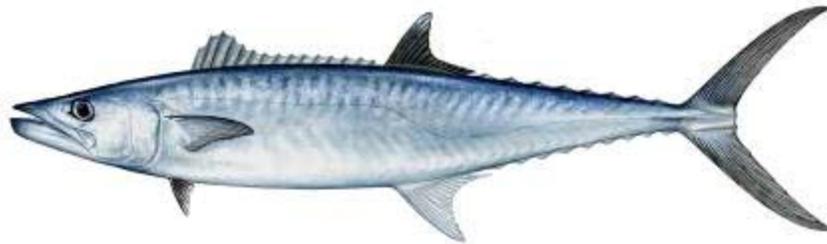


Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel and Spanish Mackerel



DP

Discussion Paper for 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 Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). There are vessels that travel and fish in multiple regions, and some vessels that fish only in specific areas. The South Atlantic 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 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 separate permits would be difficult because historically, some vessels from the Atlantic have fished on the Gulf migratory 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.

This amendment, if initiated by the Councils, could 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). The Councils could also consider separating the joint fishery management plan into a Gulf FMP and South Atlantic FMP. In March 2015, the South Atlantic Council approved a motion to stop work on Amendment 28.

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). 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 April 21, 2015, 1,342 king mackerel permits were valid or renewable (within one year of expiration). The total number of permits (valid or 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. The Gulf and Atlantic have different seasons, and different fishing zones have

different quotas and trip limits (**Table 1**). 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 Gulf Council should also consider how the permit modification would affect requirements for the gillnet endorsement.

Table 1. Quotas and trip limits for commercial king mackerel zones and subzones.

| | Fishing Season | 2014/2015 Quotas (pounds) | Trip Limit |
|-------------------------------|----------------------------------|---------------------------|--|
| Gulf Group | | 3,456,000 | |
| Western Zone | Jul-Jun | 1,071,360 | 3,000 lbs |
| Northern Zone | Oct-Sept (previously Jul-Jun) | 178,848 | 1,250 lbs |
| Southern Zone (hook-and-line) | Jul-Jun | 551,448 | 1,250 lbs |
| Southern Zone (gillnet) | Day after MLK-Jun | 551,448 | 25,000 lbs |
| Florida East Coast Subzone* | Nov-Mar | 1,102,896 | 50 fish |
| Atlantic Group* | | | |
| Northern Zone | Mar-Feb | 1,292,040 | 3,500 lbs |
| Southern Zone | Mar-Feb | 2,587,960 | 3,500 lbs N of Volusia/Brevard 75 fish Volusia/Brevard to Dade/Monroe (Apr-Oct)** 1,250 lbs Monroe (Apr-Oct)** |

*The Florida East Coast Subzone would be included in the new Atlantic Southern Zone if Amendment 26 is implemented.

**Part of the Gulf Florida East Coast Subzone Nov-Mar)

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?
- If only one permit is granted per current permit holder, how should 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
 - Hailing port
- Should either Council establish qualifying criteria that will reduce the number of permits?

Potential Actions

Action 1. Reorganize Management of Coastal Migratory Pelagic (CMP) Species in the Gulf of Mexico (Gulf) and Atlantic Region

Action 2. Qualifying Criteria for a South Atlantic Commercial King Mackerel Permit

Action 3. Qualifying Criteria for a Gulf Commercial King Mackerel Permit

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

Potential Actions

Action 4. Qualifying Criteria for a South Atlantic Commercial Spanish Mackerel Permit

Action 5. Qualifying Criteria for Gulf Commercial Spanish Mackerel Permit

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 Florida East Coast Subzone of the Gulf migratory group may be eliminated, and that area would be considered part of the Atlantic year-round (CMP Amendment 26).

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 fishery management plans 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.

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.

Comments from Gulf Scoping for CMP 28 - April 2015

SCOPING WORKSHOPS

Coastal Migratory Pelagics

Amendment 28

King Mackerel Permits

Biloxi, Mississippi

March 31, 2015

Meeting Attendees:

Rufus Young

King Mackerel Permits

Should separate permits be established?

- Yes, splitting permits is a good, fair idea.

Should permit holders be allowed to receive both permits?

- Yes. Shouldn't limit folks on where they want to fish.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Landings would be an appropriate criteria to use if you give fishermen 3-5 years from now to qualify.

Should qualifying criteria be designed to reduce the number of permits?

- No, don't actively eliminate permits through qualifying criteria.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes, separate Spanish mackerel permits.

Should either Council establish a limited access system for commercial permits?

- Limited access might be applicable to the Atlantic but not the Gulf. The Gulf stocks are healthy. No reason to cut someone out of the fishery.

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Criteria should be based on having landed at least a certain number of fish for a certain time period/ series.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Permits

Should separate permits be established?

- Separate permits should absolutely not be created, the quotas and zones can be adjusted to ensure that the amount of fish being caught isn't too much. Establishing separate permits in the Gulf and South Atlantic won't help the fish stock or control the amount of fish harvested.
- Creating separate permits, especially if you don't qualify for both, would put a major financial burden on people.
- Separate permits would unevenly effect the traveling king mackerel fishermen.

Should permits holders be allowed to receive both permits?

- Yes.

If only one permit is granted per permit holder, how will the new permit be chosen?

- The fishermen should be able to pick the zone or area(s) where they want to fish.

What qualifying criteria should be used for permits?

- If you require some criteria to qualify you for a permit, and each fisherman wasn't allowed to choose, they felt that using the hailing port would be the worst criteria possible. Instead, they felt landings, trips, or days-at-sea should be used as criteria to qualify a fisherman.

Should qualifying criteria be designed to reduce the number of permits?

- No.

Other Issues:

- Concern was expressed about enforcement of the recently implemented transit provisions because it could be easily circumvented. For example, the transit

provision created in the southern subzone of the eastern zone may promote fishing while in closed waters. A fisherman could easily get around the transit provision when fishing for king mackerel because you only have 2 or 3 lines out while you're fishing. If you are pulled over you can quickly cut the lines to satisfy the gear storage requirement while in transit.

- By removing the stepped trip limit reductions in the Gulf, NMFS has compromised their ability to close the king mackerel fishery on time. Each of the subzones have overharvested their quota by 30% in 2015 since this was recently implemented. The Council should consider reestablishing that provision. If the fishery continues to go over the subzone quotas fishermen fear that NMFS will put an IFQ in place to control the fishery even though the previous trip limit reduction has proven to have the same benefits.

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Permits

Should separate permits be established?

- It depends on how many active permits are being used on both coasts and how many people it would affect.
- Fishermen still need to be able to follow fish as they migrate.

Should permits holders be allowed to receive both permits?

- Qualifying for both permits adds to cost of doing business. Would rather see only one permit or the other with option to change or transfer permits as needed, but not be able to have both at same time.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Non-transferable permits are staying in families and don't allow others to get into fishery.
- Loopholes need to be closed, and the current system is not working the way it was designed.
- There needs to be a way to get rid of permits that fishermen have not been able to use.

Should qualifying criteria be designed to reduce the number of permits?

- There is no reason to get rid of any handline permits, both stocks are healthy.

Spanish Mackerel

Should separate commercial permits be established?

- The same metric should be used for Spanish as for kingfish.

Should either Council establish a limited access system for commercial permits?

- Not in the Gulf- Gulf fishers do not go to the South Atlantic for mackerel, and the Gulf Spanish mackerel ACL is very high.
- If the South Atlantic is having a problem, then they should cap the number of permits at the current level. Don't limit the use of newly purchased permits, whether in Gulf or South Atlantic.
- Establish temporary moratorium during which qualifying criteria could be met

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Since the Spanish mackerel price is high right now, people will try to keep others from getting into the fishery.
- There is concern expressed about South Atlantic plan for limited access since so many South Atlantic based fishermen come to the Gulf. If the South Atlantic makes it harder to catch Spanish mackerel over there, what would keep the South Atlantic based fishermen from coming to the Gulf?

Other issues:

- Do not want to see 1250 lb limit because they won't be able to afford to fish. The 2000 lb limit that was proposed was voted down with no explanation given.
- The quota needs to make fishing worthwhile, the commercial sector is being severely punished through no fault of theirs.
- There is an over-capitalization of the king mackerel fishery even though it is under quota.
- Emotional pleas have trumped science from both Gulf & South Atlantic Councils.
- Permit holders need to be protected, since they are affected by low trip limits.

Meeting Attendees:
Shane Cantrell

King Mackerel Permits

Should separate permits be established?

- Yes, but the number of permits allowed need to be monitored, it could further over-capitalize fishery.

Should permits holders be allowed to receive both permits?

- Yes, in special cases people should be allowed to hold both permits if historically their landings are large enough on each side to qualify for each permit.
- This may prevent newer entrants from being able to get into fishery. New entrants should not have to buy nontransferable permits. There needs to be some mechanism in place to allow for new entrants without the large initial investment of buying a permit. Potentially, a federally-backed loan program could subsidize costs of permits for new entrants.

What qualifying criteria should be used for permits?

- An income qualifier should be used as a criteria to receive permits.

Should qualifying criteria be designed to reduce the number of permits?

- Yes, the fishery is likely over-capitalized.

Spanish Mackerel

Should separate commercial permits be established?

- Yes, this will allow the Councils to do what is best for their fishermen.

Should either Council establish a limited access system for commercial permits?

- There should be a cap on the number of permits. It should be set at the current level of participation.
- Qualifying criteria used should be based on income & landings. The landings criteria needs to be based on a tiered landing system, where those fishermen with landings only in recent years can still qualify for a permit, while also recognizing the historical fishermen.

- A temporary moratorium should be established so fishermen can meet qualifying criteria.

Other Issues:

- Limited access needs to be maintained, but new entrants need to be allowed to get into fishery through some mechanism (purchase existing permit, purchase shares, etc).
- The commercial western zone king mackerel season should open on June 1.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Permits

Should separate permits be established?

- Yes. You should be fishing where you live.

Should permits holders be allowed to receive both permits?

- No. You should only be allowed to fish in either the Gulf or the Atlantic.

What qualifying criteria should be used for permits?

- The length of time people have held permits should be considered and there should be historical endorsements that allow for the fully transferable option as proposed by the Gulf CMP AP in March 2015. You should qualify for the fully transferable option either by your landings history, or through a historical endorsement.

Should qualifying criteria be designed to reduce the number of permits?

- No, qualifying criteria shouldn't reduce permits because the current number of fishermen are not hurting the stock.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes. If you are going to split king mackerel permits, you should split Spanish mackerel permits too.

Should either Council establish a limited access system for commercial permits?

- Let the South Atlantic Council decide on their side but, the Gulf should not consider a limited access program.

Comments from South Atlantic Mackerel Advisory Panel– April 2015

There was some support for separate permits or FMPs, but overall the majority of the AP did not support separate management. This was primarily due to concern that South Atlantic fishermen could lose access to Gulf stocks, which would especially impact traveling fishermen. The AP also commented that separate management would not be practical for Florida. There was some support for separate management if there were fair measures implemented to allow South Atlantic fishermen to continue to fish in the Gulf.

The AP approved the following motion:

MOTION #8: RECOMMEND TO NOT SEPARATE THE PERMITS, MAINTAIN STATUS QUO.

APPROVED BY AP. (8/1/1).

In regards to permits, the AP discussed king mackerel commercial permits with low or no landings. Some AP members felt that a passive reduction (making latent permits non-transferable) would be a fair way to reduce the number of permits. One AP member pointed out that low trip limits for king mackerel may hinder a permit holder's ability to keep landings on a permit, and trip limits should be increased before any changes to the permits take place.

Comments from Gulf CMP Advisory Panel – March 2015

AP members thought it crucial to determine the goals of CMP 28, which they felt were not clearly outlined. To do this, they queried their membership in attendance, and were in consensus on the following:

1. The Gulf commercial king mackerel fishery is overcapitalized
2. The current commercial king mackerel permit should be split into separate Gulf and Atlantic permits
3. The Joint CMP Fishery Management Plan (FMP) should be divided into separate FMPs for the Gulf and South Atlantic Councils
4. The current commercial Spanish mackerel permit should be split into separate Gulf and Atlantic permits

Motion: The CMP AP recommends splitting the current federal commercial king mackerel permit into two separate permits for the Gulf and Atlantic.

Motion carried unanimously

Determination of Gulf Commercial King Mackerel Permit Eligibility

AP members voiced support for protecting the interests of historical fishermen from both the Gulf and the Atlantic; however, reducing the number of participants traveling from the east coast of Florida was also identified as a priority. AP members determined that approximately 10% of the current number of commercial king mackerel permits could harvest the entire Gulf commercial ACL. Eliminating permits was not considered desirable, but preventing permits with little to no landings over long time periods from being transferred was deemed worthy of further consideration. AP members seemed confident that splitting the commercial king mackerel fishing permit into separate Gulf and Atlantic permits could solve several issues currently faced by Gulf commercial fishermen. The ultimate goal expressed by the AP was to move towards strategies which would increase ex-vessel prices.

After lengthy debate and considerable collaboration amongst AP members, the following motion was passed after some revision:

Motion: The CMP AP recommends that the Council include the following in the appropriate place in the CMP Amendment 28 Scoping Document:

Pending the division of the current federal king mackerel permit into separate Gulf and South Atlantic permits, the Gulf permit would be further split into two separate classes. Permit holders would only qualify for one of the two types of permits as cited below:

1. Fully transferable: Gulf permit holders will be issued a fully transferable king mackerel permit so long as they have met one of the following landings thresholds for king mackerel in the Gulf of Mexico.
 - a. 5,000 lbs of king mackerel in any one year between 1994-2009

- b. 10,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - c. 20,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - d. Other
2. Non-transferable: any Gulf king mackerel permit holder who does not qualify for the fully transferable permit. The non-transferable Gulf permit would be specific to a single commercial gulf zone. The permit holder must meet the following criteria:
- a. Commercial landings of any species in the Gulf of Mexico
 - b. That the hailing port listed for the Gulf of Mexico is on the current federal commercial king mackerel permit as of January 1, 2015
 - c. Develop an appeals process

Motion carried 12 to 1

The above motion was designed to allow all those commercial king mackerel fishermen currently fishing in the Gulf the opportunity to continue fishing there. The motion would also serve as the qualification criteria for determining which existing permit holders would receive one of the two types of Gulf permits following the splitting of the current commercial king mackerel fishing permit. The number of fully transferable permits is expected to be less than those which would be non-transferable. Most fully transferable permits would be expected to be awarded to historical Gulf and traveling fishermen, while non-transferable permits would be more likely to be awarded to part-time and recent entrants into the fishery.

Splitting of Commercial Spanish Mackerel Permits

In keeping with the desired division of the commercial king mackerel fishing permit, and the previous consensus statements, the AP passed the following motion:

Motion: The CMP AP recommends to the Council that the Spanish mackerel commercial fishing permit be split into separate Gulf and Atlantic permits.

Motion carried unanimously