

## Improved Retention/Utilization Committee - Report to the Council

The IR/IU Committee met on April 1, 1997 in Seattle with the following persons present:

Members: Joe Kyle (Chair), Brent Paine, Chris Blackburn, John Iani, Denby Lloyd, Vince Curry, John Henderschedt, Teresa Kandianis, Paul MacGregor

Agency Staff: Lew Quierolo, Dave Colpo, Chris Oliver, Kent Lind, Jay Ginter, Earl Krygier, Seth Macinko,

Others: Mike Atterberry, Tom Casey, Denise Fredette, John Gauvin, Mike Szymanski, Jan Jacobs, Ed Richardson, Eric Hollis, Laura Jensen

The Committee undertook two tasks at this meeting: (1) to review and comment upon the analysis for the Gulf of Alaska IR/IU program, and (2) to review the proposed regulations for the Bering Sea program.

### Gulf of Alaska EA/RJR/IRFA

Dr. Quierolo summarized for the committee the GOA analysis, which essentially mirrors the Preferred Alternative for the BSAI. A general discussion centered on the differences between the GOA and the BSAI, with the following major points raised:

(1) Aggregation of the subareas of the GOA will not reflect the differences among these subareas which may be relevant; for example, because more of the current GOA discards are coming from the Central Gulf, more of the impacts of this program will be felt in the Central Gulf. Overall the Committee feels that the analysis could provide some breakdowns of information by Central, Eastern, and Western subareas to better characterize impacts, or at least highlight potential differential impacts by region.

(2) Referring to Table 3.2.1 on page 43, the Committee recommends providing estimates of observer coverage levels for each fishery category.

(3) Regulatory discards represent a higher proportion (perhaps significantly of overall discards in the GOA than in the BSAI. For example, discards of pollock and cod in the arrowtooth target fishery are mostly regulatory at present. Another example cited was the lack of a directed fishery for pollock and cod by the offshore sector in the GOA. Because the analysis does not break down total discards between regulatory and economic, the 'savings' of discards, and associated gross value estimates, are likely overestimated. This should be noted in the analysis, though the Committee recognizes the difficulty with trying to accurately quantify the ratio of regulatory to economic discards. As with the BSAI, there will still be regulatory discards under the GOA program, though the expectation is for changes in behavior and changes in directed fishing standards which will tend to minimize the regulatory discards.

(4) After reviewing the numbers of dual qualified vessels (BSAI and GOA) from the analysis, the committee agrees that a substantial risk of preemption is present if a similar IR/IU program is not adopted for the GOA.

(5) The assumption that complementary regulations will be implemented by the State of Alaska is particularly important in the GOA, since approximately 75% of landings are delivered to onshore processing plants.

(6) The table on page 127 needs to be checked and clarified – the amounts of fish defined as ‘marketable’ do not appear to be intuitively accurate in some cases, and the table is confusing as currently presented.

(7) The ‘Catch 22’ issue previously described in the BSAI may be more of an issue in the GOA where there are many more smaller vessels which do not sort at sea. This is the issue, when directed fishing standards kick in, of having to hit exactly 20% retention. For example, when a species is in bycatch model, a vessel must retain up to the allowable retention standard, but discard beyond that amount.

In terms of assessing whether this program will have ‘significant impacts’ on various target fisheries, the Committee made the following points or recommendations:

(a) Within target fishery categories, there could be differential impacts to different size categories of vessels.

(b) Regarding Table 3.2.1, and whether significant impacts would be expected - Arrowtooth should be changed to N, because most are currently regulatory discards; P. cod should be N, with a footnote (current draft has Y with a footnote); Rex sole should be an N, noting that, unlike the BSAI, it's not a big deal in the GOA because pollock is just not that abundant; Flathead sole should be an N for onshore, but still a Y for offshore.

(c) Because the shallowwater flatfish complex contains many species, the analysis should provide information, as available, on the expected catch composition of this complex within the various target fisheries. As some of these species may have limited, or no, market value, this could affect to extent to which this program will ‘significantly impact’ those target fisheries.

#### REVIEW OF BSAI PROPOSED REGULATIONS

While a formal proposed rule was not available at this time, the Committee was provided with a summary of the major provisions of that draft rulemaking. The primary issue discussed by the Committee relates to the level of detail contained in the regulations regarding enforcement of utilization and retention requirements. As drafted, the regulations will not specify the methodologies or secondary information to be employed by enforcement agents in assessing compliance. While it is obvious that discarding is prohibited, and that utilization is subject to a 15% minimum recovery rate, some members of the Committee felt that the regulations should further specify the allowable product forms and the secondary data sources (such as observer data and blend data) which would be used to determine compliance. It is understood that these issues will be described in the preamble to the proposed rule, if not explicitly contained in regulation.

The Committee appreciates the opportunity provided by the Council to review the IR/IU programs for both the BSAI and the GOA. While we feel that our task as a Committee is complete, we are willing to reconvene in the event any additional issues arise prior to or during implementation of the IR/IU programs.