GAO

MIXED-USE FISHERIES: South Atlantic and Gulf of Mexico Councils Would Benefit from Documented Processes for Allocation Reviews (GAO-20-216)

Gulf of Mexico Fishery Management Council Meeting
June 15, 2020

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- Recreational Fisheries Management: The National Marine Fisheries Service Should Develop a Comprehensive Strategy to Guide Its Data Collection Efforts (GAO-16-131)
- Federal Fisheries Management: Additional Actions Could Advance Efforts to Incorporate Climate Information into Management Decisions (GAO-16-827)
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United States Government Accountability Office

Report to Congressional Committees

March 2020

MIXED-USE FISHERIES

South Atlantic and Gulf of Mexico Councils Would Benefit from Documented Processes for Allocation Reviews

GAO-20-216

Objectives

For the South Atlantic and Gulf of Mexico regions, we examined

1) the extent to which the councils established or revised mixed-use fisheries allocations
2) key sources of information that may be available to help the National Marine Fisheries Service (NMFS) and the councils conduct allocation reviews
3) the extent to which the councils have developed processes to help guide their allocation reviews

Scope

For our objectives, we

- Reviewed allocations between the commercial and recreational fishing sectors in the South Atlantic and Gulf of Mexico regions
- Considered for-hire fishing (charter fishing and head boats) part of recreational fishing sector

Methodology

- Reviewed NMFS and council allocation policies
- Analyzed information on allocations established and revised
- Reviewed documents on key sources of economic, social, ecological, and other information
- Compared council processes to agency guidance and internal control standards

Methodology (continued)

Interviewed

- NMFS regional officials
- Council members, staff, and socioeconomic panel members
- Executive directors of Atlantic and Gulf States Marine Fisheries Commissions
- 46 stakeholders from commercial and recreational fishing, related industries, and conservation organizations

Background

- NMFS defines allocation as a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals
- Historically, allocations were based mainly on estimates of past use of the resource
- Under Magnuson-Stevens Act, allocations are to be
  - fair and equitable to all U.S. fishermen
  - reasonably calculated to promote conservation
  - carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share

Background (continued)

- In 2016, NMFS issued a fisheries allocation review policy and two guidance documents to councils on
  - criteria for initiating allocation reviews
  - factors to consider when reviewing and making allocation decisions
- NMFS guidance states that councils should develop a structured and transparent process for conducting allocation reviews

1) South Atlantic and Gulf of Mexico Councils Have Established and Revised Allocations to Varying Degrees

South Atlantic Council

- Established allocations for 50 of its 51 mixed-use fish stocks, with 40 of those in 2011
- Revised allocations
  - Once for most mixed-use fish stocks (with 30 revised in 2012, based on changes to data source used to calculate allocations)
  - Twice for Spanish mackerel and hogfish
  - Three times for dolphin (mahimahi)
- Extent to which the council may have considered other revisions is unclear—council has not formally documented allocation reviews that did not result in revisions

Gulf of Mexico Council

- Established allocations for 9 of its 23 mixed-use fish stocks
- Allocations for most mixed-use fish stocks in the region not warranted, according to council staff
- Revised allocations for 3 fish stocks in 2008
  - Red grouper
  - Greater amberjack
  - Gag grouper
- When council has considered revising allocations, it has done so through fishery management plan amendments, according to council staff

2) Various Sources of Information May Be Available to Help NMFS and the Councils Conduct Allocation Reviews

NMFS and Councils Identified Five Key Sources of Information

1) Trends in catch and landings
2) Stock assessments
3) Economic analyses
4) Social indicators
5) Ecosystem models

Examples of Challenges and Related NMFS Actions: Trends in Catch and Landings

- Challenges
  - Obtaining reliable data on recreational fishing
  - Reconciling Gulf of Mexico states' recreational fisheries data with NMFS' data
- NMFS actions
  - 2019 guidance to promote nationwide consistency in collecting data and estimating recreational catch
  - Working with Gulf of Mexico states to help ensure recreational catch estimates comparable across years and states

Examples of Challenges and Related NMFS Actions: Stock Assessments

- Challenges
  - Few stock assessments incorporate models that allow forecasts of future spatial distributions
  - Availability and certainty of information on bycatch and discards varies
- NMFS actions
  - Assessing changes in distribution of fish stocks in response to climate change
  - In 2020, for-hire fishing to begin using electronic system to report on bycatch and discards in Gulf of Mexico and South Atlantic

3) South Atlantic and Gulf of Mexico Councils Developed Criteria for Initiating Allocation Reviews, but Not Processes for Conducting or Documenting Them

Both Councils Established Criteria for Initiating Allocation Reviews

South Atlantic council

- Certain conditions as primary criteria for triggering allocation reviews – for example, if either sector, in 3 out of 5 consecutive years,
  - exceeds its annual catch limit or closes prior to the end of its fishing year
  - under harvests its annual catch limit or optimum yield by at least 50 percent
- Time-based triggers as secondary criteria

Both Councils Established Criteria for Initiating Allocation Reviews (continued)

Gulf of Mexico council

- Time-based triggers as primary criteria
- Public interest as secondary criteria

Processes for Conducting or Documenting Allocation Reviews

Documented policies and processes

- Can be more difficult to circumvent
- Promote consistency
- Provide a means to retain organizational knowledge
- Increase accountability
- Enable monitoring

Neither Council Has Developed a Process for Allocation Reviews

- Stakeholders we interviewed indicated a clear allocation review process would increase their confidence in or understanding of the councils' decisions
- In April 2019, Gulf of Mexico council began taking steps to develop an allocation review process
- South Atlantic council postponed discussion of its allocation review process to review our report before deciding any next steps

Recommendations

NMFS should work with the South Atlantic and Gulf of Mexico councils, and other councils as appropriate, to

- develop documented processes for conducting allocation reviews
- specify how the councils will document their allocation reviews, including
  - the basis for their allocation decisions
  - whether fishery management plan objectives are being met
  - what factors were considered in the reviews

Next Steps

- GAO's website provides information on the status of agency actions to implement recommendations
- At least annually over the next 4 years, we will continue to follow up with NMFS to determine and update the status
- Recommendations remain open until designated as Closed-implemented or Closed-not implemented

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