

Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel and Spanish Mackerel



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Options Paper to the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and the South Atlantic

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INTRODUCTION

The National Marine Fisheries Service (NMFS) issues king mackerel limited access permits and Spanish mackerel open access permits. These permits are valid for fishing in the Gulf of Mexico (Gulf), South Atlantic, and Mid-Atlantic regions and are required for commercial fishermen to retain fish in excess of the bag limit and to sell their harvest. However, both species have separate regulations for two migratory groups, Gulf and Atlantic, which are developed by the respective Councils. There are vessels that travel and fish in multiple regions, and some vessels that fish only in specific areas. The South Atlantic Fishery Management Council is concerned with increasing effort off of Florida south of Cape Canaveral. Some historical king mackerel fishermen are concerned that permit holders who have not been fishing regularly or fishing at low levels may begin participating more fully. Other historical fishermen think that the number of fishermen traveling from the South Atlantic to the Gulf is increasing, resulting in shorter seasons and reducing the profitability of the fishery.

More vessels fishing under the same quota could mean lower catches for each vessel. On the other hand, many king mackerel fishermen diversify and harvest species from multiple fisheries. Although they may be considered “part-time” king mackerel fishermen, king mackerel may contribute a large portion of their income. The migratory nature of the fish promotes this part-time participation for those who do not want to travel long distances. Thus, elimination of permits with low levels of landings could eliminate full-time fishermen that are only part-time king mackerel fishermen because of their diversification. In Joint Amendment 20A, the Councils considered ways to remove inactive permits, but public comments indicated that fishermen in most areas in the regions did not feel that latent effort was a problem or would impact the stock.

Establishing criteria for future permits would be difficult because historically, some vessels from the Atlantic have fished on the Gulf group king mackerel quota, particularly in the Western and Northern Zones. Additionally, there are different seasons in the Gulf and Atlantic, and different zones that have different trip limits. Consequently, setting qualifications based on landings is biased by region because management may not allow fishermen to participate at the same level in different places.

Another way to restrict participation would be to require endorsements for different regions. This option was explored for the Gulf zones in Amendment 20B, but was moved to the considered but rejected section. The Gulf Council determined the establishment of endorsements would increase the monitoring and enforcement burden tremendously. However, the South Atlantic Council may explore the idea for their region.

This amendment would consider ways to reduce participation in overcapitalized regions and would include actions to separate the commercial permits for king mackerel and Spanish mackerel into one permit for each species in each region (Gulf king mackerel, Atlantic king mackerel, Gulf Spanish mackerel, and Atlantic Spanish mackerel).

KING MACKEREL PERMITS

Background

A moratorium on the issuance of king mackerel permits was implemented in 1998 (Amendment 8), extended in 2000 (Amendment 12), and made permanent through a limited access system in 2005 (Amendment 15). The intent of these actions was to prevent an increase in permittees that could force the need for additional regulations and jeopardize the Councils' ability to manage the fishery to achieve optimum yield. Although the quotas would prevent increased commercial harvest if permits were open access, additional participation could result in reduced catch for individual vessels and earlier closures.

Although the king mackerel commercial permit is limited access, a large number of permits were issued, and some fishermen have continued to renew their permits even if they were not actively fishing for king mackerel. When the moratorium was first implemented, 2,172 king mackerel permits were issued. As of January 6, 2015, 1,309 king mackerel permits were valid, and 146 permits were expired but renewable (within one year of expiration) for a total of 1,455. In recent years, the number of valid (fishable) permits ranges from approximately 1,300 - 1,600, depending on the number that has been renewed when data are accessed from the SERO Permits Office; however, the total number of permits (valid and renewable) cannot increase.

Options for Separating Permits – Number of Permits Granted per Vessel

If the Councils establish two king mackerel permits, they must develop criteria for determining which of those permits each vessel with a current permit would be granted. These criteria would determine the total number of king mackerel permits issued. On one end of the spectrum, each vessel could be granted both new permits, resulting in a doubling of the number of total permits. On the other end, each vessel could be granted only one permit each and only if they meet some specific qualifying criteria, such as a landings threshold. This would reduce the number of permits by an amount depending on the qualifying criteria.

The Councils must determine if a vessel could be granted both permits or if they would be limited to one permit during the initial issuance process. If the Councils choose to allow two permits to be granted (one for the Gulf and one for the South Atlantic), any vessel with a current permit meeting the qualifications for each new permit would receive both permits. If the Councils choose to allow only one permit to be issued to a single vessel, and a vessel with a current permit meets the qualifications for both, a determination would be made as to which permit would be granted to that vessel. This determination could be based on a secondary qualification (such as home port) or could be left to the permit holder to choose. Even if only one permit is granted during the initial granting period, fishermen could purchase the additional permit later.

Any qualifying criteria that result in a vessel not receiving either permit would have economic and social impacts. A valid permit has value to the permit holder, which is represented by dockside revenues from sales of king mackerel that are harvested by the permit holder. A permit also has an exchange value, which is represented by the value that the permit holder could receive from transferring the permit. Because king mackerel are migratory, most king mackerel

permit holders do not fish exclusively for king mackerel, although king mackerel may make up a substantial portion of their income in a year. Revoking a permit based on a particular level of landings may penalize fishermen that diversify when king mackerel are not present in their area, rather than fishing in other zones.

Options for Separating Permits – Qualification Criteria

In Amendment 20A, the Councils established landings thresholds when considering elimination of permits. **Table 1** shows the number of permits that qualified under each of those landings thresholds. However, these numbers are based on total landings for each permit, and more permits would not qualify if landings in only one Council’s jurisdiction are considered for qualification for a permit. In general, the higher the necessary pounds to qualify, the fewer permits that would be granted.

Table 1. Estimated number of king mackerel permits qualifying and not qualifying under landings thresholds from Amendment 20A. Permits are those valid or renewable as of April 4, 2013 (total number of permits = 1,488).

2002-2011 Landings	Qualifying	Not Qualifying	% Permits Eliminated
Avg \geq 500 lb	934	554	37%
Avg \geq 1,000 lb	732	756	51%
At least 1 yr \geq 500 lb	1,210	278	19%
At least 1 yr \geq 1,000 lb	1,102	386	26%

Source: SEFSC logbooks and SERO Permits database.

The Gulf and Atlantic have different seasons, and different fishing zones have different quotas and trip limits (**Table 2**). Consequently, setting qualifications based on landings is biased by region because management may not allow fishermen to participate at the same level in different places. For this reason, if the Councils choose to use landings thresholds for permit qualification, separate thresholds should be set for the two permits. Further, the landings threshold to qualify for the Gulf permit would need to be low enough not to penalize fishermen from zones with low quotas and low trip limits. The Councils should also consider how the permit modification would affect requirements for the gillnet endorsement.

Table 2. Quotas and trip limits for commercial king mackerel zones and subzones.

	2014/2015 Quotas (pounds)	Trip Limit
Gulf Group	3,456,000	
Western Zone	1,071,360	3,000 lbs
Northern Zone	178,848	1,250 lbs
Southern Zone (hook-and-line)	551,448	1,250 lbs
Southern Zone (gillnet)	551,448	25,000 lbs
(Former) Florida East Coast Subzone*	1,102,896	50 fish
Atlantic Group*		
Northern Zone (proposed)	1,292,040	3,500 lbs
Southern Zone (proposed)	2,587,960	

*The former Florida East Coast Subzone would be included in the new Atlantic Southern Zone, and the ACL would be divided between the Northern and Southern Zones, if Amendment 20B is implemented.

The Councils may consider qualification criteria other than landings. One option would use the vessel homeport to grant a permit. A complication to this option is that historically, some vessels from the Atlantic have fished in the Gulf region, particularly in the western zone and the northern subzone off Florida. Other options include thresholds for number of trips or days fished.

Important Issues to Consider

- Should separate commercial permits be established for king mackerel in the Gulf and Atlantic regions?
- Should current permit holders be allowed to receive both permits, or only one?
- If only one permit is granted per current permit holder, how will the determination be made if a permit holder qualifies for both?
 - Secondary qualification criteria
 - Permit holder chooses
- What qualifying criteria should be used for each permit?
 - Landings threshold
 - Trips threshold
 - Days at sea threshold
 - Homeport
- Does either Council wish to establish qualifying criteria that will reduce the number of permits?

SPANISH MACKEREL PERMITS

Creating separate Gulf and Atlantic permits for Spanish mackerel is less complicated than for king mackerel because the permits are open access. Anyone can purchase a Spanish mackerel permit from NMFS with no qualifiers. Therefore, NMFS could simply replace the current Spanish mackerel permit with two new permits: a Gulf Spanish mackerel permit and an Atlantic Spanish mackerel permit. A fisherman could choose to purchase one or both of the permits when their current permit expires.

The South Atlantic Council may wish to establish a limited access system for the Atlantic Spanish mackerel permit. As of January 6, 2015, NMFS had issued 1,717 Spanish mackerel permits. For other limited access permits in the southeast, including the king mackerel permit, when the limited access system was implemented all permits held as of a certain date were valid and no others were issued after that. This type of moratorium would not actively reduce the number of permits, but would set a maximum and allow for passive reduction. If the Councils wanted to immediately reduce the number of permits, qualifying criteria would be needed, as discussed for king mackerel permits. However, landings are not associated with open access permits, so landings thresholds would need to be based on vessel landings. This may be complicated for those individuals who have recently changed vessels. The Council could consider a moratorium period during which landings would be associated with the permit, before establishing a permanent limited access system.

Important issues to consider

- Should separate commercial permits be established for Spanish mackerel in the Gulf and Atlantic regions?
- Does either Council wish to establish a limited access system for Spanish mackerel permits?
 - Cap the number of permits at the current level
 - Set qualifying criteria
 - Establish temporary moratorium during which qualifying criteria could be met
- What qualifying criteria should be used for limited access permits?
 - Landings threshold
 - Trips threshold
 - Days at sea threshold

OTHER CONSIDERATIONS

The Councils may wish to set more recent control dates in anticipation of this action. The current control dates are:

- 6/30/2009 Gulf king mackerel
- 3/31/2010 Gulf Spanish mackerel
- 9/17/2010 South Atlantic king and Spanish mackerel

The king mackerel stocks in the Gulf and South Atlantic underwent an assessment through SEDAR 38, which found neither stock to be overfished nor experiencing overfishing. Decisions by participants in the Data and Assessment Workshops reduce the winter mixing zone to the area of Monroe County south of the Florida Keys. As such, the East Coast Subzone of the Gulf migratory group has been eliminated, and that area is considered part of the Atlantic year-round. The Gulf Council had voted to postpone consideration of separate permits until after the stock assessment so that the implication of the results could be included in the analysis.

The Councils may wish to consider alternatives to permit separation. One option would be to establish endorsements for the zones or regions considered to have overcapacity. Qualifying criteria would need to be established for endorsements. Another option would be to create separate FMPs for each Council. If permits are separated, and the current mixing zone is drastically reduced, little would remain to jointly manage.

The Mid-Atlantic Council has delegated management of king and Spanish mackerel within their jurisdictional area to the South Atlantic Council. Thus, fishing in those areas would likely be included under the South Atlantic permit, if separate permits are established. However, the Mid-Atlantic Council would need to be consulted.

Fishery Management Councils

- Responsible for conservation and management of fish stocks
- Consist of voting members, many of whom are appointed by the Secretary of Commerce, the National Marine Fisheries Service Regional Administrator, and one representative from each of the State marine resource agencies
- Responsible for developing fishery management plans and amendments, and recommend actions to National Marine Fisheries Service for implementation

National Marine Fisheries Service

- Responsible for conservation and management of fish stocks
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

Who's Who?

- NOAA Fisheries Service and Council staff – Develop alternatives based on guidance from the Council, and analyze the environmental impacts of those alternatives
- Councils – Engage in a process to determine a range of actions and alternatives, and recommend action to NOAA Fisheries Service
- Secretary of Commerce – Will approve, disapprove, or partially approve the amendment submitted by the Council

Purpose and Need

Purpose for Action

To separate the federal commercial permits for king mackerel and Spanish mackerel into permits for each region for Gulf of Mexico and Atlantic Migratory Groups.

Need for Action

To allow the Gulf of Mexico and South Atlantic Fishery Management Councils to more effectively manage commercial participation in the respective regions, and make changes to participation that will not unnecessarily affect the other region.

History of Management

The CMP FMP, with Environmental Impact Statement (EIS), was approved in 1982 and implemented by regulations effective in February 1983 (GMFMC and SAFMC 1982). The management unit includes king mackerel, Spanish mackerel, and cobia. The FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf. The FMP established allocations for the recreational and commercial sectors harvesting these stocks, and the commercial allocations were divided between net and hook-and-line fishermen. The following is a list of management changes relevant to CMP zonal issues. A full history of CMP management can be found in Amendment 20B (GMFMC and SAFMC 2014), and is incorporated here by reference.

Amendment 1, with EIS, implemented in September 1985, recognized separate Atlantic and Gulf migratory groups of king mackerel. The Gulf commercial allocation for king mackerel was

divided into Eastern and Western Zones for the purpose of regional allocation, with 69% of the allocation provided to the Eastern Zone and 31% to the Western Zone.

Amendment 2, with environmental assessment (EA), implemented in July 1987, recognized two migratory groups of Spanish mackerel, established allocations of total allowable catch (TAC) for the commercial and recreational sectors, and set commercial quotas and recreational bag limits.

Amendment 5, with EA, implemented in August 1990, extended the management area for Atlantic migratory groups of mackerels through the Mid-Atlantic Council's area of jurisdiction; provided that the South Atlantic Council will be responsible for pre-season adjustments of TACs and bag limits for the Atlantic migratory groups of mackerels while the Gulf Council will be responsible for Gulf migratory groups; and continued to manage the two recognized Gulf migratory groups of king mackerel as one until management measures appropriate to the eastern and western migratory groups could be determined.

Amendment 6, with EA, implemented in November 1992, allowed for Gulf migratory group king mackerel stock identification and allocation when appropriate.

Amendment 7, with EA, implemented in November 1994, equally divided the Gulf commercial allocation in the Eastern Zone at the Dade-Monroe County line in Florida. The sub-allocation for the area from Monroe County through Western Florida is equally divided between commercial hook-and-line and net gear users.

Amendment 8, with EA, implemented March 1998, provided the South Atlantic Council with authority to set vessel trip limits, closed seasons or areas, and gear restrictions for Gulf migratory group king mackerel in the North Area of the Eastern Zone (Dade/Monroe to Volusia/Flagler County lines); modified the seasonal framework adjustment measures; and expanded the management area for cobia through the Mid-Atlantic Council's area of jurisdiction (to New York).

Amendment 9, with EA, implemented in April 2000, established a trip limit of 3,000 lbs per vessel per trip for the Western Zone.

Amendment 12, with EA, implemented in October 2000, extended the commercial king mackerel permit moratorium from its expiration date of October 15, 2000, to October 15, 2005, or until replaced with a license limitation, limited access, and/or individual fishing quota or individual transferable quota system, whichever occurs earlier.

Amendment 15, with EA, implemented in August 2005, established an indefinite limited access program for the commercial king mackerel fishery in federal waters under the jurisdiction of the Gulf, South Atlantic, and Mid-Atlantic Councils.

Amendment 18, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf and Atlantic migratory groups of cobia, king mackerel, and Spanish mackerel. It also separated cobia into Atlantic and Gulf migratory groups.

Amendment 20A, with EA, implemented in July 2014, prohibited the sale of king and Spanish mackerel caught under the bag limit in or from the EEZ of the Gulf with the exception of for-hire trips in which the vessel also holds a federal king and/or Spanish mackerel commercial permit. It prohibited sale of king and Spanish mackerel caught under the bag limit in or from the EEZ of the Atlantic, and required a king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel. Also, king or Spanish mackerel harvested or possessed under the bag limit during a fishing tournament were permitted to be donated to a dealer who will sell those fish and donate the proceeds to a charity, but only if the tournament organizers have a permit from a state to conduct that tournament, and the transfer and reporting requirements listed below are followed.

Amendment 20B, with EA, currently under final review, established a 3000 lb trip limit for the Western Zone and a 1,250 lb trip limit for the Northern and Southern Subzones of the Eastern Zone. The fishing season for the Northern subzone was changed to October 1st through September 30th. It established transit provisions through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing. It established regional commercial allocations for Atlantic king and Spanish mackerel. The framework procedure was expanded, and ACLs were established for Gulf and Atlantic cobia.

Comments from South Atlantic Scoping for CMP 28 -January 2014

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

- Support for separating permits, primarily at the Cocoa Beach meeting so that the Councils could address specific problems in their region without impacting the other region.
- Some opposition to separate permits (Key West and Jacksonville) because of fishermen harvesting in both regions, and impact on new entrants who want to work both regions
- Some meeting attendees supported removal of king mackerel permits with no or low landings so that full-time mackerel fishermen could have more access to the ACL (primarily in Cocoa Beach)
- Some opposition to any action that would take away king mackerel permits with no or low landings (NC, Jacksonville, Key West) because the Councils should not take away any more permits. It was also noted in Key West that a higher trip limit would increase the number of active permits, so the Councils should consider increasing trip limits before any action to address latent permits.
- Some opposition to a two-for-one requirement on king mackerel permits because of impact on new entrants and increased capital required to enter the fishery
- Some support for a two-for-one requirement (Cocoa Beach)
- Some support for an endorsement for the king mackerel mixing zone
- If permits are split, support for qualifying for both permits if the permit holder has landings in both areas, and use a very recent control date
- South Atlantic staff plans to meet with the Cocoa Beach/Canaveral mackerel fishermen to discuss options for specific actions to address king mackerel effort of the east coast of Florida.