

November 2-3, 1978

AGENDA ITEM: 10

ACTION REQUIRED: Informational

SUBJECT: Incidental Species Problem

SUMMARY: Three documents should be available:

- ✓ (a) An October 12 memo and report from Rietze,
- (b) If available, a November 1 report of the meeting in Anchorage, and
- ✓ (c) SSC comments.

COMMENTS:



Agenda #10
Nov. 2-3, '78

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P.O. BOX 1668, JUNEAU, ALASKA 99801

Date : October 12, 1978

Reply to Attn. of:

To : See Distribution Below

File 500-21

From : *Harry L. Rietze*
Harry L. Rietze
Director, Alaska Region

Subject: Incidental Species

The incidental species group met in Sitka on September 28 and reviewed a working document prepared by NMFS. The discussion identified a number of items that needed clarification or refinement as well as a few basic areas of contention. Drawing on the comments and views of the participants, a revised draft has been written.

The main issue not resolved is whether an OY should be specified for an "Other Species" category, that group of fish that presently are not subject to management at the species level, are taken only incidentally, and are of small or no commercial value. All PMP's and the FMP's developed thus far prescribe an OY for this group, foreign nations pay fees, harvest large tonnages (over 50,000 this year in our FCZ), and where possible, process the fish through reduction plants. But as Don Bevan suggests (attached comments), perhaps there is no need now to treat these species in a way that presumes we are really managing them, and by doing so, creating some risk of interfering with the management of the really important species.

Should you have thoughts on this issue or any other aspect of the draft, please advise me. We would like to have a further revised version ready for review at the next Council meeting in hopes of reaching final agreement on its substance.

Distribution:

Don Hales, Chairman
Jim Branson ✓
Don W. Collinsworth
Don Bevan
Keith Specking
Jim Ellis
Bert Larkins

Attachments (2)

MANAGEMENT OF MIXED SPECIES FISHERIES
PROVISIONAL STRATEGY AND PROCEDURES

INTRODUCTION

Foreign fisheries in the Gulf of Alaska and the Bering Sea prior to March 1977 were freely competitive, governed only by each country's preferences and perceived advantages and lacking discernible regard for resource conservation. Accommodation to FCMA controls was achieved remarkably quickly with respect to technical requirements (call signs, check-in/check-out procedures, etc.) although the inertia of established practices seemed to prolong changes in more basic activities such as target fishing and careful logging of catches. The past and continuing failure of certain foreign fleets to fish with adequate selectivity for target species, either through inability or inadvertance, has forced premature termination of a few fisheries and poses risk of additional closures. The existing situation contains an undesirable potential for fishery disruption and economic and biologic waste, which could worsen as domestic FCZ fisheries develop. Recognizing that resource conservation is a fundamental mandate of the FCMA and an uncompromising objective of the Council, management strategies and implementing procedures designed to promote both conservation and full utilization of fishery resources with the FCZ are approved as presented below:

Council Objectives and Guidelines

The Council finds that FCMA prescribed policies require augmentation with interpretive statements that address and govern fishery management regimes. In particular, the management of mixed stock fisheries can be especially complex and will benefit from clear policy guidelines and objectives.

The following statements represent the Council's policy guidelines to FMP drafting teams and management agencies exercising control of fisheries in the FCZ.

I. In accord with the purposes of the FCMA, economic efficiency within a sound conservation framework is a major objective in fishery management, normally dictating that target species govern the conduct of principal fisheries. To give effect to this objective, proper enabling elements must be included in the regulatory foundation.

1. All species that are amenable to management, have commercial or recreational value, and are taken as target species or as a primary or incidental element in mixed stock fisheries shall have an OY specified for each species. All such catches will be logged and retained.
2. Any species not amenable to discrete management, but which has real or potential commercial value either when taken as an incidental catch or as an element in directed mixed stock fisheries shall be grouped together with similar related species (i.e., other rockfish, other flounder, etc.) and an OY specified for the group, taking into account the desirability of maintaining each species as a functional element within the ecosystem. All such catches will be retained and, to the extent possible, logged by individual species.
3. Species of inconsequential commercial value taken only incidentally and which presently are not amenable to discrete management shall be grouped together in an "other species" category with an OY specified for the group that will maintain every

component as a functional element within the ecosystem. Catch logging requirements will vary in recognition that some species may be caught in substantial quantities and may have significant potential for future commercial production (i.e., capelin, smelt, greenling, ratfish, etc.). Where practical, it is desirable to log such species separately to build a data base in anticipation of elevating them to category 1 or 2 management as fisheries begin to focus on them. Otherwise, species caught in small or trace amounts and having little commercial promise will be logged as a group and not specifically identified. Retention of species within the "other species" category is optional.

4. Pending development and approval of alternative strategies, species listed as prohibited in any fishery may not be retained (i.e., salmon and halibut taken with trawl gear). The management regime for each fishery must include provisions as necessary to effectively minimize or avoid the incidental taking of prohibited species. Log-keeping practices will be appropriate to management needs.

II. Integral to the objectives of conservation and economic efficiency is the maintenance of orderly fisheries that pursue harvest goals without premature termination or disruptive redirection. The management regime must be effective in promoting, within each fishery, a high degree of synchrony in the attainment of quotas for the various species characteristic of that fishery. This objective of maintaining orderly fisheries will be supported by the following strategies which are appropriate to the known range of situations common to the fisheries of the FCZ.

1. Impose compelling incentives on fishermen to selectively direct effort to target species and away from prohibited or unwanted incidental species. Undoubtedly, the certainty of premature termination of fishing activities is the most persuasive sanction available. Equally effective and more desirable alternatives may exist, however, and the identification and evaluation of other sanctions that are legally and pragmatically sound should be given priority attention by FMP drafting teams and management agencies. For example, charging higher fees or reducing the succeeding year's allocation to offenders have been mentioned as potential deterrents.
2. Within the constraints of OY's, species quotas must be assigned in proper relationship to the mix and quantities of species typically caught in each distinctive fishery or area, taking into account the preferences and selective fishing capabilities of each nation or fleet. Analysis of the fishing performance of each nation or fleet since imposition of FCMA controls will be an initial and continuing guide to allocation decisions.
3. It is expected that DAH's and foreign allocations at the species level will not prove to be perfectly accurate as fishing progresses. Therefore, a portion of each OY should be held for reserve for allocation as needed to balance inadequate allocations of incidental species or species groups with actual fishing experience. The ability to make prompt adjustments from reserves will be absolutely vital to achieving the objectives of economic efficiency and maintenance of orderly fisheries.

Donald E. Bevan

October 2, 1978

Comments on Management of Mixed Species Fisheries

I suggest that part two of the paper be used as the Introduction together with a change in emphasis to the need to conserve species taken as incidental catches with the prevention of closing down of target species fisheries as a secondary objective.

My second general comment is that we should avoid introducing new undefined terms in our policy for incidental catches. For example, I don't know what is meant by "perpetual economic productivity". While I acknowledge you may have the same difficulty if I substitute the phrase "provide the greatest overall benefit to the nation", at least that is a set of words that is in the Act which we're going to have to deal with.

I also have difficulty with the concept that we must worry about each individual species in a complex. While the law refers to all animals, as a matter of practical reality we will not count or weigh many animals and plants that are caught in fishing gear. To me, this means that any species that has no value will generally not have an OY unless the Council is convinced of some future change in its value. I use the term value in its broader sense in that some species may have no commercial value but be of concern to a particular group of our constituents. I support your use of different categories but I would list them as 1) target species, 2) individual species taken incidental to target catches, 3) target or incidental species that must be taken as a group, e.g., a rock fish complex, 4) species of no commercial or recreational value and 5) prohibited species. Specifically within these categories I would rewrite number one to give recognition to recreational values and add a statement to indicate what will happen if the OY of incidental species is reached.

In item two I have a problem of defining the term "level of viability". If this means not allowed to go to biological extinction, why not say so? If it means something else, I have serious concerns about adopting some OY's that have more importance than others. As my previous comments indicated, I would drop category three and specify that those species have no OY's, at least for the present. I suggest that we not worry about the marine equivalents of snail darters or dickey birds and depend upon the endangered species act for their protection. We don't have the time or money to set up OY's for marine animals of no value.

I believe item four should be rewritten and presented as a temporary solution.

This is obviously a complicated problem. Last year Admiral Hayes described in an effective manner some problems with the current system of handling prohibited species. I suggest you should paraphrase his remarks to outline the problems and consider the advantages and disadvantages of required retention with either high fees or the requirement to turn over the catch before leaving the FCZ. I particularly support Jim Ellis's idea that the upcoming joint ventures are an excellent opportunity to find out what problems are involved in retention. We can be certain that almost all of the prohibited species in the cod end transferred at sea will be dead. It is my view that our aim should be to assure that mortality rates due to fishing on prohibited species be kept to a minimum consistent with the ability to carry on a fisheries for other species. As Admiral Hayes has pointed out forcing fishermen to throw fish overboard can provide less protection to prohibited species than those considered as an incidental catch species and, given a quota, ~~if~~ we establish a quota on the numbers to be thrown overboard, it will be difficult to enforce.

My detailed suggestions for language changes would be for 1) All species that are amenable to management have value as food or provide recreational opportunity shall have an OY specified that will provide the greatest overall benefit to the nation. All such catches will be logged and all legal commercial catches will be retained. In this category when an OY set for an incidental catch species is exceeded the fishing for the target species will be terminated. 2) Any species not amenable to discreet management but which has value and is taken as an incidental catch or as an element in a directed mixed stock fisheries shall be grouped together with similarly related species (i.e., other rock fish, other flounder, etc.) and an OY specified for the group that can be maintained. All legal catches will be retained and logged by individual species. 3) Species of inconsequential or no value taken only incidentally are not required to be logged unless they are retained. 4) Prohibited species (salmon, halibut, shellfish, corals, and others identified prohibited) will not be retained. Catches must be logged and catches in amounts greater than specified in the permit will be a cause for terminating the fishery.

11/1/78

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PROVISIONAL STRATEGY AND PROCEDURES

INTRODUCTION

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Council Objectives and Guidelines

The Council finds that FCMA prescribed policies require augmentation with interpretive statements that address and govern fishery management regimes. In particular, the management of mixed stock fisheries can be especially complex and will benefit from clear policy guidelines and objectives.

The following statements represent the Council's policy guidelines to FMP drafting teams and management agencies exercising control of fisheries in the FCZ.

I. Conservation and Economic Efficiency. In accord with the purposes of the FCMA, economic efficiency within a sound conservation framework is a major objective in fishery management, normally dictating that target species govern the conduct of principal fisheries. Practical complications arise, however, because even the best applied fishing technology and regulatory procedures may sometimes fail to control the species composition of mixed stock fisheries well enough to avoid serious underharvest of some species as catches of others approach OY levels or the limits of allocations. Where such underharvests are reasonably predictable, represent large unrealized benefits, and cannot be controlled by other means, then thought must be given to incorporating economic considerations in appropriate balance with other factors in establishing OY levels. Thus, some fisheries may be so constituted that a designed overharvest of one or more species in a biological sense (i.e., EY deliberately held below MSY) will be justified by larger sustained economic benefits from the mixed stock complex as a whole. Contrary situations may also occur whereby sustained economic benefits are maximized by deliberate biological underharvest of certain species (i.e., C. opilio south of 58° N.). Assuming the identification, analysis, and adjustments required for such special situations, the following enabling elements should be included in management and regulatory regimes.

1. All species that are amenable to management,^{1/} have commercial or recreational value, and are taken as target species or as a primary or incidental element in mixed stock fisheries shall have an OY specified for each species. All such catches will be logged and retained to the extent that protective measures, (i.e., size or sex restrictions), do not require their immediate return to the sea.
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3. Species of inconsequential commercial value taken only incidentally and which presently are not amenable to discrete management shall be grouped together in an "other species" category with an OY specified for the group that will maintain every component as a functional element within the ecosystem. Catch logging requirements will vary in recognition that some species may be caught in substantial quantities and may have significant potential for future commercial production (i.e., capelin, smelt, greenling, ratfish, etc.). Where practical, it is desirable to

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log such species separately to build a data base in anticipation of elevating them to category 1 or 2 management as fisheries begin to focus on them. Otherwise, species caught in small or trace amounts and having little commercial promise will be logged as a group and not specifically identified. Retention of species within the "other species" category is optional.

4. Pending development and approval of alternative strategies, species listed as prohibited in any fishery may not be retained (i.e., salmon and halibut taken with trawl gear). The management regime for each fishery must include provisions as necessary to effectively minimize or avoid the incidental taking of prohibited species. Log-keeping practices will be appropriate to management needs.
5. Species that are extraneous to fisheries and have no recognized or foreseeable value (usually plants and invertebrate animals) will have neither an OY specified nor any requirements for logging or retention unless related to special research interests.

II. Conservation and Maintenance of Orderly Fisheries. Integral to the objectives of conservation and economic efficiency is the maintenance of orderly fisheries that pursue harvest goals without premature termination or disruptive redirection. Despite quite effective demonstrations of selective fishing by certain participants in FCZ fisheries, sustained pure, single species catches rarely if ever occur. By design or by inadvertance mixed species catches typify all fisheries and dictate the requirement that a management area be closed to a fishery when the OY for any species or species group is attained, even though unharvested surpluses remain for other species characteristic of that fishery.

Thus, management regimes must be effective in promoting, within each fishery, a high degree of synchrony in the attainment of OY's or allocations. This objective of maintaining orderly fisheries will be supported by the following strategies which are appropriate to the known range of situations common to the fisheries of the FCZ.

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INCIDENTAL SPECIES WORKING GROUP REPORT

The SSC has considered the second draft on the Management of Mixed Species and has the following recommendations:

1. An additional category is needed for plants and animals with no-value (now or in the foreseeable future). This group will not have an OY or be included in the "other" category.
2. Further explanation is needed on handling of reserves, i.e., will a halibut plan have an OY to include incidental catches taken with groundfish, shrimp and crab with a reserve withheld to accommodate the incidental catches.
3. Requirements for retention must permit the discard of illegal catches, i.e., female crab, undersized salmon, etc.
4. More definitive statements are needed as to the intent of the Council in closing fisheries. Will quotas be set for landing of prohibited species? Will a target fishery on one species be closed when the incidental catch quota is reached?
5. We concur with the continuation of non-retention of prohibited species as a temporary expedient. We suggest the Incidental Species Committee continue to study this question and elaborate on the alternatives that might be available. We support the suggestion of experimental retention of prohibited species in joint venture operations.