

Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic and Amendment 44 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region



Decision Document September 2016



Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Dolphin Wahoo Amendment 10) and Amendment 44 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper Amendment 44) addresses sector allocations in the dolphin and yellowtail snapper fisheries and gear allocations in the commercial dolphin fishery.

Why is the Council Considering Action?

In 2015, the commercial dolphin fishery in the Atlantic and commercial yellowtail snapper fishery in the South Atlantic Region met their sector annual catch limit (ACL) and were faced with early season closures. The commercial dolphin fishery closed on June 30, 2015, and the commercial yellowtail snapper fishery closed on October 31, 2015. In 2015, the recreational sector harvested a little over half of the recreational ACL for each species respectively. As a result, approximately 6.8 million pounds of the total ACL for dolphin and 650,000 pounds of the total ACL for yellowtail snapper went unharvested.

In response to commercial closures in the face of uncaught total ACL, the council is considering options to temporarily or permanently reallocate a portion of the ACL. This action is intended to prevent or delay closures in the commercial fisheries for dolphin and yellowtail snapper.

Additionally, the council is considering gear allocations in the commercial dolphin fishery. This action is being considered in response to the 2015 closure of the commercial dolphin fishery, as well as an increase in dolphin landings caught with longline gear. Setting gear allocations in the fishery would help preserve the historic breakdown of landings within the commercial dolphin fishery between hook and line gear and longline gear. The gear allocations are also intended to allow the hook and line fishery to continue to operate year-round.

At the June 2016 meeting the Council gave staff direction to begin the development of Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44 including potential allocation scenarios. The actions were taken out for scoping via webinar in August of 2016. A draft Purpose and Need and actions with suggested alternatives are presented here as a suggesting starting point for discussion.

Draft Purpose and Need

Purpose for Action

The *purpose* of this amendment is to modify sector allocations, update the sector ACLs and AMs, and minimize the risk of closures in the fisheries for dolphin and yellowtail snapper.

Need for Action

The *need* for the amendment is to better achieve optimum yield (OY) for dolphin and yellowtail snapper while minimizing, to the extent possible, adverse social and economic effects due to closures.

COMMITTEE ACTION:

Review and revise purpose and need statements as necessary

Draft Actions and Alternatives

Draft Action 1. Establish ACLs by gear type for dolphin for the commercial sector.

Alternative 1 (No Action). There is currently one sector ACL for all gear types in the commercial dolphin fishery (10% of the total ACL).

Alternative 2. Allocate 46% (532,220 lbs ww) of the commercial ACL for dolphin to pelagic longline gear. Allocate 54% (624,781 lbs ww) of the commercial ACL for dolphin to hook and line all other commercial fishing gear. (Based on lowest longline % landings by gear type from 2005 through 2014).

Alternative 3. Allocate 50% (578,501 lbs ww) of the commercial ACL for dolphin to pelagic longline gear. Allocate 50% (578,501 lbs ww) of the commercial ACL for dolphin to hook and line and all other commercial fishing gear.

Alternative 4. Allocate 62% (717,341 lbs ww) of the commercial ACL for dolphin to pelagic longline gear. Allocate 38% (439,660 lbs ww) of the commercial ACL for dolphin to hook and line and all other commercial fishing gear. (Based on average landings by gear type from 2005 through 2014).

Alternative 5. Allocate 75% (867,751 lbs ww) of the commercial ACL for dolphin to pelagic longline gear. Allocate 25% (289,250 lbs ww) of the commercial ACL for dolphin to hook and line and all other commercial fishing gear. (Based on highest longline % landings by gear type from 2005 through 2014).

- *The IPT noted that this action may be in opposition to the Need for Action as it is currently written, since allocations of the commercial ACL could trigger closures in the commercial dolphin fishery if one gear type lands its ACL.*
- *The IPT also noted that the ACL for dolphin increased as of 2016 (Dolphin Wahoo Amendment 8). If this increase were in place for the 2015 season, the commercial closure may not have occurred.*
- *The AMs must also be modified in an additional action if it is the intention of the Council to have the AMs tied to the gear ACLs (similar to golden tilefish).*

COMMITTEE ACTIONS:

Review the alternatives and sub-alternatives for Draft Action 1 and modify as needed.

Draft Action 2. Revise sector allocations for dolphin.

Alternative 1 (No Action). The current allocation for the recreational sector for dolphin is 90% (14,187,845 lbs ww) of the total ACL. The current allocation for the commercial sector for dolphin is 10% (1,157,001 lbs ww) of the total ACL.

Alternative 2. Maintain current sector ACLs, but revise AM to not close either sector until total ACL is met.

Alternative 3. Establish a permanent allocation shift between the sector ACLs.

Sub-alternative 3a. Allocate 87% (13,350,016 lbs ww) of the total ACL to the recreational sector. Allocate 13% (1,994,839 lbs ww) of the total ACL to the commercial sector. (Based on 2013 landings).

Sub-alternative 3b. Allocate 85% (13,049,119 lbs ww) of the total ACL to the recreational sector. Allocate 15% (2,301,727 lbs ww) of the total ACL to the commercial sector.

Sub-alternative 3c. Allocate 82% (12,582,774 lbs ww) of the total ACL to the recreational sector. Allocate 18% (2,762,072 lbs ww) of the total ACL to the commercial sector. (Based on 2014 landings).

Sub-alternative 3d. Allocate 80% (12,275,877 lbs ww) of the total ACL to the recreational sector. Allocate 20% (3,068,969 lbs ww) of the total ACL to the commercial sector.

Alternative 4. Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

Sub-alternative 4a: 1% (153,448 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4b: 2.5% (383,621 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4c: 5% (767,242 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4d: 10% (1,534,485 lbs ww) of the total ACL becomes a common pool category.

Alternative 5: If the sector ACL is not met in a fishing year, establish a sector ACL “credit” derived from the difference between the total pounds of dolphin landed in the sector and the sector ACL for that same fishing year. In the following fishing year, the credit would transfer to the sector’s ACL and could be used if the sector ACL is met or exceeded. The sector ACL credit would only apply if a minimum percentage of the total ACL was not harvested in a given fishing year (Draft Sub-alternatives 5a-5c), and only a certain percentage of the unharvested sector ACL from the previous fishing year would make up the carry-over credit (Draft Sub alternatives 5d-5f). The carry-over credit would remain until used, but could not exceed a certain percentage of

the sector ACL (Draft Sub-alternatives 5g-5i) and the total harvest could not exceed the total ACL.

Remaining Total ACL Threshold (MUST CHOOSE ONE):

Sub-alternative 5a: At least 15% (2,301,727 lbs) of the total ACL remains unharvested.

Sub-alternative 5b: At least 20% (3,068,969 lbs) of the total ACL remains unharvested.

Sub-alternative 5c: At least 25% (3,836,212 lbs) of the total ACL remains unharvested.

Percentage of Remaining sector ACL to Transfer (MUST CHOOSE ONE):

Sub-alternative 5d: The carry-over credit will be equal to 10% of the unharvested sector ACL.

Sub-alternative 5e: The carry-over credit will be equal to 15% of the unharvested sector ACL.

Sub-alternative 5f: The carry-over credit will be equal to 20% of the unharvested sector ACL.

Percentage cap for carry-over credit in relation to sector ACL (MUST CHOOSE ONE):

Sub-alternative 5g: The carry-over credit could not exceed 10% of the sector ACL.

Sub-alternative 5h: The carry-over credit could not exceed 20% of the sector ACL.

Sub-alternative 5i: The carry-over credit could not exceed 30% of the sector ACL

Alternative 6. Maintain current sector allocations, but allow temporary increase in a sector's ACL at the beginning of the fishing year if the other sector is projected to not land its entire allocation in the coming fishing year, provided that the combination of the projected landings and the increased sector ACL do not exceed the total ACL.

Sub-alternative 6a: Conditionally increase the commercial ACL by 100,000 pounds (ww) if the recreational ACL is not projected to be landed.

Sub-alternative 6b: Conditionally increase the commercial ACL by 250,000 pounds (ww) if recreational ACL is not projected to be landed.

Sub-alternative 6c: Conditionally increase the commercial ACL by 500,000 pounds (ww) if recreational ACL is not projected to be landed.

Sub-alternative 6d: Conditionally increase the commercial ACL by 750,000 pounds (ww) if recreational ACL is not projected to be landed.

Sub-alternative 6e: Conditionally increase the commercial ACL by 1 million pounds (ww) if recreational ACL is not projected to be landed.

Alternative 7: Conditionally transfer a certain percentage (Draft Sub-alternatives 5a-5d) of one sector's ACL to the other sector until such a time that the donating sector's landings reach a predetermined threshold (Draft Sub-alternatives 5e-5g). If this threshold is met, the recreational and commercial allocations will revert to 90% (14,187,845 lbs ww) of the total ACL for the recreational sector and 10% (1,157,001 lbs ww) of the total ACL for the commercial sector.

Conditional ACL Transfer (MUST CHOOSE ONE):

Sub-alternative 7a: Conditionally transfer 5% (709,392 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7b: Conditionally transfer 10% (1,418,785 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7c: Conditionally transfer 15% (2,128,177 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7d: Conditionally transfer 20% (2,837,569 lbs ww) of the recreational ACL to the commercial sector.

Donating Sector ACL Threshold (MUST CHOOSE ONE):

Sub-alternative 7e: Revert to the status quo sector allocations if 80% of the recreational sector's amended ACL is landed.

Sub-alternative 7f: Revert to the status quo sector allocations if 90% of the recreational sector's amended ACL is landed.

Sub-alternative 7g: Revert to the status quo sector allocations if 100% of the recreational sector's amended ACL is landed.

- *Some members of the IPT expressed concern over permanent reallocations (Alternative 3). Issues raised included litigation concerns, lack of technical guidance to perform economic analysis of such actions, and that the commercial allocation was recently increased (effective in 2016) from 7.54% to 10% of the total ACL (Dolphin Wahoo Amendment 8).*
- *The IPT suggested that Alternatives 4,5, and 7 may be administratively cumbersome due to timing and keeping track of recreational landings.*
- *For Alternative 5, problems will arise if carryover ACL exceeds ABC. Need to build in buffer (i.e. reduce ACL), have SSC change ABC, or change to multi-year ACLs.*
- *In regards to Alternative 7, the CMP AM 29 IPT proposed language similar to Alternative X below for Gulf Migratory Group King Mackerel Quota Sharing to address issues with the timeliness of MRIP data and to allow the transfer of quota to largely rely on recreational landings rather than commercial.*

Alternative X: Conditionally transfer a certain percentage (Sub-alternatives Xa-Xd) of the recreational ACL to the commercial sector in the next fishing year, if the minimum recreational landings threshold is not met (Sub-alternatives Xe-Xg). If the commercial sector does not land at least 90% (1,041,301 lbs ww) of its ACL, this transfer will not occur. Landings data from two years prior will be used to determine allocation transfers:

Conditional Quota Transfer (MUST CHOOSE ONE):

Sub-alternative Xa: Conditionally transfer 5% (709,392 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative Xb: Conditionally transfer 10% (1,418,785 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative Xc: Conditionally transfer 15% (2,128,177 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative Xd: Conditionally transfer 20% (2,837,569 lbs ww) of the recreational ACL to the commercial sector.

Recreational ACL Minimum Threshold (MUST CHOOSE ONE), if the recreational sector landings are:

Sub-alternative Xe: less than 50% (7,093,923 lbs ww) of its ACL.

Sub-alternative Xf: less than 65% (9,222,099 lbs ww) of its ACL.

Sub-alternative Xg: less than 75% (10,640,884 lbs ww) of its ACL

COMMITTEE ACTIONS:

Review the alternatives and sub-alternatives for Draft Action 2 and modify as needed.

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Draft Action 3. Revise sector allocations for South Atlantic yellowtail snapper.

Alternative 1 (No Action). The current recreational sector allocation for yellowtail snapper is 47.44% (1,440,990 lbs ww) of the total ACL. The current commercial sector allocation for yellowtail snapper is 52.56% (1,596,510 lbs ww) of the total ACL.

Alternative 2. Maintain current sector ACLs, but revise AM to not close either sector until total ACL is met.

Alternative 3. Establish a permanent allocation shift between the sector ACLs.

Sub-alternative 3a. Allocate 42% (1,275,750 lbs ww) of the total ACL to the recreational sector. Allocate 58% (1,761,750 lbs ww) of the total ACL to the commercial sector. (Based on average landings from 2005-2014)

Sub-alternative 3b. Allocate 40% (1,215,000 lbs ww) of the total ACL to the recreational sector. Allocate 60% (1,822,500 lbs ww) of the total ACL to the commercial sector. (Based on 2013 landings).

Sub-alternative 3c. Allocate 30% (911,250 lbs ww) of the total ACL to the recreational sector. Allocate 70% (2,126,250 lbs ww) of the total ACL to the commercial sector. (Based on 2012 landings)

Sub-alternative 3d. Allocate 28% (850,500 lbs ww) of the total ACL to the recreational sector. Allocate 72% (2,187,000 lbs ww) of the total ACL to the commercial sector. (Based on 2011 landings)

Alternative 4. Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

Sub-alternative 4a: 1% (30,375 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4b: 2.5% (75,938 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4c: 5% (151,875 lbs ww) of the total ACL becomes a common pool category.

Sub-alternative 4d: 10% (303,750 lbs ww) of the total ACL becomes a common pool category.

Alternative 5: If the sector ACL is not met in a fishing year, establish a sector ACL “credit” derived from the difference between the total pounds of yellowtail snapper landed in the sector and the sector ACL for that same fishing year. In the following fishing year, the credit would transfer to the sector’s ACL if the sector ACL is met or exceeded. The sector ACL credit would only apply if a minimum percentage of the total ACL was not harvested in a given fishing year (Draft Sub-alternatives 5a-5c), and only a certain percentage of the unharvested sector ACL from the previous fishing year would make up the carry-over credit (Draft Sub alternatives 5d-5f). The

carry-over credit would remain until used, but could not exceed a certain percentage of the sector ACL (Draft Sub-alternatives 5g-5i) and the total harvest could not exceed the total ACL.

Remaining Total ACL Threshold (MUST CHOOSE ONE):

Sub-alternative 5a: At least 15% (455,625 lbs ww) of the total ACL remains unharvested.

Sub-alternative 5b: At least 20% (607,500 lbs ww) of the total ACL remains unharvested.

Sub-alternative 5c: At least 25% (759,375 lbs ww) of the total ACL remains unharvested.

Percentage of Remaining Stock ACL to Transfer (MUST CHOOSE ONE):

Sub-alternative 5d: The carry-over credit will be equal to 10% of the unharvested sector ACL.

Sub-alternative 5e: The carry-over credit will be equal to 15% of the unharvested sector ACL.

Sub-alternative 5f: The carry-over credit will be equal to 20% of the unharvested sector ACL.

Percentage cap for carry-over credit in relation to sector ACL (MUST CHOOSE ONE):

Sub-alternative 5g: The carry-over credit could not exceed 10% of the sector ACL.

Sub-alternative 5h: The carry-over credit could not exceed 20% of the sector ACL.

Sub-alternative 5i: The carry-over credit could not exceed 30% of the sector ACL

Alternative 6. Maintain current sector allocations, but allow temporary increase in a sector's ACL at the beginning of the fishing year if the other sector is projected to not land its entire allocation in the coming fishing year, provided that the combination of the projected landings and the increased sector ACL do not exceed the total ACL.

Sub-alternative 6a: Conditionally increase the commercial ACL by 50,000 pounds if the recreational ACL is not project to be landed.

Sub-alternative 6b: Conditionally increase the commercial ACL by 150,000 pounds if the recreational ACL is not project to be landed.

Sub-alternative 6c: Conditionally increase the commercial ACL by 250,000 million pounds if the recreational ACL is not project to be landed.

Sub-alternative 6d: Conditionally increase the commercial ACL by 350,000 pounds if the recreational ACL is not project to be landed.

Alternative 7: Conditionally transfer a certain percentage (Draft Sub-alternatives 7a-7d) of one sector's ACL to the other sector until such a time that the donating sector's landings reach a predetermined threshold (Draft Sub-alternatives 7e-7g). If this threshold is met, the recreational and commercial allocations will revert to 47.44% (1,440,990 lbs ww) of the total ACL for the recreational sector and 52.56% (1,596,510 lbs ww) of the total ACL for the commercial sector.

Conditional ACL Transfer (MUST CHOOSE ONE):

Sub-alternative 7a: Conditionally transfer 5% (72,050 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7b: Conditionally transfer 10% (144,099 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7c: Conditionally transfer 15% (216,149 lbs ww) of the recreational ACL to the commercial sector.

Sub-alternative 7d: Conditionally transfer 20% (288,198 lbs ww) of the recreational ACL to the commercial sector.

Donating Sector's ACL Threshold (MUST CHOOSE ONE):

Sub-alternative 7e: Revert to the status quo sector allocations if 80% of the recreational sector's amended ACL is landed.

Sub-alternative 7f: Revert to the status quo sector allocations if 90% of the recreational sector's amended ACL is landed.

Sub-alternative 7g: Revert to the status quo sector allocations if 100% of the recreational sector's amended ACL is landed.

- *Some members of the IPT expressed concern over permanent reallocations (Alternative 3). Issues raised included litigation concerns and lack of technical guidance to perform economic analysis of such actions.*
- *The IPT suggested that Alternatives 4, 5, and 7 may be administratively cumbersome due to timing and keeping track of recreational landings.*
- *For Alternative 5, problems will arise if carryover ACL exceeds ABC. Need to build in buffer (i.e. reduce ACL), have SSC change ABC, or go to multi-year ACLs.*
- *In regards to Alternative 7, the CMP AM 29 IPT proposed language similar to Alternative X below for Gulf Migratory Group King Mackerel Quota Sharing to address issues with the timeliness of MRIP data and to allow the transfer of quota to largely rely on recreational landings rather than commercial.*

Alternative X: *Conditionally transfer a certain percentage (Sub-alternatives Xa-Xd) of the recreational ACL to the commercial sector in the next fishing year, if the minimum recreational landings threshold is not met (Sub-alternatives Xe-Xg). If the commercial sector does not land at least 90% (1,436,859 lbs ww) of its ACL, this transfer will not occur. Landings data from two years prior will be used to determine allocation transfers:*

Conditional Quota Transfer (MUST CHOOSE ONE):

Sub-alternative Xa: *Conditionally transfer 5% (72,050 lbs ww) of the recreational ACL to the commercial sector.*

Sub-alternative Xb: *Conditionally transfer 10% (144,099 lbs ww) of the recreational ACL to the commercial sector.*

Sub-alternative Xc: *Conditionally transfer 15% (216,149 lbs ww) of the recreational ACL to the commercial sector.*

Sub-alternative Xd: *Conditionally transfer 20% (288,198 lbs ww) of the recreational ACL to the commercial sector.*

Recreational ACL Minimum Threshold (MUST CHOOSE ONE), if the recreational sector landings are:

Sub-alternative Xe: *less than 50% (720,495 lbs ww) of its ACL.*

Sub-alternative Xf: *less than 65% (936,644 lbs ww) of its ACL.*

Sub-alternative Xg: *less than 75% (1,080,743 lbs ww) of its ACL.*

COMMITTEE ACTIONS:

Review the alternatives and sub-alternatives for Draft Action 3 and modify as needed.

Timing

- August 2016 – Scoping hearings
- September 2016 – reviewed scoping comments and made changes to document
- December 2016 – review document, select remaining preferred alternatives, and approve for public hearings
- January/February 2017 – public hearings
- March 2017 – review public hearing comments, and approve all actions
- June 2017 – approve for formal review