

# Proposed Fishery Management Plan amendment language for Gulf of Alaska Amendment 95

August 2013

**Additions are in bold.**  
**\*\*\* includes skipped text**

## 3.5.2.2.2 Cook Inlet non-Pelagic Trawl Closure Area

The use of non-pelagic trawl gear is prohibited in Cook Inlet north of a line extending between Cape Douglas and Point Adam. This prohibition is intended to reduce crab **PSC** and assist in the rebuilding of crab stocks. The area is illustrated in Figure 3-4 and its coordinates are described in Appendix B.

## 3.6 Catch Restrictions

This section describes the retention and utilization restrictions for the groundfish fisheries, including prohibited species restrictions and incentive programs to reduce **PSC**.

### 3.6.1.1 Prohibited Species Donation Program

The Prohibited Species Donation Program authorizes the distribution of specified prohibited species, taken in the groundfish trawl fisheries off Alaska, to economically disadvantaged individuals through a NMFS-authorized distributor selected by the Regional Administrator in accordance with regulations that implement the FMP. The program is limited to the following species:

1. Pacific salmon
2. Pacific halibut

### 3.6.1.3 Time and Area Closures to Reduce Prohibited Species Catch Rates

The Secretary, after consulting with the Council, may identify and establish, by regulatory amendment, time/area closures to reduce **PSC** rates. Closures of all or part of an area would require a determination by the Secretary that the closure is based on the best available scientific information concerning the seasonal distribution and abundance of prohibited species and **PSC** rates associated with various directed groundfish fisheries or gear types. A time/area closure will be limited to the minimum size and duration, which the Secretary determines are reasonably necessary to accomplish the intent of the closure. Any time/area closure would be based upon a determination that it is necessary to prevent:

1. a continuation of relatively high **PSC** rates with an area;
2. the take of an excessive share of **PSC** limits or **PSC** allowances by vessels fishing within an area;
3. the closure of one or more directed fisheries for groundfish due to excessive **PSC** rates that occur in a specified fishery operating within an area; or
4. the premature attainment of specified **PSC** limits or **PSC** allowances and associated foregone opportunity for vessels to harvest available groundfish.

### 3.6.2 Prohibited Species Catch Limits

Prohibited Species is non-retainable catch, except when their retention is required under Section 3.6.1.1. It can take the form of a prohibited or non-groundfish species and/or a groundfish species for which TAC has been achieved that is captured incidentally in groundfish fisheries. A PSC limit is an apportioned, non-retainable amount of fish provided to a fishery for **PSC** purposes. The attainment of a PSC limit for a species will result in the closure of the appropriate fishery.

#### 3.6.2.1 Pacific Halibut

The Council believes that discarding incidental catches of fish is wasteful and should be minimized. However, recognizing that in the groundfish fisheries halibut incidentally caught are managed outside this FMP, the treatment of halibut as a prohibited species is appropriate in the short term. Except as provided under the prohibited species donation program, retention of prohibited species captured while harvesting groundfish is prohibited to prevent covert targeting on these species. The prohibition removes the incentive that groundfish fishers might otherwise have to target on the relatively high valued prohibited species, and thereby, results in a lower incidental catch. It also eliminates the market competition that might otherwise exist between halibut fishers and groundfish fishers who might land halibut in the absence of the prohibition.

Halibut that are taken as **PSC** in the trawl and fixed gear fisheries result in fishing mortality even though the FMP requires that these species be discarded. Survival rates of halibut **PSC** are typically less than 100 percent and may approach zero for some fisheries and some gear.

When a PSC limit is reached, further fishing with specific types of gear or modes of operation during the year is prohibited in an area by those who take their PSC limit in that area. All other users and gear would remain unaffected.

However, when the fishery to which a PSC limit applies has caught an amount of prohibited species equal to that PSC limit, the Secretary may, by notice, permit some or all of those vessels to continue to engage in fishing for groundfish in the applicable regulatory area, under specified conditions. These conditions may include the avoidance of certain areas of prohibited species concentrations and will be determined on a case-by-case basis.

**Annual GOA-wide Pacific halibut PSC limits for trawl and non-trawl gear fisheries will be established in regulations and may be amended by regulatory amendment. When initiating a regulatory amendment to change a halibut PSC limit, the Secretary, after consultation with the Council, will consider information that includes:**

- 1) **estimated change in halibut biomass and stock condition;**
- 2) **potential impacts on halibut stocks and fisheries;**
- 3) **potential impacts on groundfish fisheries;**
- 4) **estimated PSC during prior years;**
- 5) **expected halibut PSC;**
- 6) **methods available to reduce halibut PSC;**
- 7) **the cost of reducing halibut PSC; and**
- 8) **other biological and socioeconomic factors that affect the appropriateness of a specific PSC limit in terms of FMP objectives.**

### 3.6.2.1.1 Apportionment and Seasonal Allocation of Pacific Halibut

Apportionments of PSC limits **to target fishery categories**, and seasonal allocations thereof, will be determined annually by the Secretary of Commerce in consultation with the Council. Separate PSC limits may be established for specific gear.

PSC apportionments and seasonal allocations will be determined using the following procedure:

1. Prior to the October Council meeting. **If the Council requests, the GOA Groundfish Plan Team will provide the Council the best available information on estimates of seasonal and annual halibut PSC rates and amounts in the target groundfish fisheries.**
2. During the October Council meeting. While developing proposed groundfish harvest levels under Section 3.2.3, the Council will also review the need to control **halibut PSC** and will **recommend appropriate apportionments of PSC limits to fishery categories as PSC allowances. Fishery PSC allowances are intended to optimize total groundfish harvest under established PSC limits, taking into consideration the anticipated amounts of incidental catch of prohibited species in each fishery category.** The Council will also review the need for seasonal allocations of halibut PSC allowances.

**The Council will consider the best available information when recommending fishery apportionments of PSC limits and seasonal allocation of those apportionments.** Types of information that the Council will consider **relevant to seasonal allocation of PSC limits** include:

- a. seasonal distribution of halibut;
  - b. seasonal distribution of target groundfish species relative to halibut distribution;
  - c. expected halibut **PSC** needs on a seasonal basis relevant to changes in halibut biomass and expected catches of target groundfish species;
  - d. expected **PSC** rates on a seasonal basis;
  - e. expected changes in directed groundfish fishing seasons;
  - f. expected start of fishing effort; and
  - g. economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.
3. As soon as practicable after the Council's October meeting, the Secretary will publish the Council's recommendations as a notice in the Federal Register. Information on which the recommendations are based will also be published in the Federal Register or otherwise made available by the Council. Public comments will be invited by means specified in regulations implementing the FMP.
  4. Prior to the December Council meeting. The Plan Team will prepare for the Council a final Stock Assessment and Fishery Evaluation (SAFE) report under Section 3.2.3. If the Council requests, the Plan Team also may provide **the best available information on estimated halibut PSC rates in the target groundfish fisheries and recommendations for halibut PSC apportionments and allocations thereof among target fisheries and gear types, and an economic analysis of the effects of the apportionments.**
  5. December Council meeting. While recommending final groundfish harvest levels, the Council reviews public comments, takes public testimony, and makes final decisions on annual halibut PSC limits and seasonal apportionments, using the factors set forth under (2) above relevant to proposed PSC limits, and concerning seasonal allocations of PSC limits.

The Council will provide recommendations, including no change for the new fishing year, to the Secretary of Commerce for review and implementation.

6. As soon as practicable after the Council's December meeting, the Secretary will publish the Council's final recommendations as a notice of final harvest specifications in the Federal Register. Information on which the final harvest specifications are based will also be published in the Federal Register or otherwise made available by the Council.

### **3.6.4 Prohibited Species Catch Reduction Programs**

#### **3.6.4.1 Prohibited Species Catch**

The Secretary of Commerce, after consultation with the Council, may implement by regulation measures that provide incentives to individual vessels to reduce **PSC** rates of prohibited species for which PSC limits are established. The intended effect of such measures is to increase the opportunity to harvest groundfish TACs before established PSC limits are reached by encouraging individual vessels to maintain average **PSC** rates within acceptable performance standards and discourage fishing practices that result in excessively high **PSC** rates.

##### **4.1.2.2 Pacific Cod**

\*\*\*

The Pacific cod stock is exploited by a multiple-gear fishery, principally by trawls and smaller amounts by longlines, jigs, and pots. For trawl fisheries in the exclusive economic zone (EEZ), cod harvests have been constrained by halibut **PSC** limits. A state water fishery for pot and jig gear began in 1997, and guideline harvest levels (GHLs) have since been set at between 10 percent and 25 percent of the federal GOA quota in each regulatory area. The state GHLs are not allowed to exceed 25 percent of the total federal quota.

##### **4.1.2.6 Pacific Halibut Stock**

\*\*\*

Limits are placed on halibut taken as **PSC** in groundfish target fisheries. These limits are expressed in terms of halibut mortality, and discarded halibut mortality rates are set in regulation. The limits for the BSAI and the GOA are listed in the adjacent table.

#### **4.3.2 Commercial Fishery**

\*\*\*

The flatfish fishery also became entirely domestic in 1988. Since that time, the majority of the flatfish harvest has occurred on the continental shelf and slope east of Kodiak Island, in the Central regulatory area. The flatfish assemblage is managed in 5 target categories: deep water flatfish complex, rex sole, shallow water flatfish complex, flathead sole, and arrowtooth flounder. Arrowtooth flounder in the GOA is a species of high abundance but low commercial value. The ex-vessel value of all flatfish in the GOA in 2002 was \$3.5 million, for 34,100 mt (of which 21,200 mt was arrowtooth flounder). The flatfish resources were lightly to moderately harvested in 2002, compared to their acceptable biological catch levels. The flatfish fisheries have been and are likely to continue to be limited by the potential for high **PSC** of Pacific halibut, which can result in target fishery closure due to reaching the halibut PSC limit prior to achieving the target species TAC. Since 2003, full retention of shallow-water flatfish is required under the IR/IU program.

\*\*\*

The **PSC** of Pacific halibut, crab, Pacific salmon, and Pacific herring has been an important management issue in the commercial fishery for more than twenty years. The retention of these species was first prohibited in the foreign groundfish fisheries, to ensure that groundfish fishers had no incentive to target on these species. Estimates of **PSC** of these prohibited species are assessed annually in the *Stock Assessment and Fishery Evaluation* report. Additionally, management measures such as prohibited species catch limits and time and area closures regulate **PSC** in the groundfish fisheries.

An extensive at-sea observer program was developed for the foreign fleets and then extended to the domestic fishery once it had all but replaced foreign participation. The North Pacific Groundfish Observer Program resulted in fundamental changes in the nature of the **PSC** program. First, by providing good estimates of total groundfish catch and non-groundfish **PSC** by species, it eliminated much of the concern that total fishing mortality was being underestimated due to fish that were discarded at sea. Second, it made it possible to establish, monitor, and enforce the groundfish quotas in terms of total catch as opposed to only retained catch. For groundfish fisheries, this means that both retained catch and discarded catch are counted against TACs. Third, it made it possible to implement and enforce **PSC** limits for the non-groundfish species that by regulation had to be discarded at sea. Finally, it provided extensive information that managers and the industry could use to assess methods to reduce **PSC** and **PSC** mortality. In summary, the observer program provided fishery managers with the information and tools necessary to prevent **PSC** from adversely affecting the stocks of the **PSC** species. Therefore, **PSC** in the groundfish fisheries is principally not a conservation problem, although it can be an allocation problem.

### **5.2.1 International Pacific Halibut Commission**

\*\*\*

The fishery for Pacific halibut in the GOA is conducted under an Individual Fishing Quota (IFQ) program, in conjunction with the FMP-managed sablefish resource. A realized benefit of the IFQ program is the reduction in halibut **PSC** mortality. Much of the longline **PSC** of halibut occurred in sablefish fisheries. To the extent that sablefish fishers have halibut IFQ, this halibut is now retained and counted against TACs.

## **5.3 Other Federal Fisheries**

### **5.3.4 Salmon FMP**

Pacific salmon are a prohibited species in the GOA groundfish FMP. There is no fishing of salmon allowed in the EEZ, therefore there is no overlap of participants or grounds conflicts. The GOA groundfish FMP does not include management measures to reduce the **PSC** of salmon in federal waters.

## **5.4 State of Alaska Fisheries**

### **5.4.4 State salmon fishery**

Pacific salmonids are prohibited species in the GOA groundfish FMP, and must be immediately returned to the sea with a minimum of injury. Some controversy exists regarding the degree to which salmon **PSC** in the groundfish fisheries affects the stability of State salmon runs.

## Table 6-1 Estimated cost of fishery management by government agencies.

\*\*\*

Note: These estimates are rough approximations.

<sup>1</sup> The line between the costs of management and the costs associated with advocacy in the Council process, or with the normal management of an independent business, can be hard to draw. Some of the more important components of this cost item include:

- Costs incurred by private citizens, fisheries organizations, environmental organizations, and other private parties for participation in the Council process.
- Costs of meeting observer requirements (about \$10.8 million per year - using 2002 observer days and a cost of \$365/day). These provide a low estimate of the total cost of the observer program to fishing operations because fishing operations incur economic and operational impacts that are not directly reflected in the money they must spend on observer coverage. Fishing vessel operators may have to alter their travel plans and schedules to pick up or drop off observers; the observers take up limited space on vessels. Provisions must be made to accommodate the necessary work of the observer on deck (e.g., observing gear setting and retrieval, recording and sampling of catch and **PSC**). The observer also occupies "living space" aboard, which otherwise could have housed additional crew members. These operational impacts may be reflected in both increased operating expenses and reduced harvests and revenues. It is not possible, with available information, to quantify these effects, but they may represent a substantial additional cost of operation.
- CDQ groups have significant responsibilities for managing target and non-target quotas. This quota management function may involve personnel and data processing contracts. AFA cooperatives similarly are involved in quota management.
- CDQ groups and AFA cooperatives, and other fishermen, contract with private firms to provide fishing companies with rapidly updated information about the location of PSC hotspots. Fishing companies are then able to alter their fishing behavior so as to avoid areas with high PSC. By reducing PSC, companies are able to extend fishing seasons and avoid other constraints on fishing activity.
- NMFS collects fees from fishermen to offset the costs of managing sablefish IFQ programs. In 2003, NMFS collected an estimated \$1.0 million in sablefish cost recovery fees. These costs are already reflected in NMFS spending described above, and should not be counted a second time. However, they do represent a management cost incurred by industry, and are reported here to capture this distributive effect.

\*\*\*

In Appendix A, add:

**Amendment 95** implemented on \_\_\_\_\_:

- 1. Removed the annual determination of halibut prohibited species catch (PSC) limits for the federally managed groundfish fisheries under the harvest specification process.**
- 2. Authorized the establishment of halibut PSC limits in regulations and sector allocations thereof. The PSC apportionments that reflect those regulations to each sector remain part of the annual harvest specifications.**