

**C7 Motion CDQ Pcod Fishery Development
North Pacific Fishery Management Council
June 8, 2014**

Release the draft EA/RIR/IRFA for public review after revising Alternative 4 to incorporate elements 1(i) through (ix) in the “NMFS Recommendations” document. The elements of the NMFS recommendations are an expansion of Alternative 4, which would include elements of Alternative 3, Option 2 and several new components and clarifications.

The alternative would apply to vessels $\leq 46'$ length overall (LOA) using hook-and-line gear to conduct directed fishing for Pacific cod for CDQ groups that also have halibut CDQ allocations in the area being fished or for vessels with adequate amounts of halibut IFQ to support the incidental catch of halibut while Pacific cod fishing.

Under existing regulations, any vessel retaining more than the 20% maximum retainable amount (MRA) of Pacific cod would be considered directed fishing for Pacific cod. Each CDQ group and the vessels fishing on its behalf can choose to remain under the regulations that govern “halibut CDQ fishing” by discarding any amount of Pacific cod that would exceed the 20% MRA. This provision would continue.

The following regulations would apply to vessels $\leq 46'$ LOA that the CDQ group chose to allow to conduct directed fishing for Pacific cod CDQ. In all cases below, reference to “the vessel” means a catcher vessel $\leq 46'$ LOA while directed fishing for Pacific cod CDQ.

- i. LLP exemption: NMFS recommends exempting vessels between 32' and 46' LOA from the LLP requirements rather than creating a separate CDQ LLP.
- ii. Documentation of eligibility for LLP exemption: If an LLP exemption is selected, NMFS recommends that each CDQ group be required to submit a list of vessels between 32' and 46' LOA that it is authorizing to conduct directed fishing for Pacific cod CDQ on its behalf. NMFS also would post a list of the vessels registered to fish on behalf of each CDQ group on NMFS's website as an additional piece of information to document the vessels eligible for the LLP exemption.
- iii. Partial observer coverage: Any vessel on the CDQ group's list of eligible vessels would be placed in the partial observer coverage category while CDQ fishing. For example, under the current regulations, in 2014, vessels less than 40' LOA would be in the no coverage pool and vessels between 40' and 46' LOA would be in the vessel selection pool.
- iv. Halibut retention requirements: Vessel operators would be required to retain all legal sized halibut caught as either halibut CDQ or halibut IFQ.
- v. Pacific cod retention requirements: Current IR/IU regulations require operators of vessels directed fishing for groundfish CDQ to retain all Pacific cod as long as the CDQ group has available Pacific cod allocation. This requirement does not apply to vessels “halibut CDQ fishing.” No additional regulatory amendments are needed to maintain this provision.
- vi. Retained Pacific cod: Any Pacific cod retained, landed, and reported as CDQ will accrue to the CDQ group's Pacific cod CDQ allocation.

vii. At-sea discards of groundfish: NMFS would estimate the at-sea discards of all groundfish, by these vessels, including those species allocated to the CDQ Program, based on applying discard rates from observed vessels to the landed catch weight of the CDQ trips. The estimates of at-sea discards, including Pacific cod, while these vessels are directed fishing for Pacific cod on behalf of a CDQ group, would accrue to the non-CDQ allocation of the TACs. Estimates of at-sea discards of Pacific cod would accrue to the non-CDQ allocation of Pacific cod to the hook-and-line and pot vessels less than 60 ft.

viii. Seasonal limitations: The provisions described in (i) – (vii) would be provided only while the halibut fishery is open because retention of halibut must be allowed to implement the exemption from halibut PSC accounting by these vessels.

ix. SSL and habitat protection measures: All other regulations that apply to vessels using hook-and-line gear and directed fishing for Pacific cod would apply to these vessels. These requirements include closure areas and VMS requirements.

With these revisions, Alternative 4 is the Council's preliminary preferred alternative.

Under the revised Alternative 4, also analyze the following three options, which are not mutually exclusive:

Option 1: Apply the proposed management measures to all vessels $\leq 46'$ using hook-and-line gear while directed fishing for any groundfish species allocated to the CDQ Program, except sablefish. Option 1 would apply full retention requirements only to those groundfish species already required to be retained in the CDQ fisheries (Pacific cod, Pollock, and sablefish). Option 1 would not apply to sablefish because sablefish already is managed under regulations similar to Alternative 4 as a result of the regulation of harvest provisions of the MSA that require fixed gear sablefish CDQ to be regulated no more restrictively than the sablefish IFQ.

Option 2: Expand the current prohibition against discarding legal sized halibut while IFQ fishing to people fishing for halibut CDQ while the CDQ group has remaining halibut CDQ.

Option 3: In a situation when there is no halibut available (either CDQ or IFQ) to fund the CDQ small boat Pacific cod fishery, another workable alternative would need to be developed, such as a mutually acceptable halibut PSC discard rate system.

In addition, the Council requests staff to analyze the AP recommendation that "Any vessel authorized to fish CDQ cod, and who participates in an IFQ halibut trip, and does NOT wish to retain groundfish as required under this program, must be removed from the CDQ group's list of eligible vessels for the duration of that IFQ halibut trip." The analysis should provide a recommendation about whether this additional requirement needs to be specified in regulation as a type of "check-in, check-out" requirement, or if this issue can be addressed by the existing proposal to let the CDQ groups decide when to add or remove vessels from their list of eligible vessels.