

Discussion Paper

Coastal Migratory Pelagics Joint Amendment 24

(Atlantic Spanish Mackerel- allocation/ACL shifts)

Mackerel Committee
December 2014



November 10, 2014

OUTLINE OF DISCUSSION PAPER:

- 1) Background
- 2) Public, Mackerel AP, and Socio-Economic Panel Input
- 4) Socio-Economic Panel Recommendations and Comments
- 5) Draft actions and alternatives:
 - Permanent
 - In-season ACL shift
 - Pre-season ACL shift
 - Common pool allocation

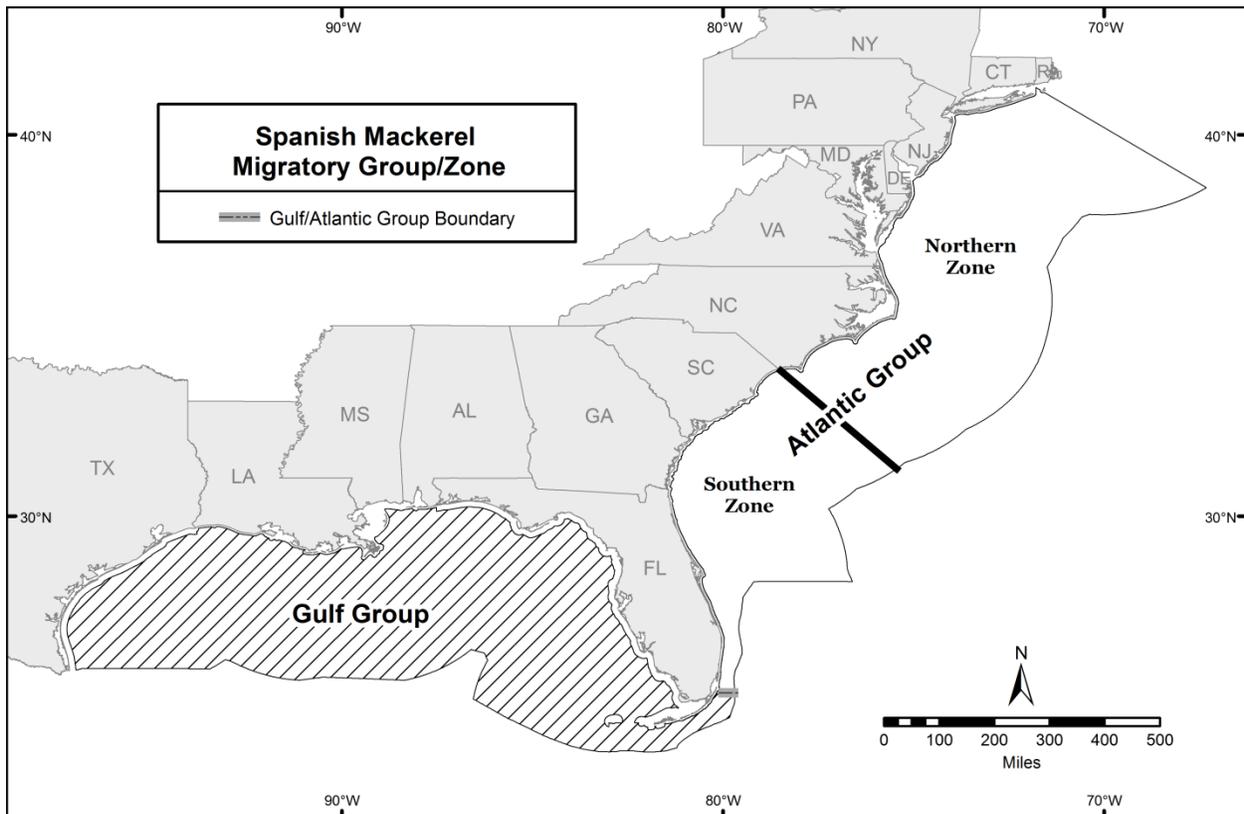


Figure 1. Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel, with the proposed Northern and Southern Zones in the Atlantic Group (pending approval of CMP Amendment 20B).

Background

The South Atlantic Council is considering ways to increase the opportunity for the total annual catch limit (ACL) to be reached for Atlantic migratory group Spanish mackerel. In the past three years, the Atlantic migratory group Spanish mackerel commercial sector has exceeded the commercial ACL while the recreational sector has landed increasingly lower proportions of the recreational ACL (**Table 1**).

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 ¹	Rec ²
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%

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

Things to Keep in Mind

Pending approval of Framework Amendment 1 and 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

Recreational ACL: 2.56 mp

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

Recreational ACL: 2.727 mp ww

Accountability Measures

Commercial-- In-season: closure when commercial ACL is met

Post-season: payback if commercial ACL and total ACL are exceeded, and is overfished

Recreational: In-season: none

Post-season: payback if recreational ACL and total ACL are exceeded, and is overfished

Atlantic Spanish trip limit system (current)

In EEZ off Florida, the trip limit is 3,500 lbs from March 1 through November 30. Starting December 1, trips are unlimited on weekdays and are 1,500 lbs on weekends. This trip limit remains unlimited until 75% of the adjusted quota is landed, after which the trip limit is 1,500 lbs every day. When 100% of the adjusted quota is reached, the trip limit is reduced to 500 lbs until the end of the fishing year or until the full quota is met or projected to be met. The adjusted quota is 150,000 lbs less than the commercial ACL.

North of the Georgia/Florida boundary, the trip limit is 3,500 lbs year-round.

Atlantic Spanish trip limit system (proposed in Framework Amendment 2- under review)

In the Southern Zone (NC/SC line to Monroe/Miami-Dade line), the trip limit will be 3,500 lbs. When 75% of the adjusted Southern Zone quota has been landed, the trip limit will be reduced to 1,500 lbs. When 100% of the adjusted Southern Zone quota has been met, the trip limit will be reduced to 500 lbs. The amendment will remove the period of unlimited trips on weekdays and use an adjustment on the Southern Zone quota instead of the commercial ACL.

In the Northern Zone, the trip limit will be 3,500 lbs year-round.

Recommendations and Comments

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

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

The AP provided the following recommendations and direction to staff for options for Amendment 24:

- look into Action 1, Alternative 2c, after 3rd Wave of Fishing (Jul/Aug), <40% of recreational ACL landed
- look at entire history of catch ratio
- look at bumping up commercial ACL by 5%, 8%, 10% through ACL shift as long as it is under the total ACL

The AP recommended the following as information that would be useful during development of Amendment 24:

- a comparison of Atlantic Spanish mackerel caught recreationally in-shore and off-shore
- a comparison of recreational landings of Atlantic Spanish mackerel between North Carolina and Florida
- a comparison of recreational landings by wave for the South Atlantic states

Socio-Economic Panel - April 2014

- The SEP believes that the Council needs to clarify the goal and purpose for this Amendment, as increasing the harvest of the mackerel species is not necessarily the same as increasing net economic benefits (e.g., leaving fish in the water could provide value in terms of increasing encounters for catch and release anglers). As such, reallocating fish from the recreational sector to the commercial is not automatically a situation where one sector gains without any cost to the other sector. The SEP does believe, however, that in-season triggers that reallocate fish from the recreational sector would be a useful way of increasing economic yield of the mackerel fishery.
- In terms of the process, if neither sector is reaching its portion of the ACL, then the SEP supports first lessening non-biologically based regulations (e.g., bag limits) in order to increase economic benefits without cost before discussing potential changes in sector allocation.
- The SEP also notes that reallocating “unused” ACL from one sector to another could, for example, affect the probability that fishermen will encounter the fish for harvest or catch-and-release and as such is not automatically a costless decision, even though the net economic benefits still may make such a decision desirable.
- The SEP believes the process would be improved by utilizing the SEP for peer review of allocation analysis in ways that the full SSC provides for stock assessment, and supports setting up such a system.

SAMPLE ACTION 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.

Action – Modify the commercial and recreational allocations for Atlantic migratory group Spanish mackerel

Alternative 1 (No Action): Do not modify the commercial and recreational allocations for Atlantic migratory group Spanish mackerel.

Current allocations: 55% Commercial, 45% Recreational (since Framework in August 1998)

Alternative 2. Modify the commercial and recreational allocations for Atlantic migratory group Spanish mackerel based on the landings ratio. [based on landings ratio, regardless of the TACs/ACLs]

Sub-Alternative 2a. Using the average proportion of annual landings for each sector from 1990/1991 through 2012/2013 fishing years [long period]

Sub-Alternative 2b. Using the average proportion of annual landings for each sector from 1990/1991 through 2000/2001 fishing years [older period]

Sub-Alternative 2c. Using the average proportion of annual landings for each sector from 2000/2001 through 2012/2013 fishing years [more recent period]

Sub-Alternative 2d. Using 50% average proportion of annual landings for each sector from 2000/2001 through 2012/2013 fishing years and 50% average proportion of annual landings for each sector 1990/1991 through 2000/2001 fishing years [Bowtie]

Table 2. Expected allocations based on example formulas in sample Sub-Alternatives 2a-2d.

Sub-Alternative	Commercial	Recreational
2a	68.1%	31.9%
2b	68.5%	31.5%
2c	66.8%	33.2%
2d	67.6%	32.4%

Alternative 3. Modify the commercial and recreational allocations for Atlantic migratory group Spanish mackerel by shifting a proportion of the recreational allocation to the commercial allocation based on:

[based on landings relative to the TACs/ACLs]

Sub-Alternative 2a. 50% of the average proportion of recreational TAC/ACL not landed from 1990/1991 through 2012/2013 fishing years [long period]

Sub-Alternative 2b. 50% of the average proportion of recreational TAC/ACL not landed from 1990/1991 through 2000/2001 fishing years [older period]

Sub-Alternative 2c. The average proportion of the proposed recreational ACL [in Fw Am 1] not landed from 2000/2001 through 2012/2013 fishing years [recent period]

Sub-Alternative 2d. 50% of the average proportion of the proposed recreational ACL [in Fw Am 1] not landed from 1990/1991 through 2012/2013 fishing years [long period]

Table 3. Expected allocations based on example formulas in sample Sub-Alternatives 3a-3d.

Sub-Alternative	Commercial	Recreational
3a	77.8%	22.2%
3b	77.9%	22.1%
3c	82.3%	17.7%
3d	80.4%	19.6%

Table 4. Expected allocations under sample Sub-Alternatives 2a-2d

Fishing Year	Proportion Commercial	Proportion Recreational	Expected Allocation under Each Sample Sub-Alternative in			
			Sample Alternative 2			
			2a- long period	2b- older period	2c- recent period	2d- Bowtie
1990-91	65.75%	34.25%	Comm=68.1% Rec=31.9%	Comm=68.5% Rec=31.5%		Comm=67.6% Rec=32.4%
1991-92	64.87%	35.13%				
1992-93	66.29%	33.71%				
1993-94	79.22%	20.78%				
1994-95	78.62%	21.38%				
1995-96	61.45%	38.55%				
1996-97	75.76%	24.24%				
1997-98	65.25%	34.75%				
1998-99	73.95%	26.05%				
1999-00	66.98%	33.02%				
2000-01	55.32%	44.68%				
2001-02	60.17%	39.83%				
2002-03	66.50%	33.50%				
2003-04	67.01%	32.99%				
2004-05	71.31%	28.69%				
2005-06	69.00%	31.00%				
2006-07	68.78%	31.22%				
2007-08	64.29%	35.71%				
2008-09	60.76%	39.24%				
2009-10	66.55%	33.45%				
2010-11	72.09%	27.91%				
2011-12	76.50%	23.50%				
2012-13	69.57%	30.43%				

Table 5. Expected allocations under sample Sub-Alternatives 3a-3d

Fishing Year	Proportion Actual Rec TAC/ACL ¹ Landed	Proportion Proposed (FW1) Rec ACL ² Landed	Expected Allocation (%) under Each Sample Sub-Alternative in Sample Alternative 3			
			3a- long period, actual TAC/ACL	3b- older period, actual TAC/ACL	3c- recent period, FW1 ACL	3d- long period, FW1 ACL
1990-91	100.66%	68.7%	Com=77.8% Rec=22.2%	Com=77.9% Rec=22.1%		Com=80.4% Rec=19.6%
1991-92	133.76%	91.2%				
1992-93	52.21%	67.0%				
1993-94	29.40%	48.5%				
1994-95	32.54%	54.9%				
1995-96	24.57%	42.3%				
1996-97	28.28%	36.3%				
1997-98	40.97%	60.1%				
1998-99	39.83%	42.4%				
1999-00	40.59%	46.5%				
2000-01	72.76%	84.6%				
2001-02	64.54%	75.0%				
2002-03	51.76%	60.2%				
2003-04	58.46%	68.0%				
2004-05	42.88%	49.8%				
2005-06	52.00%	60.4%				
2006-07	52.16%	60.6%				
2007-08	53.95%	62.7%				
2008-09	64.57%	75.1%				
2009-10	66.47%	77.3%				
2010-11	55.64%	64.7%				
2011-12	38.85%	45.2%				
2012-13	53.82%	56.0%				
				Com=82.3% Rec=17.7%		

¹ Actual recreational TAC/ACL for each fishing year can be found in Table x.

² Proposed recreational ACL in Framework Amendment 1= 2.727 mp.

SAMPLE ACTION 2: In-season ACL shift

This mechanism would be set up through a plan amendment, but the ACL shift would occur through the closed framework procedure via a notice published by the Regional Administrator when the shift is triggered, similar to in-season actions we currently do via Federal Register notice. At the end of the fishing year, the sector allocations would go back to the permanent allocations.

SAMPLE Action 2a – 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/ two triggers

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

Sub-Alternative 3a. In mid-June, commercial landings are greater than x% of the commercial ACL and recreational landings from March-April are less than 10% of the recreational ACL

Sub-Alternative 3b. In mid-August, commercial landings are greater than x% of the commercial ACL and recreational landings from March-June are less than 25% of the recreational ACL.

Sub-Alternative 3c. In mid-October, commercial landings are greater than x% of the commercial ACL and recreational landings from March-August are less than 40% of the recreational ACL

Sub-Alternative 3d. In mid-December, commercial landings are greater than x% of the commercial ACL and recreational landings from March-October are less than 50% of the recreational 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 3a. In mid-June, commercial landings are less than 40% of the commercial ACL and recreational landings from March-April are greater than x% of the recreational ACL

Sub-Alternative 3b. In mid-August, commercial landings are less than 50% of the commercial ACL and recreational landings from March-June are greater than x% of the recreational ACL.

Sub-Alternative 3c. In mid-October, commercial landings are less than 60% of the commercial ACL and recreational landings from March-August are greater than x% of the recreational ACL

Sub-Alternative 3d. In mid-December, commercial landings are less than 80% of the commercial ACL and recreational landings from March-October are greater than x% of the recreational ACL

SAMPLE Action 2b – Amount of ACL Shift 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

Alternative 2. Shift a percentage of the recreational ACL to the commercial ACL based on trigger specified in Action 1. The resulting commercial ACL and recreational ACL would remain in place for the remainder of the fishing year. The percentage shifted to the commercial sector would be split between the quotas for the Northern and Southern Zones based on the 21/79 percentage allocation between zones (pending approval of Amendment 20B).

Sub-Alternative 2a. Shift 5%

Sub-Alternative 2b. Shift 8%

Sub-Alternative 2c. Shift 10%

Sub-Alternative 2d. Shift 50% of the remaining proportion of the recreational ACL to the commercial quota. (For example, 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. If the percentage is shifted from the recreational sector to the commercial sector, the quota shifted would be split between the quotas for the Northern and Southern Zones based on the 21/79 percentage allocation between zones (pending approval of Amendment 20B). The shift would follow the closed framework procedure, i.e., NMFS would publish a notice in the *Federal Register* (no action needed by the Council).

Sub-Alternative 4a. Shift 5%

Sub-Alternative 4b. Shift 8%

Sub-Alternative 4c. Shift 10%

Sub-Alternative 4d. Shift 50% of the remaining proportion of a sector's ACL to the sector projected to close first. (For example, 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.)

SAMPLE ACTION 3: Modify the CMP Framework Procedure to allow a 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.

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.

SAMPLE ACTION 4 – Establish a Common Pool Allocation

Alternative 1 (No Action): Do not modify the commercial and recreational allocations of the Atlantic Spanish mackerel ACL to create a common pool allocation.

Alternative 2. Create a common pool allocation of 20% that could be accessed by either sector when that sector's ACL is met or projected to be met. The common pool allocation would be made up of:

Sub-Alternative 2a. 10% of the recreational ACL and 10% of the commercial ACL.

Sub-Alternative 2b. 5% of the recreational ACL and 15% of the commercial ACL.

Sub-Alternative 2c. 15% of the recreational ACL and 5% of the commercial ACL.

Alternative 3. Create a common pool allocation of 30% that could be accessed by either sector when that sector's ACL is met or projected to be met. The common pool allocation would be made up of:

Sub-Alternative 3a. 15% of the recreational ACL and 15% of the commercial ACL.

Sub-Alternative 3b. 10% of the recreational ACL and 20% of the commercial ACL.

Sub-Alternative 3c. 20% of the recreational ACL and 10% of the commercial ACL.

Things to Consider:

- 20B will establish Northern and Southern Zone commercial quotas for Spanish mackerel.
 - Would both Zones have to max out their quotas to access the common pool allocation?
 - Could one Zone reach their quota, then access the common pool allocation?
- Would both sectors have to reach their ACL before the common pool allocation was available to both (i.e., it is being monitored as a stock ACL)?