulf Charter/Headboat CMP permit, Historical Captain Gulf Charter/Headboat CMP permit, or Atlantic Charter/Headboat CMP permit) and is operating in a for-hire capacity.

Gulf Preferred Alternative 2: Remove the restriction on fishing for and retaining the recreational bag limit of king mackerel on a vessel with a federal commercial permit for king mackerel when the vessel is on a recreational trip and commercial harvest of king mackerel in that zone is closed.

Gulf Preferred Alternative 3: Remove the restriction on fishing for and retaining the recreational bag limit of Spanish mackerel on a vessel with a federal commercial permit for Spanish mackerel when the vessel is on a recreational trip and commercial harvest of Spanish mackerel in that zone (Atlantic) or region (Gulf) is closed.

COMMITTEE ACTION

1) Do you want to approve the IPT recommendations for the language in the alternatives?

SUMMARY OF EFFECTS:

Biological

Changes to commercial permit restrictions for king or Spanish mackerel would not be expected to result in any major differences in the effects on the physical or biological environment compared to **Alternative 1**, no action. Since the recreational fishing sectors in both the Gulf and the South Atlantic have not been harvesting their ACLs for king or Spanish mackerel, it is unlikely that any additional harvest as a result of **Gulf Preferred Alternatives 2 or 3** would result in the respective ACLs being met.

Economic

The economic benefits expected to result from **Gulf Preferred Alternative 2** would correspond to the economic value of the additional harvest. The economic value can be measured using the consumer surplus (CS) per additional king mackerel (the amount of money that an angler would be willing to pay for a fish in excess of the cost to harvest the fish) multiplied by the number of king mackerel. The estimated values of the CS per fish for a second and third king mackerel kept on a trip are approximately \$98 and \$65, respectively.

Realized benefits of **Gulf Preferred Alternative 3** are not likely as the commercial season in the South Atlantic has not closed in the past 15 years. However, these benefits are possible since the commercial sector harvested all or almost all of the commercial ACL in some recent years (the 2009-2010 fishing year through the 2012-2013 fishing year) and could potentially close in the future.

Social

The social benefits of **Gulf Preferred Alternatives 2 and 3** would result from reduced complexity in the regulations, consistency with other FMPs and commercial permits, and by increasing recreational fishing opportunities on private recreational trips by fishermen who also participate in the commercial sector.

Direct benefits would be expected for vessels with a commercial permit for king mackerel or Spanish mackerel (**Gulf Preferred Alternatives 2 and 3**) because vessel owners would be able to fish for and retain the bag limit, which would increase trip satisfaction on these recreational trips. Although **Gulf Preferred Alternatives 2 and 3** could increase landings counted towards the recreational ACL, it is unlikely that this would reduce access or fishing opportunities for other recreational fishermen.

In the Gulf, the recreational sector has not landed its annual catch limit (ACL) in 15 years (**Table 1**). Similarly, in recent years, Atlantic king mackerel recreational landings have not reached the recreational ACL (**Table 2**).

Table 1. Proportion of sector ACLs landed and proportion of total ACL landed for **Gulf king mackerel**, including those landings attributed to the Florida East Coast Zone (FLEC).

Fishing Year	Total TAC/ACL	Comm Sector ACL	Comm Landings	Rec Sector ACL	Rec Landings	% of Sector ACL Landed		% of Total ACL Landed
						Comm ¹	Rec ²	
2001/02	10.2 mp	3.264 mp	2.902 mp	6.936 mp	3.669 mp	88.9%	52.9%	64.7%
2002/03			3.186 mp		2.816 mp	97.6%	40.6%	59.3%
2003/04			3.094 mp		3.211 mp	94.8%	46.3%	62.7%
2004/05			3.215 mp		2.532 mp	98.5%	36.5%	56.4%
2005/06			2.983 mp		2.996 mp	91.4%	43.2%	58.9%
2006/07	10.8 mp	3.456 mp	3.231 mp	7.344 mp	3.305 mp	93.5%	45.0%	60.5%
2007/08			3.459 mp		2.629 mp	100.1%	35.8%	56.3%
2008/09			3.833 mp		2.350 mp	110.9%	32.0%	57.6%
2009/10			3.674 mp		3.525 mp	106.3%	48.0%	68.0%
2010/11			3.522 mp		2.181 mp	101.9%	29.7%	53.0%
2011/12			3.428 mp		2.438 mp	99.2%	33.2%	54.3%
2012/13			3.539 mp		2.710 mp	102.4%	36.9%	57.9%
2013/14			3.055 mp		2.916 mp	88.4%	39.7%	55.3%
2014/15 ³			3.591 mp		4.576 mp	103.9%	62.3%	75.6%

¹Commercial allocation = 32% ²Recreational allocation = 68% mp = million pounds
Source: SERO

Table 2. Proportion of sector ACLs landed and proportion of total ACL landed for **Atlantic king mackerel**.

Fishing Year	Total TAC/ACL	Comm Sector ACL	Comm Landings	Rec Sector ACL	Rec Landings	% of Sector ACL Landed		% of Total ACL Landed
						Comm ¹	Rec ²	
2001/02	10 mp	3.71 mp	1,686,844	6.3 mp	5,035,061	45.5%	79.9%	67.2%
2002/03			1,856,717		4,574,235	50.0%	72.6%	64.3%
2003/04			2,774,442		4,979,506	74.8%	79.0%	77.5%
2004/05			2,243,000		5,321,449	60.5%	84.5%	75.6%
2005/06			2,991,346		4,457,679	80.6%	70.8%	74.5%
2006/07			2,656,832		5,127,178	71.6%	81.4%	77.8%
2007/08			3,105,433		7,128,545	83.7%	113.2%	102.3%
2008/09			3,560,880		4,228,245	96.0%	67.1%	77.9%
2009/10			3,402,329		4,394,015	91.7%	69.7%	78.0%
2010/11			2,051,938		2,692,771	55.3%	42.7%	47.4%
2011/12	10.46 mp	3.88 mp	1,346,376	6.58 mp	1,562,905	34.7%	23.8%	27.8%
2012/13			1,346,459		1,719,199	34.7%	26.1%	29.3%
2013/14			1,116,833		1,004,441	28.8%	15.3%	20.3%
2014/15			1,324,957		1,305,500	34.1%	19.8%	25.1%
2015/16 ³			1,315,838		1,203,764	33.9%	18.3%	24.1%

¹Commercial allocation = 37.1% ²Recreational allocation = 62.9% ³ Preliminary landings
Source: SERO

Table 3. Gulf Spanish mackerel landings for the 2000-2001 to 2015-2016 fishing seasons.

Fishing Year	Recreational Landings	Commercial Landings	Total Landings	Stock ACL	% of ACL Landed
2000-2001	2,787,773	1,054,259	3,842,032	9,100,000	42.22%
2001-2002	3,452,981	810,099	4,263,080	9,100,000	46.85%
2002-2003	3,171,235	1,745,064	4,916,299	9,100,000	54.03%
2003-2004	2,742,270	941,702	3,683,972	9,100,000	40.48%
2004-2005	2,665,269	1,986,512	4,651,781	9,100,000	51.12%
2005-2006	1,595,375	1,221,294	2,816,669	9,100,000	30.95%
2006-2007	2,845,347	1,534,040	4,379,387	9,100,000	48.13%
2007-2008	2,724,757	902,827	3,627,584	9,100,000	39.86%
2008-2009	2,525,443	2,360,038	4,885,481	9,100,000	53.69%
2009-2010	1,890,143	942,501	2,832,644	9,100,000	31.13%
2010-2011	2,964,339	1,248,711	4,213,050	9,100,000	46.30%
2011-2012	2,677,725	1,347,945	4,025,670	9,100,000	44.24%
2012-2013	3,096,836	1,412,591	4,509,427	5,150,000	87.56%
2013-2014 ¹	5,232,533	1,450,265	6,682,798	5,150,000	129.76%
2014-2015	1,604,138	920,035	2,524,173	12,700,000	19.88%
2015-2016	2,140,222	1,213,742	3,353,964	11,800,000	28.42%

¹ The stock ACL for the 2013-2014 fishing year was increased by 246% in the following fishing year as a result of the SEDAR 28 (2013) stock assessment report, and a closure of the fishery was not implemented

Source: SERO

Table 4. Proportion of sector ACLs landed and proportion of total ACL landed for Atlantic Spanish mackerel.

Fishing Year	Total TAC/ACL	Comm Sector ACL	Comm Landings	Rec Sector ACL	Rec Landings	% of Sector ACL Landed		% of Total ACL Landed
						Comm ¹	Rec ²	
2001/02	7.04 mp	3.87 mp	3,066,183	3.17 mp	2,046,039	79.2%	64.6%	72.6%
2002/03	7.04 mp	3.87 mp	3,233,790	3.17 mp	1,640,822	83.5%	51.8%	69.2%
2003/04	7.04 mp	3.87 mp	3,746,542	3.17 mp	1,853,294	96.8%	58.5%	79.5%
2004/05	7.04 mp	3.87 mp	3,357,857	3.17 mp	1,359,360	86.7%	42.9%	67.0%
2005/06	7.04 mp	3.87 mp	3,668,168	3.17 mp	1,648,291	94.7%	52.0%	75.5%
2006/07	7.04 mp	3.87 mp	3,643,175	3.17 mp	1,653,413	94.1%	52.2%	75.2%
2007/08	7.04 mp	3.87 mp	3,079,343	3.17 mp	1,710,276	79.5%	54.0%	68.0%
2008/09	7.04 mp	3.87 mp	3,169,967	3.17 mp	2,046,806	81.9%	64.6%	74.1%
2009/10	7.04 mp	3.87 mp	4,192,335	3.17 mp	2,107,213	108.3%	66.5%	89.5%
2010/11	7.04 mp	3.87 mp	4,556,352	3.17 mp	1,763,640	117.7%	55.7%	89.8%
2011/12	5.69 mp	3.13 mp	4,008,625	2.56 mp	1,231,696	128.1%	48.1%	92.1%
2012/13	5.69 mp	3.13 mp	3,124,535	2.56 mp	1,377,762	99.8%	53.8%	79.1%
2013/14	5.69 mp	3.13 mp	2,602,361	2.56 mp	1,864,168	83.1%	72.8%	78.5%
2014/15	6.063 mp	3.33 mp	1,758,630	2.727 mp	862,003	52.8%	31.6%	43.2%
2015/16 ³	6.063 mp	3.33 mp	2,580,843	2.727 mp	814,018	77.5%	29.9%	56.0%

¹Commercial allocation = 55% ²Recreational allocation = 45%

³ Preliminary landings

Source: SERO

COMMITTEE ACTION

1) Do you want to select one or more Preferred Alternatives?

APPROVE FRAMEWORK AMENDMENT 5 FOR FORMAL REVIEW

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 5 FOR SECRETARIAL REVIEW, AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.