

MEMORANDUM

TO: Council, SSC and AP Members  
FROM: Chris Oliver *CO*  
Executive Director  
DATE: December 1, 2005  
SUBJECT: Staff Tasking

ESTIMATED TIME  
2 HOURS

ACTION REQUIRED

- (a) Review tasking and committees and provide direction.
- (b) Review discussion paper to change MRA for the non-AFA CP fleet.
- (c) VMS discussion.

BACKGROUND

- (a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-3(a)(1). Item D-3(a)(2) is the three meeting outlook, and Item D-3(a)(3) and Item D-3(a)(4) are the summary of current projects, timelines, and tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated, and additions discussed at this meeting, given resources necessary to complete existing priority projects.

In June 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy (adopted as part of the PGSEIS). This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-3(a)(5).

- (b) Discussion paper to change the MRA for the non-AFA CP fleet

In October, the Council requested that NMFS prepare a discussion paper on changing the maximum retainable allowance (MRA) enforcement period. A discussion paper is attached as Item D-3(b). NMFS staff will be on hand to report their findings.

- (c) VMS analysis

In June, the Council requested that NMFS develop an analysis and alternatives to address VMS application in GOA and BSAI fisheries. As a first step in this analysis, NMFS staff has prepared a draft purpose and need statement and alternatives for consideration by the Council (see attached Item D-3(c)). NMFS staff will be available to discuss the proposed alternatives.

**NPFMC Committees and Workgroups**  
Revised November 30, 2005

AGENDA D-3(a)(1)  
DECEMBER 2005

**Council/Board of Fisheries Joint Protocol Committee**

Updated: 7/28/03	<u>Council</u>	<u>Board</u>
	Dave Benson	Mel Morris
Staff: Jane DiCosimo	Doug Hoedel	Art Nelson
	(Vacant)	(Vacant)

**Council Chairman and Executive Director Committee**

Appointed April 2005	<u>CFMC:</u> C: Eugenio Pinerio ED: Miguel Rolon	<u>NPFMC:</u> C: Stephanie Madsen ED: Chris Oliver
	<u>GMFMC</u> C: Robin Riechers ED: Wayne Swingle	<u>PFMC:</u> C: Donald Hansen ED: Don McIsaac
Staff: Chris Oliver	<u>MAFMC</u> C: Ron Smith ED: Dan Furlong	<u>SAFMC:</u> C: Louis Daniel ED: Robert Mahood
	<u>NEFMC</u> C: Francis Blount ED: Paul Howard	<u>WPFMC:</u> C: Frank McCoy ED: Kitty Simonds

**Council Executive Committee**

Updated: as needed	<b>Chair:</b> Stephanie Madsen
	McKie Campbell Jim Balsiger/Sue Salveson Jeff Koenings Roy Hyder
Staff: Chris Oliver	

**Crab Interim Action Committee**

[Required under BSAI Crab FMP]

McKie Campbell ADF&G Jim Balsiger, NMFS Jeff Koenings (WDF)
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**Ecosystem Committee**

Updated: January 2005	<b>Chair:</b> Stephanie Madsen
<u>Status:</u> Active	Jim Balsiger/Sue Salveson
	Doug DeMaster
Staff: Chris Oliver/David Witherell/Diana Evans	John Iani
	Dave Fluharty
	Jim Ayers
	Dave Benton

# NPFMC Committees and Workgroups

Revised November 30, 2005

## Enforcement Committee

Updated: July 2003	<b>Chair:</b> Roy Hyder Hermann Savikko, ADF&G Bill Karp - NMFS James Cockrell, F&W Protection Jeff Passer, NMFS-Enforcement Mike Cerne, USCG Sue Salvesson, NMFS-Mgmt. Lisa Lindeman, NOAA - GC
<u>Status:</u> Active	
Staff: Jane DiCosimo	

## Finance Committee

Updated: 9/28/05	<b>Chair:</b> Stephanie Madsen McKie Campbell(ADF&G) Jim Balsiger/Sue Salvesson Jeff Koenings (WDF) Dave Hanson Roy Hyder Gordon Kruse
<u>Status:</u> Meet as necessary	
Staff: Gail Bendixen/Chris Oliver	

## Fur Seal Committee

Updated: 7/25/03	<b>Chair:</b> David Benson Anthony Mercurief Larry Cotter Paul MacGregor Aquilina Lestenkof Steve Minor
<u>Status:</u> Active	
Staff: Bill Wilson	

## GOA Community Committee

Appointed: November 2004	<b>Chair:</b> Hazel Nelson Patrick Norman Chuck Totemoff Julie Bonney Chuck McCallum Joe Sullivan Ernie Weiss Duncan Fields
Staff: Nicole Kimball	

## Halibut Charter IFQ Implementation

<u>Status:</u> Pending SOC submittal
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# NPFMC Committees and Workgroups

Revised November 30, 2005

## Halibut GHL Committee

Appointed: November 2005	<b>Chair:</b> Dave Hanson Tim Evers Dan Hull Andy Mezirow Ken Dole Jim Preston Sean Martin Seth Bone
Staff: Jane DiCosimo	

## IFQ Implementation Committee

<u>Status:</u> Reconstituted as shown (July 2003).	<b>Chair:</b> Jeff Stephan Bob Alverson Arne Fuglvog/Cora Crome Dennis Hicks Don Iverson Don Lane	Gerry Merrigan Kris Norosz Paul Peyton David Soma
Staff: Jane DiCosimo		

## Non-Target Committee

Updated: 8/6/04 Appointed: 7/26/03	<b>Chair:</b> Dave Benson Jule Bonney Karl Haflinger Michelle Ridgway Lori Swanson Dave Wood Janet Smoker Paul Spencer
Staff: Jane DiCosimo, Sarah Gaichas, NMFS	

## Observer Advisory Committee

Updated: February 2004	<b>Chair:</b> Joe Kyle LeeAnne Beres Julie Bonney Pete Risse Kim Dietrich [Alt: Gillian Stoker] John Gauvin Rocky Caldero	Tracey Mayhew Paul MacGregor  Kathy Robinson Susan Robinson Arni Thomson Jerry Bongen Brent Paine
<u>Status:</u> Active		
Staff: Chris Oliver/ Nicole Kimball		

## NPFMC Committees and Workgroups

Revised November 30, 2005

### Pacific Northwest Crab Industry Advisory Committee

Updated: 6/2/04  Staff: Diana Stram	<b>Chair:</b> Steve Minor Keith Colburn Lance Farr Phil Hanson Kevin Kaldestad Garry Loncon Gary Painter	Rob Rogers Clyde Sterling Gary Stewart Tom Suryan Vic Sheibert Arni Thomson, Secretary [non -voting]
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### Steller Sea Lion Mitigation Committee

Appointed: 2/10/01 Updated: Jan 2004 Pending membership adjustment [formerly SSL RPA Committee; renamed at Feb 02 meeting)  Staff: Bill Wilson	<b>Chair:</b> Larry Cotter Jerry Bongen Julie Bonney Shane Capron Doug DeMaster Steve Drage John Gauvin Sue Hills	John Iani Terry Leitzell Denby Lloyd Chuck McCallum Matt Moir Bob Small Beth Stewart Farron Wallace John Winther
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### VMS Committee

Appointed: 06/02  <u>Status:</u> Idle, pending direction  Staff: Jane DiCosimo	<b>Chair:</b> Earl Krygier Al Burch Guy Holt	Bob Mikol Ed Page CDR Mike Cerne Lori Swanson
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DRAFT NPFMC THREE-MEETING OUTLOOK - updated 11/28/05

December 5, 2005 Anchorage, Alaska	February 6, 2006 Seattle, Washington	April 3, 2006 Anchorage, Alaska
Halibut Charter IFQ: <i>Notice to Rescind</i>	Halibut Charter GHIL: <i>Initial Review (T)</i>	Halibut Charter GHIL: <i>Final Action (T)</i>
IFQ Omnibus 5 Amendments: <i>Initial Review</i>	IFQ Omnibus 5 Amendments: <i>Final Action</i>	→ Am 71 (T)
BSAI Crab Rationalization: <i>Discuss arbitration timing</i>	BSAI Crab Rationalization: <i>Initial/Final Action on arbitration timing</i>	Rpt - Charter Halibut Cont.
CDQ Management of Reserves: <i>Final Action</i>	CDQ community eligibility Reg amendment: <i>Initial/Final Action</i>	Cod Eligibility analysis
CDQ Amendment 71: <i>Review proposed alternatives/options</i>	2 EFPs	
BS Habitat Conservation: <i>Review alternatives</i>	Observer Program: <i>Initial Review (T)</i> AFA RPTS	Observer Program: <i>Final Action (T)</i>
GOA Rationalization: <i>Action as necessary</i>	GOA Rationalization: <i>Action as necessary</i>	GOA Rationalization: <i>Action as necessary</i>
ESA Consultation on FMPs: <i>Action as necessary</i>	Flatfish IRIU Am 80: <i>Final Action (T)</i>	ESA Consultation on FMPs: <i>Action as necessary</i>
Right Whale Critical Habitat: <i>Review proposed rule, data</i>	ESA Consultation on FMPs: <i>Action as necessary</i>	Scallop SAFE: <i>Review and approve</i>
BSAI pollock A-season start date: <i>Review Discussion Paper</i>	BSAI pollock A-season start: <i>Action as necessary</i>	Rockfish Management: <i>Action as necessary</i>
Groundfish SAFE Report: <i>Review and Adopt</i>	Rockfish Management: <i>Review Report</i>	GOA Dark rockfish: <i>Final Action (T)</i>
Groundfish specs for 2006/07: <i>Adopt final specs and EA/IRFA</i>	GOA Dark rockfish: <i>Initial Review (T)</i>	Crab Overfishing Definitions: <i>Initial Review (T)</i>
AI FEP and EAM: <i>Discussion/Direction</i>	Research Priorities: <i>Review</i>	BSAI P.cod sector allocations: <i>Final Action (T)</i>
BSAI P.cod sector allocations: <i>Review eligibility options</i>	Non-target mgmt: <i>SSC review O.species assessments</i>	BSAI Salmon Bycatch Package B: <i>Action as necessary</i>
BSAI Salmon Bycatch Package B: <i>Review alternatives</i>	SSC Workshop on Ecosystem Modeling	Salmon genetic research: <i>Report</i>
Chiniak gully experiment: <i>Report</i>	BSAI P.cod sector allocations: <i>Initial Review (T)</i>	VMS Requirements: <i>Initial Review (T)</i>
Scallop Assessment Methods: <i>SSC Review</i>	<del>BSAI Salmon Bycatch Package B: <i>Action as necessary</i></del> Chiniak gully experiment: <i>Initial Review/Final Action</i> MRA?	

TAC - Total Allowable Catch  
 BSAI - Bering Sea and Aleutian Islands  
 IFQ - Individual Fishing Quota  
 GHIL - Guideline Harvest Level  
 HAPC - Habitat Areas of Particular Concern  
 LLP - License Limitation Program  
 PSC - Prohibited Species Catch

AI - Aleutian Islands  
 GOA - Gulf of Alaska  
 SSL - Steller Sea Lion  
 BOF - Board of Fisheries  
 FEP - Fishery Ecosystem Plan  
 CDQ - Community Development Quota  
 IRIU - Improved Retention/Improved Utilization

SAFE - Stock assessment and fishery evaluation  
 VMS - Vessel Monitoring System  
 EAM - Ecosystem Approach to Management  
 SSC - Scientific & Statistical Committee  
 FMP - Fishery Management Plan  
 DPSEIS - Draft Programmatic Groundfish SEIS  
 (T) Tentatively scheduled

**Council Project Summary** Updated December 1, 2005

Projected Council/  
Weeks NMFS %

Council Priorities			Comments
GOA Rationalization	?	70/30	Review Options in Dec (Diana S,Jane,Mark,Nicole,Elaine,contractors,NMFS)
IR/IU flatfish adjustments (Am 79)	0	20/80	Amendment 79 being prepared for Secretarial review
IR/IU flatfish trailing amendments (Am 80)	4	80/20	Final Action in February (Jon /Mark/ contract help)
Halibut Charter IFQ	0	90/10	Notice to rescind vote in December (Jane/NMFS)
Halibut Charter GHL	6	50/50	Initial Review in February 06 (Jane/NMFS)
Break out other species category into TAC groups	6	60/40	Initial Review in April 2006 (T) (Jane/NMFS)
Non-target (other rockfish, other flatfish, other species) developmen	?	60/40	Discuss in February (Jane/NMFS).
Rockfish management	?	60/40	Discuss in February (Jane/NMFS).
Observer Program (fee and deployment mechanism)	6	80/20	Initial review in February 2006 (Nicole/Chris)
Aleutian Islands Special Management Area	10	90/10	Discuss in December (Diana E.)
BSAI Pacific cod Allocations	6	90/10	Initial Review in February (Nicole/Jim/Diana E)

**Other Projects Previously Tasked**

BSAI Salmon Bycatch (Package A)	0	80/20	Being prepared for Secretarial Review (Diana/NMFS)
BSAI Salmon Bycatch (Package B)	10	70/30	Discuss in December (Diana S./other)
GOA other species calculation		20/80	FR Notice on Am 64; comments due Jan 17 (Diana/NMFS)
GOA Dark Rockfish	4	?	Initial Review in February 2006? (Diana S./NMFS)
Bering Sea <i>C. bairdi</i> split	0	90/10	Being prepared for Secretarial Review (Mark/NMFS)
IFQ Omnibus 5 Package	4	90/10	Initial Review in December (Jane/Jim/NMFS)
SR/RE retention	4	80/20	Not started. (Jane/NMFS)
Repeal of VIP	2	0/100	Delayed (NMFS)
Opilio VIP	2	50/50	Not started - Pending action on existing VIP
GOA Salmon and Crab Bycatch Controls	12	80/20	Review data in December (Diana S./Cathy/Elaine/ADF&G)
Catch/bycatch disclosure (vessel level)	2	70/30	Discussion paper - Postponed

**Other Projects Previously Tasked (Continued)**

Paper on fee/loan program for IFQ Charter	1	10/90	Awaiting Secretarial Decision on Charter IFQ (NMFS)
Charter IFQ Community Set-Aside analysis	6	90/10	Awaiting Secretarial Decision on Charter IFQ (Nicole)
GOA Rockfish Demonstration Program	1	20/80	Being prepared for Secretarial Review (Mark/NMFS)
Groundfish overfishing definitions	?	10/90	FR notice on NS 1 comments thru Oct. 21 (SSC comments)
Subsistence halibut amendment	1	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)
AFA s/b caps to quotas and trawl LLP recency	?	80/20	Pending further Council direction
Industry proposal for pollock bycatch	?	90/10	Pending proposal and Council Direction
Crab Overfishing definition revision	?	10/90	Initial review in April 06 (NMFS/ADF&G/Diana S)
CDQ eligible communities	0	20/80	Legislation so all 65 communities eligible. Initial Review Feb 06 (Nicole)
CDQ Amendment 71	?	50/50	Discuss/direction on revised proposed alternatives in Dec. (Nicole/NMFS)
CDQ: Management of CDQ Reserves	1	10/90	Final action in December (NMFS/Nicole)
Bering Sea habitat conservation	8	50/50	Discuss in December (NMFS/Cathy)
Bering Sea A-season start date	?	90/10	Review revised discussion paper in December (Bill)
Right Whale CH and fisheries	?	90/10	Review discussion paper in December (Bill, Mark, Cathy)
ESA Consultation, FMP BiOp	?	10/90	Discuss in December (Bill/NMFS)
Ecosystem-based Management	?	90/10	Discuss in December (Diana E.)



Project timeline and major tasking for council staff. Updated 11/28/05						
Analytical Staff	November	December	January	February	March	April
<b>Mark Fina, Sr. Economist</b> GOA Rationalization C. bairdi split Miscellaneous Oversight						
<b>Jon McCracken, Economist</b> Am. 80 IRIU (lead) Misc. economic assistance				Final Action (T)		
<b>Jim Richardson, Economist</b> GOA Rationalization (assist) BSAI P.cod analysis (assist) IFQ omnibus 5 Miscellaneous assistance		Initial Review		Initial Review Final Action (T)		Final Action
<b>Elaine Dinneford, Fishery Analyst</b> Data Support (all projects) EcoSAFE, GOA bycatch AKFIN Liaison						
<b>Jane DiCosimo, Sr. Plan Coord</b> GOA Rationalization NEPA Lead IFQ Omnibus 5 Package Rockfish Management Other species/non-target Halibut Charter GHL	Plan Team 11/14-18	Initial Review		Final Action		Prelim. Review Final Action (T)
<b>Diana Stram, Plan Coordinator</b> GOA Salmon/Crab Bycatch (Lead) BSAI Salmon bycatch (Lead) Scallop Issues Crab Overfishing GOA dark rockfish	Plan Team 11/14-18	Disc. Paper Disc. Paper Plan Team 2/24-25	workshop	Initial Review (T)		Initial Review (T) Final Action (T)
<b>Bill Wilson, Protect Species</b> Right Whale CH BS Pollock A-season State pollock fishery FMP Consultation		Disc. Paper Disc. Paper Discussion				
<b>Diana Evans, NEPA Specialist</b> AI Special Management EAM project BSAI P.cod analysis (assist) NEPA assistance	Eco. committee NEPA training	Disc. Paper Status report		Initial Review		Final Action
<b>Cathy Coon, Fishery Analyst</b> GOA Salmon/Crab Bycatch (assist) BSAI Salmon bycatch (assist) Being Sea EFH (lead)		Disc. Paper Disc. Paper Review Alternatives				
<b>Nicole Kimball, Fishery Analyst</b> CDQ Projects (lead) Observer Program (lead) Community Issues GOA Rationalization (community) BSAI P.cod Allocation (lead)		Disc. Paper	OAC meeting	Final Action (T)		
		Disc. Paper		Initial Review		Final Action

General Priority (in no particular order of importance)	Specific priority actions	Related to management objective:	Status (updated 10-14-05)	2005	2006					
				Dec	Feb	Apr	Jun	Oct	Dec	
Protection of Habitat	a. complete EFH action as scheduled	27	Amendment approved by Council							
	b. recommend to NOAA Fisheries increased mapping of benthic environment	29								
	c. develop and adopt definitions of MPAs, marine reserves, etc.	30	discussion paper presented in Feb 05							
	d. review all existing closures to see if these areas qualify for MPAs under established criteria	30	discussion paper presented in Feb 05							
	e. evaluate effectiveness of existing closures	26	discussion paper presented in Feb 05							
Bycatch Reduction	a. complete rationalization of GOA fisheries	17 (32)	rockfish demonstration program approved; analysis ongoing for broader rationalization							
	b. complete rationalization of BSAI non-pollock fisheries	17 (32)	partially addressed through IRIU Amd 80 (final action Feb 06); also Pacific cod sector allocations (initial review Feb 06)							
	c. explore incentive-based bycatch reduction programs	15	partially addressed through GOA rationalization and BSAI salmon bycatch exemption							
	d. explore mortality rate-based approach to setting PSC limits	20								
	e. consider new management strategies to reduce incidental rockfish bycatch and discards	17	review ranking system for species of concern							
Protection of Steller Sea Lions	a. continue to participate in development of mitigation measures to protect SSL including development of an EIS and participation in the ESA jeopardy consultation process	23	intention to consider revisions to SSL management measures in 2006-07							
	b. recommend to NOAA Fisheries and participate in reconsideration of SSL critical habitat	23	NMFS requested to re-initiate FMP-level Section 7 consultation on DoC species							
Prevent Overfishing	a. continue to participate in the development of "lumping and splitting" criteria	5	GOA 'other species' amd approved; 'other species' breakout analysis initiated							
	b. consider new harvest strategies for rockfish	4	report on MSE of rockfish harvest strategy in Feb 06							
	c. set TAC at or < ABC	1	Amendment approved by Council							
Ecosystem Management	a. revisit calculation of OY caps	11, 4	research paper presented to SSC in Feb 05							
	b. recommend to NOAA Fisheries and participate in the development and implementation of ecosystem indicators as part of stock assessment process	10	development ongoing; ecosystem SAFE chapter to be presented each year; PICES workshop to develop indicators for the BS							
Improve Data Quality and Management	a. expand or modify observer coverage and sampling methods based on scientific data and compliance needs	38, 39	initial review scheduled for Feb 06							
	b. develop programs for economic data collection that aggregate data	40	partially addressed through GOA rationalization							
	c. modify VMS to incorporate new technology and system providers	41	global VMS analysis initial review in Apr 05							

**Discussion Paper to to Change MRA  
For Non-AFA CP Fleet**

National Marine Fisheries Service Alaska Region  
November 18, 2005  
Andrew N Smoker, Chief of Inseason Management  
Sustainable Fisheries Division

Potential Changes to the Maximum Retainable Amount (MRA) for the non-American Fisheries Act (AFA) trawl catcher/processor (CP) fleet. Discussion paper for the December 2005 North Pacific Fishery Management Council meeting

A group of eight companies with non-AFA trawl CP vessels participating in trawl fisheries in the BSAI and GOA groundfish fisheries proposed a regulatory change in the calculation of MRAs for incidentally caught species. The October 3, 2005 proposal states: "Change the enforcement period for Maximum Retainable Allowances (sic) from instantaneous during a regulatory week to an offload basis." This proposal was subsequently modified on October 10 to read: "Change the enforcement period for Minimum Retention (sic) Allowance from instantaneous during a regulatory week to an offload basis or to a change in the status of any fish retained on board due to either (1) an inseason management measure or (2) the vessel's movement to a different regulatory area."

The stated need for action focuses on reduction of regulatory discards. The proposal would reduce discards by: (1) calculating the MRA at the end of the fishing trip rather than at any time during the trip; and (2) eliminating two conditions that determine the length of the fishing trip.

Current status of the regulations

MRAs are the tool NMFS uses to regulate catch of species closed to directed fishing. The MRA tables are a matrix of proportions. They represent a range of rates of the expected or acceptable incidental catch of species closed to directed fishing relative to target species. The MRA as a management tool relies on the ability of the vessel operator to selectively catch the target species. The target species is called a basis species in regulation. The species closed to directed fishing is the incidental species. Depending on the rate chosen, the MRA provides two basic purposes described under 'Current Functions of MRAs' below.

NMFS prohibits directed fishing for a species in order to: avoid over harvest of a total allowable catch (TAC) category; reduce or eliminate bycatch of prohibited species; (e.g. salmon, crab, halibut limits or groundfish on prohibited status); to implement sector TAC apportionments. An example of a sector TAC apportionment closure is the prohibition of directed fishing for pollock in the Bering Sea to vessels not qualified under the AFA or vessels not fishing under a Community Development Plan.

When NMFS prohibits directed fishing, retention is allowed up to an amount calculated with the MRA rate. The MRA tables show rates used to calculate retainable proportions of incidental species relative to species open to directed fishing. Vessel operators calculate the MRA through three basic steps. They identify and calculate the round weight of the basis (or target) species,

identify the appropriate rate from the MRA table, and multiply that rate against the round weight of the basis species. The calculated maximum amount is the retention limit. The vessel must discard catch in excess of that amount to avoid a violation of regulation. The vessel operator calculates the MRA at any time for the duration of the fishing trip. The proposal calls this condition the 'instantaneous' enforcement period for a trip. The regulation assumes the MRA rate is appropriate at least for incidental catch.

A fishing trip begins with harvesting fish. By regulation several conditions end a trip (which ever occurs first): 1) NMFS prohibits directed fishing, 2) the vessel offloads, 3) the vessel moves into an area where a directed fishing closure already exists, 4) the vessel switches gear or 5) the end of a weekly reporting period. A trip defines the period during which a vessel operator calculates the amount of incidental species retained relative to the basis species.

The regulations grant vessels not listed under the AFA management measures special exceptions from the pollock MRA regulations. The AFA closed directed fishing for pollock by these vessels.<sup>1</sup> The 'instantaneous' restriction does not apply. An offload is the only fishing trip definition applicable. They retain pollock at any rate during a fishing trip. At the end of the trip they must meet the MRA proportion.

#### Current function of MRAs

The MRA rate regulates the retention of incidental species catch in other groundfish target fisheries. Ideally MRA restrictions provide appropriate incentives to slow the catch of a species so that catch equals the TAC by the end of the year. Beyond management of a TAC to obtain optimum yield, MRA calculations perform two additional functions. MRAs limit retention to a species expected incidental catch rate. Alternately the MRA functions as a trip limit. This function allows for catch and retention higher than expected incidental catch rates.

For several incidental/basis species combinations, the low MRA rates reduce indirect targeting ('topping off'). In these cases, the MRAs represent the expected catch of an incidental species absent deliberate action by the vessel operator to maximize that incidental catch and retention amounts. The requirement to meet the MRA rate at any time during a trip limits the vessel operators' ability to maximize catch retention. This restriction is used to limit total catch of species low in TAC amount (relative to the species caught in the directed fisheries), at greater risk of being caught in excess of the OFL, and high in monetary value. For example some rockfish meet these criteria.

Regulations establish a relatively higher MRA for other species. For example the generous rate for Greenland turbot as an incidental specie relative to flathead sole as a basis specie reflects management goals. Experience demonstrated the directed trawl Greenland turbot fishery incurred high halibut bycatch rates. In response, managers closed the directed fishery and increased the MRA relative to flathead sole. The higher MRA allows for increased indirect targeting on Greenland turbot and slows the bycatch of halibut. In contrast to the previous example, these regulations encourage 'topping off'. The MRA functions as a management tool allowing catch of Greenland turbot and more moderate halibut bycatch.

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<sup>1</sup> The exception to this prohibition is fishing for pollock under the Western Alaska Community Development Program.

For several species where restricting catch to an incidental rate or indirect targeting are not a consideration, regulations establish the MRA rate as twenty percent.

### Analysis of the proposal

The proposal affects the length of a fishing trip and delays the calculation of the MRA to the end of a fishing trip. Three rather than five conditions define the end of a fishing trip. The proposed remaining conditions are; 1) vessel offloads, 2) NMFS prohibits directed fishing, and 3) vessel movement to an area where a different directed fishing closure applies. The two eliminated conditions are: the vessel switches gear and a weekly reporting period end.

For the fleet that proposed this action, eliminating gear switching has little impact on trip status. Trawl catcher processors rarely switch gear within the trawl category (between non-pelagic and pelagic gear) and do not switch between trawl, hook-and-line, pot, or jig gear.

Elimination of the weekly reporting period as a trip condition allows for an increased amount of retained incidental species. Typically vessels offload every 20 to 25 days. Absent any other trip ending events, a trip increases from a maximum of 7 to as much as 25 days. Especially in combination with elimination of the 'instantaneous' calculation requirement, increased trip time allows vessels more opportunity to encounter incidental species and accumulate basis species. NMFS and the Council created the weekly reporting period trip limit to deliberately reduce the opportunity to indirectly target incidental species.

The pollock exception allows a trip to be defined solely by an offload. As an allocation measure under the AFA, NMFS closed pollock to directed fishing for all vessels except those authorized under the AFA and the Community Development Quota (CDQ) program. The two additional trip conditions are not relevant because pollock is closed to directed fishing the entire year. However these two conditions are relevant for all other species. The two conditions are directed fishing prohibitions and vessel movement into an area with an existing directed fishing closure. When either condition is invoked trip length is reduced relative to the offload definition.

The proposal contends that when the MRA calculation is required throughout the trip, ('instantaneously') then incidental catch is discarded in excess of the MRA calculation. Increased retention is allowed when the calculation is performed at the end of the trip. Incidental species discarded early in the trip under current regulation are retained with basis species caught by the end of the trip. The vessel operators gain greater flexibility, especially in retaining incidental species caught early in the fishing trip.

Conversely, with that advantage vessel operators gain the option to deliberately 'front load' species closed to directed fishing. Early retention ensures a maximum amount of incidental species caught for each trip. Front loading assumes enough basis species are caught by the trip end date otherwise, incidental species are discarded.

The current regulation limits the amount of indirect targeting of highly valued incidental species. The proportions that constitute many MRA rates were designed to reflect the upper end of expected incidental catch rates.

The proposal acknowledges a change in status (opened or prohibited to directed fishing) for species retained on the vessel generates a new trip for the vessel. If the vessel is not retaining a species and its status changes a new trip is not initiated for that vessel.

### Effects of the proposal on the MRA function that limits retention to the expected incidental catch

As a limitation on the retention of incidental species, the MRA deteriorates when its calculation occurs at the end of the trip. It likewise deteriorates with elimination of the weekly reporting period as a trip end condition. The vessel operator's economic incentive maximizes the value of each trip. The proposal provides the opportunity to indirectly target higher valued incidental species (e.g. shortraker rockfish) early in the trip rather than accumulating them in an incidental manner. Intentional indirect targeting behavior will increase the overall catch of species that have limited groundfish fisheries through overfishing closures in the past. While the proposal could simplify accounting and reduce regulatory discards, if an economic incentive exists to do so, the relaxed accounting regulations encourage greater catch of incidental species that require protection.

In 2005 NMFS prohibited directed fishing for Bering Sea rockfish for the entire year. Catch for most rockfish species was moderate relative to the TAC. Catch did not approach overfishing. However, the status of stocks change each year, sometimes dramatically. The harvest specification trend is to create more categories of small TACs, often with low OFLs. If the acceptable biological catch (ABC) of incidental species decrease, and basis species increase, the incidental species catch will not tolerate indirect targeting without approaching the OFL. The thrust of rockfish management is to disassociate species complexes into their constituent species. A greater number of species categories with smaller ABCs and OFLs increase the potential of the catch of a species reaching the OFL.

Historically, indirect targeting of rockfish species has driven catch levels high enough to approach OFLs. Fisheries have been closed and revenues foregone to prevent overfishing. In the BSAI, shortraker rockfish are incidentally caught in several directed fisheries. Those fisheries include: AFA pollock; IFQ sablefish & halibut; CDQ sablefish and halibut; non pelagic trawl Pacific cod; Atka mackerel; Pacific ocean perch; arrowtooth; hook-and-line Pacific cod and Greenland turbot; and pot sablefish. An action to prevent overfishing of shortraker rockfish considers curtailment or closing of some or all of these fisheries.

### Effects of the proposal on the MRA function as a trip limit

Relaxation of the MRA accounting process is likely to increase retention rates for all species. The proposal allows trawl catcher/processors maximum incidental catch retention and retention of species for which NMFS created deliberate 'top off' fisheries (e.g. Greenland turbot in the flathead sole target). The proposal can provide tools for reducing regulatory discards.

The non-AFA trawl catcher/processors are expected to form co-ops in the relatively near future. Once they do, the 'race for fish' is expected to be greatly reduced. A reduction of the competitive environment provides the affected vessels the opportunity to increase catch of species that are not allocated consistent with sideboard restrictions and co-op agreements. The non-AFA trawl catcher/processors are likely to have sideboards for the non-allocated groundfish. Because sideboards are not a 'hard cap' (a sideboard only determines whether a TAC category is open to directed fishing or not) individual vessels will be able to indirectly target sideboarded species. For example, yellowfin sole is a proposed allocated species under Amendment 80. Under this proposal, vessels will be able to maximize the incidental catch of Pacific cod relative to yellowfin sole, perhaps in excess of sideboard limits, if sideboards continue to be managed as 'soft caps'. Indirect targeting allows vessel operators to increase Pacific cod catch without technically participating in the directed Pacific cod fishery.

## Conclusion

The proposed changes to MRA calculations will allow the requesting fleet to retain more incidental catch and decrease discards of species closed to directed fishing. The proposal will remove a limitation on the ability to indirectly target species that are valuable and are vulnerable to overfishing. The tension in this proposal resides between the two functions of the MRA.

The MRA serves to limit catch of some species to a level low enough so that the groundfish fishery has been able to generally avoid overfishing issues. When overfishing became an issue, fisheries were closed before TAC was harvested. To avoid approaching overfishing, MRA ratios were reduced for some species and trips were limited to no more than a week.

Allowing a more generous definition of a trip and adjusting the MRA calculation provide tools to reduce discards, an important focus of NMFS through Amendments 79 and 80.

Several questions can be asked in response to the proposal

1. Can the development of co-ops through Amendment 80 address some of the current regulatory discard issues?
2. Will sideboards remain 'soft caps'? To limit the potential for topping off on species vulnerable to overfishing should they be "hard"? (i.e. When a sideboard limit is caught, will NMFS prohibit continued fishing that takes that specie, even incidentally.)
3. If sideboards remain 'soft caps' does the creation of co-ops increase the potential for vessels to top off on the low volume, high value species that are particularly vulnerable to overfishing?
4. How should the incidental catch of specie like shorttraker rockfish that is common to so many fisheries (many are highly valuable CDQ, individual quota, or co-op fisheries) regulated so that the potential of overfishing closures are minimized to the extent possible?

**National Marine Fisheries Service, Alaska Region  
November 21, 2005  
Ben Muse, Economist  
Sustainable Fisheries Division**

**Extending VMS Coverage: Strawman "Statement of Purpose and Need," and Strawman Alternatives**

In June 2005, during discussion of potential VMS requirements relative to the proposed EFH/HAPC closure areas, the Council recommended that NMFS develop an analysis and alternatives to address the issue of broader VMS application in the GOA and BSAI in a manner that meets enforcement, monitoring, and safety issues.

NMFS plans to prepare an EA/RIR/IRFA evaluating broader VMS application for initial review by the Council at its April 2006 meeting. The following statement of purpose and need and list of alternatives, have been prepared for review by the Council and its Enforcement Committee in December 2005.

**"Strawman" statement of purpose and need**

The need is:

The broader application of VMS to meet the increasing management, enforcement, monitoring, and safety issues caused by the development of additional spatial/temporal fishing boundaries.

The purposes are:

- 1) To ensure/maximize the viability of the management, monitoring, and enforcement of the additional spatial/temporal fishing boundaries in the most cost-effective and efficient manner possible.
- 2) To enhance the scientific understanding of the impact of fishing activity on the marine environment in the most cost-effective and efficient manner possible.
- 3) To permit more cost-effective and productive use of observers.
- 4) To increase the safety of fishing operations.

*As the Council incorporates ecosystem considerations into fisheries management in the EEZ off of Alaska and in adjacent waters over which it has authority (e.g., Pacific halibut is Federally managed to the shoreline), it must increasingly use combinations of spatial and temporal management measures to control fishing effort. These measures protect non-target fish species, marine mammals, seabirds, essential fish habitat, and habitat areas of particular concern.*

*Thus, increasing attention to the ecological impacts of fishing activity is likely to increase the number of spatial and temporal boundaries that must be monitored, managed and enforced. These increasing demands on monitoring, management, and enforcement resources are occurring at a time when demands imposed by other types of fishery programs (e.g., rationalization), and homeland security needs, are increasing.*



Effective implementation of measures to address evolving management needs means that management tools must evolve. Tools must become more cost-effective in order to leverage the capability and efficiency of existing enforcement and management assets, and to contribute to well managed, economically productive, sustainable fisheries in the North Pacific, as well as to the protection and sustainability of ecosystem resources that may be affected by fishing operations.

Management tools that provide location information may also offer advantages by permitting enhanced scientific understanding of the impact of fishing activity on the marine environment, permitting more cost-effective and productive use of observers, and by increasing the safety of fishing operations.

#### “Strawman” alternatives

- 1 **No action alternative** *This alternative is required by National Environmental Policy Act (NEPA). In this case, no action is the status quo. This will serve as the analytical baseline. Existing VMS provisions would be retained, but VMS requirements would not be extended to new classes of fishing operations under this alternative.*
- 2 **Require a transmitting VMS on any vessel with any Federal fishing permit, including an IFQ permit, plus on any other commercial fishing vessel that operates in the EEZ, whenever it is operating. A vessel would be operating any time it is not in port. If the vessel is in port, the vessel would be operating during the transfer of fish, fish products, or fishing gear. This would provide the most comprehensive approach to meeting the spatial and temporal monitoring objectives.**
- 3 **Alternative (3) imposes the same requirement as Alternative (2), except that vessels under a certain length would be exempted. Options include (1) under 25 feet LOA, (2) under 30 feet, (3) under 32 feet. This alternative may reduce the economic burden on small entities, while achieving the objectives of the action. Consideration of this alternative would address the requirements of the Regulatory Flexibility Act (RFA).**
- 4 **Alternative (4) imposes the same requirement as Alternative (2), except that it allows for phased implementation. Phased implementation: vessels over 32 feet required to have VMS in 2007, vessels equal to or less than 32 feet LOA in 2008. This alternative may reduce the economic burden on small entities, while achieving the objectives of the action. Consideration of this alternative would address the requirements of the RFA.**
5. **Alternative (5) imposes the same requirement as Alternative (2), except that it allows for exemption from the VMS transmission requirement for vessels that (a) do not have a Federal fishing permit, or whose only Federal fishing permit is an IFQ permit, (b) that are transiting the EEZ with their fishing gear stowed, and (c) that notify the USCG and NOAA OLE of their intent to simply transit the zone (a “check-in and check-out” requirement). This alternative may reduce the economic burden on entities that expect to fish in waters of the State of Alaska only, but that need to transit Federal waters.**

*omit fish in state waters*

**Enforcement Committee Meeting  
December 6, 2005**

Committee Present: Roy Hyder (Chair), Mike Cerne, Bill Karp, Sue Salvesson, Susan Auer, and Jeff Passer, James Cockrell, Herman Savikko, Chris Oliver (staff).

Others in Attendance: Al McCabe, Ben Muse, Jay Ginter, Lew Queirolo, Todd Loomis, Kerry Waco, Douglas Watson, Ryan Craven, Andy Smoker, John Kingeter, Ken Hansen, Mike Gonzales.

The Committee discussed the following three agenda items:

Crab Rationalization Enforcement

NOAA Enforcement representatives provided the Committee an informational summary report on enforcement issues associated with the recently implemented crab rationalization program. A copy of their written summary is attached. Representatives from various enforcement agencies (NOAA, State of Alaska, and USCG) noted their efforts to coordinate enforcement and maximize efficiency. It was also noted that fishermen should expect to see more frequent enforcement 'contacts' given the nature of the IFQ program and individual accountability.

VMS

The Committee reviewed a discussion paper from NOAA Fisheries staff outlining a draft purpose and need statement for expanding VMS requirements, and draft alternatives. The Committee recommends proceeding with the analysis but suggests modifying the structure of Alternative 5 and Alternative 2 to provide clarity in the intent and application. To provide this clarification, the Committee recommends deleting Alternative 5 and replacing Alternative 2 with the following language:

*Alternative 2: Require a transmitting VMS on any vessel with any federal fishing permit, including an IFQ permit, when it is operating. A vessel would be operating anytime it is not in port. If the vessel is in port, the vessel would be operating during the transfer of fish, fish products, or fishing gear. A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ.*

*Option: Vessels not required to have a federal fishing permit would not be required to have a VMS unit on board if the vessel operator:*

- (a) transits the EEZ with their fishing gear stowed, and,*
- (b) notifies the USCG and NOAA OLE of their intent to simply transit the EEZ (a new check-in/check-out requirement).*

The Committee also recommends that the analysis include discussion of enhanced VMS application; i.e., its ability to provide not only location information, but other information important to enforcement and management such as vessel speed, gear deployment, etc., which could also be useful for scientific applications.

## MRA Adjustment

The Committee reviewed a discussion paper from NMFS which outlined the implications and tradeoffs of an adjustment to the calculation of maximum retainable amounts. The intent of the proposed adjustment is to allow non-AFA trawl catcher processors an enhanced opportunity to increase retention of catch, and reduce regulatory discards. Management implications are far more significant than enforcement implications, though on-shore enforcement effort could be increased to some degree, while at-sea enforcement oversight could be decreased to some degree. The current MRA application likely provides a better deterrent with regard to indirect targeting of certain species. Managers' ability to avoid possible overages, including exceeding overfishing levels for some species, would likely be confounded under the proposed change.

If the Council decides to move forward with this proposal, the Committee believes that the management concerns could be addressed to some degree by applying the change only to some species while maintaining status quo for other species of concern.

## Crab Rationalization Briefing for Council Enforcement Committee

### **Season Summary**

For the golden king crab fisheries, 8 catcher vessels and 1 catcher/processor have fished. For red king crab, 87 catcher vessels and 3 catcher/processors have fished. (In the 2004 Bristol Bay Red king season, 243 catcher vessels and 8 catcher processors fished.) There have been several deliveries of Tanner crab. Red king crab deliveries continue which seems to indicate that processors are not putting excessive pressure on boats to fish in unsafe conditions.

### **Cooperatives**

Fifteen cooperatives formed and more than 80% of the QS holders joined a cooperative. Most are not true cooperatives in that IFQ holders are responsible for fishing the quota they bring to the co-op. There is some intra-cooperative leasing within cooperatives.

### **Arbitration Organizations**

QS and IFQ holders are required to join arbitration organizations even for closed fisheries (Pribilof red & blue king, St Matthew blue king, etc.). Arbitration is supposed to be enforced by civil contracts, but there may be some instances where parties don't have resources to do the investigations required to enforce action.

### **IFQ Issuances**

IFQs were issued 3 times; the last issuance was on October 7. This created some unease prior to the season—several captains asked if the quotas were going to change again.

### **Overages**

To date, there have been four IFQ overages and one vessel cap overage. Since fishing is still in progress, it is too early to develop an overall picture of overages. Many of the captains did not pay close attention to permit balances or which quotas got debited. We have found at least one "overage" where the holder had remaining quota. Several co-ops have asked to re-allocate landings between permits.

### **Highgrading**

We are investigating one incident of unreported deadloss. We are also looking at one other plant that has reported smaller than average amounts of deadloss.

Several plants have started grading crab for the first time and offering a lower price for dirty shell crab. At least one plant is paying more for B & C share crab than for A shares.

### **Reporting Problems**

eLandings, a joint state and NMFS reporting system, was introduced with crab rationalization. This is a web-based system that generates an ADF&G fish ticket and RAM IFQ landing report. This had numerous problems and required a lot of enforcement resources to ensure landings were in compliance.

Catcher/processors and stationary floating processors use a computer program that generates a file that is emailed to NMFS. A return file is generated, returned to the sender and the program then generates a fish ticket and IFQ landing report. Of the five vessels to use this, only two have been able to get it to work. This may be a problem for the snow crab season when additional numbers floating processors will be use the software to report catcher vessel deliveries.

**Pacific cod directed harvest Aleutian Islands state waters 170°-187°W long, 1999-2004**

	Total pounds
1999	14,706,590
2000	12,638,272
2001	9,053,799
2002	13,021,979
2003	12,258,493
2004	10,208,033

<b>Total</b>	<b>71,887,166</b>
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*Figures = need to check those  
not be accurate*

	170°W - 173°W				173°W - 180°W		180°E - 172°E		BSAI ABC		State-waters Percent of BSAI ABC
					Total pounds		Total all areas		metric tons	pounds	
1999	124,284	13,272,145	1,310,162	14,708,589	177,000	390,108,000	3.77%				
2000	70,777	9,761,475	2,806,020	12,638,272	193,000	425,372,000	2.97%				
2001	4,087	8,265,729	783,983	9,053,799	188,000	414,352,000	2.19%				
2002	1,333	11,910,349	1,110,297	13,021,979	223,000	491,492,000	2.65%				
2003	6	12,229,456	29,031	12,258,493	223,000	491,492,000	2.49%				
2004	0	9,707,216	500,817	10,208,033	223,000	491,492,000	2.08%				
<b>Total all years</b>	<b>200,486</b>	<b>65,146,369</b>	<b>6,540,310</b>	<b>71,889,165</b>	<b>1,227,000</b>	<b>2,704,308,000</b>	<b>2.66%</b>				

Note: Totals may not exactly match due to rounding error

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**Problem**

The economy and tax base of the community of Adak is highly dependent on fisheries, in particular upon the P. cod fishery. Adak is facing an immediate crisis due to the compression of the P. cod season for both its existing trawl fleet and its developing fixed gear fleet. This occurs because the Bering Sea and Aleutian Islands share a common P. cod quota, while the timing of the availability of the fish occurs later in the Aleutians.

In 2003 the trawl P. cod quota was not reached during the A season, allowing the Adak processor to operate without a premature closure. In 2004 the A season quota was reached March 24th. In 2005 the A season quota was reached March 13th. The result was a reduction in P. cod deliveries to Adak of roughly 40% in 2005 relative to 2003 and 2004.

Congress allocated Pollock for the development of Adak beginning in 2004, but Sea Lion regulations have prevented Adak from obtaining any economic value from the allocation, with no relief foreseeable prior to 2008.

Crab rationalization also has dramatically reduced the amount of crab that can be delivered to Adak for processing.

This combination of factors constitutes an emergency for maintain a economically viable fishery community in Adak, that cannot be addressed by the federal system for 2006 or 2007.

**Proposal**

Create a state water P. Cod fishery allocation in the Aleutian Islands with a requirement that all cod be landed for shorebased processing west of 170 degrees.

**Proposal Elements**

#1 - Allocation

In 2006 and 2007 up to five percent of the BSAI P. cod ABC would be allocated to state water fisheries for catcher vessels in the Aleutian Islands west of 170 degrees.

#2 - Sea lion restrictions

- Rules would mirror federal regulations
- The 10 mile closures around rookeries would remain in place.
- The 3 mile closures around haulout buffers would remain in place.
- A maximum of 60% of the allocation would be available prior to June 1st

#3 - Effort limits

- A trip limit of 300,000 lbs would apply with no codend transfers.
- Trawl vessels would be allowed only during the A season and after September 15th.
- Trawling would be closed at any time that the federal halibut bycatch cap has been reached.

#4 - Timing of quota availability

- Each gear type would have access to the state water allocation upon closure of that gear type's allocation of the federal quota.

Submitted by Clea Tilton

Jerry

ALASKA DEPARTMENT OF FISH AND GAME



DIVISION OF COMMERCIAL FISHERIES

MEMORANDUM

DRAFT

TO: Denby S. Lloyd  
Director  
Commercial Fisheries Division  
Headquarters -Juneau

DATE: October 21, 2005  
PHONE: (907) 416-1842  
FAX: (907) 416-1824

FROM: Wayne K. Donaldson  
Acting Regional Supervisor  
Commercial Fisheries Division  
Region IV - Kodiak

SUBJECT: Aleutian state-waters  
Pacific cod fishery

This memo provides staff assessment of the petition from Clem Tillion submitted to the Alaska Board of Fisheries (BOF) as RC9 on October 16, 2005, to consider emergency action out of cycle. The petition asks for the BOF to create a state-waters Pacific cod fishery in the Aleutian Islands west of 170° W longitude.

**Emergency Proposal Criteria**

The BOF may consider this petition out-of-cycle if it finds that it satisfies criteria under the Joint Board Petition Policy (5 AAC 96.625).

Within the Joint Board Petition Policy, paragraph (f) specifies that "it is the policy of the boards that a petition will be denied...unless the problem outlined in the petition justifies a finding of emergency." Further, "an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action..."

The Pacific cod fishery in 0 - 3 nmi of the Aleutian Islands has been operated under Board of Fisheries consent as a parallel fishery since at least 1997. The petition requests the establishment of a state-waters Pacific cod fishery based on a portion of the federal ABC, which would reduce harvests in the parallel/federal Pacific cod fishery. The petition further requests that the fishery be limited to catcher vessels delivering shoreside. Given that the petition does not address any unforeseen or unexpected resource situation involved, and the BSAI TAC for Pacific cod has been achieved in 2003 and 2004, the petition does not appear to satisfy these criteria for a finding of emergency.

JERRY

### **The Issue at Hand**

In 1996, state-waters Pacific cod fisheries were established in Prince William Sound, Cook Inlet, Kodiak, Chignik and South Alaska Peninsula areas. Those state-waters seasons open after the initial parallel/federal season is closed, and remain open until the GHL is taken thereby precluding the reopening of the parallel B season if the state-waters season is not complete. Harvest levels are established at a maximum of 25% of the federal Acceptable Biological Catch by federal regulatory area. Only pot, jig or hand troll gear types are authorized, and the Board has established gear-specific harvest allocations. Each registration area is designated as either superexclusive, exclusive or nonexclusive registration.

State waters of the Aleutian Islands are managed under parallel rules when targeting Pacific cod. The Board of Fisheries has imposed additional vessel size and gear type restrictions on the parallel Pacific cod fishery near Adak between 175° 30' and 177° W long., to promote harvest by vessels less than 60 ft. using fixed gear (5 AAC 28.629 (d)(1) and (e), and 5 AAC 28.690. (a) and (b)). There are no BOF non-pelagic trawl restrictions in the Aleutian Islands west of 170° W longitude.

Harvest levels in the parallel/federal fishery are established by the National Marine Fisheries Service for the combined Bering Sea-Aleutian Islands Area. The department does not conduct groundfish stock assessment in the Aleutian Islands. In the parallel/federal fishery, gear sector allocations, seasons, and bycatch levels are established by the National Marine Fisheries Service. The sector allocations for the BSAI Area are: hook and line and pot gear (51%); trawl 47%; jig (2%). These sector allocations are further subdivided based on catcher-processor, catcher-vessel, and in some cases size of vessel. The parallel/federal fishery catcher-vessel allocations exist for trawl catcher-vessel, hook and line catcher-vessel, hook and line small-catcher-vessel, pot catcher-vessel, and jig catcher-vessel.

The petition asks for the creation of a state-waters Pacific cod fishery in the Aleutian Islands west of 170° W longitude. The allocation to the state-waters fishery would be up to five percent of the annual BSAI Acceptable Biological Catch and 60% of the annual state-waters fishery harvest would be available prior to June 1, and the remaining 40% after June 1. In 2005, 5% of the BSAI ABC equates to 22.7 million pounds. The state-waters fishery would only be available to catcher vessels. Trawl catcher-vessels would only fish towards their allocation prior to June 1 or after September 15.

A state-waters fishery for the catcher-vessel gear types would require close coordination by staff to track harvest by gear type relative to GHGs for the state-waters A & B season and coordinate with the parallel A & B seasons. Because some gear types do not appear to achieve their allocation, this would likely result in concurrent state-waters and parallel fisheries. This could mean that specific gear types would be open to a parallel fishery while other gear types are open in the same waters to a state-waters fishery. There could also be enforcement concerns between state and federal waters. The Board would need to decide the disposition of any unharvested Pacific cod from the state-waters A season. Presently, there are no observer requirements in



state-waters Pacific cod fisheries. The state does not operate a groundfish observer program, therefore staff could not determine halibut, groundfish or shellfish bycatch.

When vessel operators participate in parallel/federal Pacific cod fisheries they are subject to Steller sea lion closed waters restrictions, including VMS. The BOF currently does not require VMS in state-waters Pacific cod fisheries and established state-waters fisheries for Pacific cod are not subject to Steller sea lion restrictions, except rookery restrictions.

During 2004, in the parallel/federal Pacific cod fishery in the Bering Sea and Aleutian Islands, over 99% of the catch quota was taken. Harvest by sector allocation was essentially achieved for trawl, hook and line, and pot catcher-vessels and not achieved for jig and small (<60 ft) pot and hook and line vessels. Approximately 52% of the jig allocation was attained and 68% of the small pot and hook and line allocation was attained. During November 2004, NMFS reallocated Pacific cod among harvest sectors to ensure attainment of the 2004 TAC. During 2003 the BSAI Pacific cod TAC was achieved.

### **Summary**

The petition requests emergency consideration to create a state-waters Pacific cod fishery in the Aleutian Islands west of 170° W longitude. Parallel fisheries for Pacific cod in the Aleutian Islands have been established since at least 1997. The Board of Fisheries has imposed additional vessel size and gear type restrictions on the parallel Pacific cod fishery near Adak between 175° 30' and 177° W long., to promote harvest by vessels less than 60 ft. using fixed gear (5 AAC 28.629 (d)(1) and (e), and 5 AAC 28.690. (a) and (b).

5 AAC 28.089 Guiding Principles For Groundfish Fishery Regulations (8) states that the Board shall consider cooperating with the North Pacific Fishery Management Council and other federal agencies when developing groundfish fisheries in state waters. This coordination would be necessary to ensure that the Pacific cod harvest level was based on sustained yield.

The petition seeks a reallocation from the parallel/federal fishery to a state-waters fishery. There does not appear to be any unfamiliar, unforeseen, or unexpected resource situation. The petition does not appear to satisfy criteria for a finding of emergency under the Joint Board Petition Policy.

cc: McKie Campbell, Diana Cote, Forrest Bowers, Barbi Failor

**Bering Sea and Aleutian I P-Cod: Surveys, Estimated TAC, and Actual Catch**

Method A: Applying a retrospective estimated TAC split based on the long term biomass distribution average (with Kalman filter) of 85% BS and 15% AI (from BSAI P-cod SAFE: "Estimation of P-cod Biomass Distributions Based on Alternative Weightings of Trawl Survey Estimates"). Actual catch in the AI exceeds estimated TAC in six out of eight years (1997-2004).

YEAR	EBS TAC (85%), MT	AI TAC (15%), MT	ACTUAL EBS CATCH, MT	ACTUAL AI CATCH, MT
1997	229,500	40,500	232,598 (+3098 mt or + 1.4% over TAC)	25,164
1998	178,500	31,500	158,526	34,726 (+ 3226 mt or +10.2% over TAC)
1999	150,045	26,550	145,865	28,130 (+1580 mt or +6% over TAC)
2000	164,050	28,950	151,372	39,684 (+10,734 mt or + 37.1% over TAC)
2001	159,800	28,200	142,452	34,207 (+6007 mt or 21.3% over TAC)
2002	170,000	30,000	166,552	30,801 (+801 mt or + 2.7% over TAC)
2003	176,375	31,125	176,659	32,455 (+ 1330 mt or +4.3% over TAC).
2004	183,175	32,325	184,947 (+1772 mt or +0.97% over TAC)	28,865