

## D2 - Maximum Retainable amount adjustments

### Council Motion

April 09, 2024

The Council adopts the following purpose and need statement and list of alternatives for analysis:

#### Purpose and Need

The purpose of this action is to improve the regulations that implement the maximum retainable amount (MRA) of species closed to directed fishing (incidental catch species) while a vessel operator is engaged in fishing for species or species groups that are open to directed fishing. This action is necessary to clarify current MRA regulations, make MRA calculations easier, reduce regulatory discards, and address medical, mechanical, or weather issues that can impact MRA calculations. The Council intends to maintain the original intent for MRAs and is not considering changes that increase MRA percentages or changes in how MRAs assist in limiting harvest of a groundfish species within its annual total allowable catch.

#### Alternatives

**Alternative 1: No Action (Status quo).** Federal regulations at 50 CFR 679.20(e) establish MRAs as a percent of a basis species in Table 10 to part 679 for the Gulf of Alaska (GOA), Table 11 for the Bering Sea/Aleutian Islands (BSAI), and Table 30 for the Central GOA Rockfish Program. The percentage of a species closed to directed fishing that is retained in relation to a basis species must not be exceeded. In most cases, any additional catch amounts must be discarded at sea.

*Alternatives 2, 3, 4 and 5 are not mutually exclusive*

**Alternative 2:** Revise MRA regulations to clarify (1) the definition of a fishing trip, (2) calculations for MRAs, and (3) applications of MRAs. These changes would not change how the MRA regulations are currently implemented.

Option 1 - modify the definition of a fishing trip to make it clear that motherships are responsible for the overall MRA of any catcher vessel delivering unsorted codends

Option 2 - clarify that MRAs are calculated by fishery management program due to different fishing prohibitions in place for each fishery management program

Option 3 - correct regulation citations for American Fisheries Act (AFA) vessels and AFA replacement vessels

Option 4 - clarify that when Community Development Quota (CDQ) uses an AFA vessel to harvest Amendment 80 species BSAI pollock and BS Atka mackerel MRAs are calculated at the time of the offload and clarify the species used as basis species for CDQ

Option 5 - clarify that MRAs take precedence over improved retention/improved utilization (IR/IU) regulations when vessels fish in areas with different fishing prohibitions

Option 6 - update IR/IU regulations for Amendment 80 vessels to reflect past Council actions

**Alternative 3:** Revise the triggers that end a fishing trip from five to two triggers in the definition of a fishing trip for catcher/processors and motherships (not including current offload-to-offload species - BSAI pollock, Bering Sea (BS) Atka mackerel, and weekly reporting period species in the Central GOA Rockfish Program). Two triggers would remain: (1) when all fish or fish product is offloaded and (2) if the vessel changes authorized gear type. Three triggers would be removed: (1) the effective date of a different fishing prohibition in the area the vessel is fishing, (2) when a vessel enters or leaves an area with a different fishing prohibition, and (3) the end of a weekly reporting period.

**Alternative 4:** Add additional species to an offload-to-offload MRA application in the BSAI and GOA for all vessel sectors. Continue to exclude AFA vessels for BSAI pollock and BS Atka mackerel from the offload calculation.

Option 1: add BSAI Pacific cod, GOA Pacific cod, GOA pollock, BS skates, Central GOA Rockfish Program, and GOA shallow-water flatfish

Option 2: include all groundfish species, except as noted above

**Alternative 5:** Provide exemptions in regulation from MRA requirements in cases of medical emergencies, mechanical emergencies, or poor weather that ends a fishing trip.