

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke  
Executive Director



DATE: September 19, 1991

SUBJECT: 1991 Bycatch Amendment

**ACTION REQUIRED**

- a. Approve proposed 1991 bycatch amendment for public review.
- b. Consider emergency rule action to delay all groundfish seasons in the BSAI and GOA, including rockfish season delay in the GOA.

**BACKGROUND**

At its July 3, 1991 teleconference, the Council identified a number of changes to the current bycatch management regimes for the BSAI and GOA that have a potential for reducing bycatch, and approved bycatch proposals for analysis. It requested staff from the NMFS Alaska Region, the Alaska Fisheries Science Center and NPFMC to incorporate these proposals, with alternatives, into a draft amendment package that includes an Environmental Assessment/Regulatory Impact Review (EA/RIR). The draft EA/RIR amendment package is presented as Amendment 19 to the Bering Sea/Aleutian Island plan and Amendment 24 to the Gulf of Alaska plan. A copy of the draft EA/RIR will be presented to you prior to this meeting. This amendment is scheduled for initial review at this meeting. Included in the package are the following six amendment topics:

1. Enhance the NMFS Regional Director's hotspot authority in the Bering Sea/Aleutian Islands, and extend it to the Gulf of Alaska

An FMP amendment is proposed for establishing hotspot authority in the GOA and a regulatory amendment is proposed for enhancing this authority in the BSAI. This proposal addresses the difficulty of utilizing the current hotspot authority in a timely manner. The current hot spot authority provides the Regional Director with substantial discretionary authority with respect to the specifics of a closure. As a result of this discretionary authority, a public comment period of up to 30 days is required before a proposed closure can be implemented. The need for the public comment period would be eliminated by making the hot spot authority specific with respect to the bycatch rate that would trigger a closure, the area and fisheries to which a closure would apply, and the length of the closure.

2. Improve the current bycatch incentive program

A regulatory amendment is proposed to expand the vessel incentive program to apply to the following fisheries and bycatch species:

1. Pacific cod (halibut)
2. rock sole and yellowfin sole/other flatfish (halibut in all areas and king crab in Zone 1)
3. pollock when the bottom trawl pollock fishery is closed (halibut)
4. all other trawl fisheries (halibut)
5. all trawl fisheries (salmon)

These five items are considered together as a set of proposed vessel incentive categories. As with the current program, seasonal bycatch rate standards would be established for each of the vessel incentive categories and it would be a violation for a vessel to exceed a standard.

3. Delay the Gulf of Alaska rockfish opening date

A regulatory amendment is proposed to delay the GOA rockfish fishery. Two options are considered with respect to new starting dates. They are July 1 or July 15. This proposal addresses the relatively high rate of chinook salmon bycatch experienced in this fishery this past year.

4. Delay all groundfish fishery opening dates for the BSAI/GOA

A regulatory amendment is proposed to delay groundfish opening dates to January 15, February 1, or February 15. Options analyzed include: 1) delaying both trawl and fixed gear fisheries for these three dates and 2) delaying just groundfish trawl fisheries and maintain the status quo of January 1 for fixed gear fisheries.

5. Establish a separate halibut PSC limit for fixed gear

A FMP amendment is proposed which would institute a halibut PSC mortality limit for fixed gear fisheries. Options considered with respect to the level of the PSC limit are: 500, 1,000 and 1,500 mt as part of the current 5,333 mt mortality limit; and 500, 1,000 and 1,500 mt but not part of the current 5,333 mt mortality limit.

6. Define new PSC apportionment categories and prohibit all trawling for species in the "Other Fishery" category when the bycatch allowance is reached.

A regulatory amendment is proposed to change the fisheries among which the PSCs will be apportioned. Currently four DAP trawl fisheries receive crab and halibut PSC limit allowances: 1) Greenland turbot (includes arrowtooth flounder), 2) rock sole, 3) flatfish (includes yellowfin sole/other flatfish), and 4) "Other fishery" (includes P. cod, bottom trawl pollock, m-w pollock, rockfish, Atka mackerel, sablefish and other). The following table provides the differences between the current and proposed 1991 bycatch amendment programs.

Current Fisheries

1. Greenland Turbot/arrowtooth flounder
2. Rock sole
3. Flatfish (yellowfin sole/other flatfish)
4. Other fishery

Proposed fisheries

1. Greenland Turbot/arrowtooth flounder
2. Rock sole and yellowfin sole/other flatfish
3. Pacific cod
4. Other fishery

The Council needs to approve the draft amendment for public review. A minimum 30-day public comment period on the amendment package will commence soon after the Council meeting. The Council will review public comments and take final action in December. In order for the season delay proposals to be in effect at the start of the 1992 fisheries, the Council will need to consider emergency rule action on these items of this amendment at this meeting.

AGENDA D-2(a)  
SEPTEMBER 1991  
SUPPLEMENTAL

**Freezer - Longliner Association**  
720 West Blaine St.  
Seattle, WA 98119  
(206) 283-7700

September 17, 1991

Mr. Richard B. Lauber, Chairman  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510

**RE: Delay of Groundfish Seasons - Fixed Gear**

Dear Mr. Lauber:

At its September meeting the Council will consider an emergency rule to delay the opening of the groundfish fisheries. As we understand it, the purpose of the delay is to avoid Chinook salmon and halibut bycatches in the trawl fisheries for pollock and cod.

Any such closures should apply to the trawl fisheries, only. Fixed gear fishermen do not have problems with Chinook salmon bycatch, and in the BSAI their halibut bycatch is not significant early in the year (we have no information on the GOA). There is no reason to penalize fixed gear fishermen for someone else's bycatch problems. There is no rational basis for delaying the fixed gear season.

Please note that we have yet to harvest TAC for cod in the Bering Sea since it became a DAP fishery - we need all the fishing time we can get to achieve OY. Note also that the IPHC has recommended preferential treatment of gear types which demonstrate low halibut bycatch mortality rates - such as longline and pot gear (NPFMC Amendment Proposal #39, July 26, 1991).

We do recommend that if there is a trawl closure it should apply to all groundfish fisheries, and that the BSAI and the GOA should be synchronized. Otherwise vessels delayed in one fishery will descend on another, with all the attendant chaos and controversy.

Thank you for considering our comments on this matter.

Sincerely,

  
Thorn Smith  
Executive Director

**NORTH PACIFIC FIXED GEAR COALITION**

**Testimony**

North Pacific Fishery Management Council  
September 24, 1991

**Re: Reducing the Incidental Catch of Prohibited Species in the Bering Sea Groundfish Fishery Through Gear Restrictions**

Mr. Chairman, Members of the Council:

In June of 1991 the North Pacific Fixed Gear Coalition submitted through the Ad Hoc Bycatch Committee an amendment proposal entitled, "Preferential Fixed Gear Access to Demersal Groundfish Species". This petition was based on a study contained in Council Document #13, published in April, 1981, "Reducing the Incidental Catch of Prohibited Species by Foreign Groundfish Fisheries in the Bering Sea". The study concluded that if longline gear were used to harvest demersal species like cod in the BSAI, and off-bottom trawl gear were used to harvest other species, dramatic savings of prohibited species - particularly halibut and crab - would be achieved.

Our petition is further supported by a series of later academic and scientific works demonstrating the variety of advantages enjoyed by fixed gear over mobile gear in demersal groundfish fisheries. It concludes by requesting that the Council examine the policy suggested in Council Document #13 during the 1992 amendment cycle, and consider the gradual implementation of a fixed gear preference for certain demersal species - particularly BSAI cod - to begin in 1993. We feel that the information generated in the course of this study will be of use to the Council in reaching a variety of management decisions.

Prohibited species savings is only one advantage of this proposal. It is now recognized that fishing has a significant impact on the dynamics of fish populations, that mobile and passive fishing gears have different abilities to fish selectively for fish of particular size or species, and that proper management should be based not only on recommendations on total catch quotas, but also on how the quotas are taken (i.e., what gear is employed). These concepts are referred to as "Conservation-Oriented Fishing".

Please consider the following:

1. From the beginning of 1991 until the second week of July - the period during which trawlers and longliners both participated in the directed fishery for BSAI cod (before the trawl closure triggered by halibut bycatch) - trawlers

engaged in the BSAI cod fishery killed 1,678 mt of halibut, while longliners killed only 139 mt. The rate of halibut mortality inflicted by the trawl fishery per ton of cod harvested was 5.3 times greater than the rate of halibut mortality inflicted by longliners. (See NMFS figures in Fisheries Information Service report, attached). If the 75,234 mt of cod harvested by trawlers during this period had been taken by longliners, 1,359 mt of halibut would have been saved. During 1990 the halibut mortality rate inflicted by the trawl fishery for BSAI cod was 4.8 times that of the longline fishery - similarly dramatic halibut savings could have been achieved in 1990 through the exclusive use of fixed gear;

2. Significant savings of other prohibited species such as crab and chinook salmon can be achieved through the use of fixed gear in the BSAI cod fishery, as can savings of other discards. (See FIS report) NMFS estimates that nearly 30% of the catch in the BSAI trawl fishery for cod is pollock, which is discarded;

3. From a conservation perspective - species selectivity, size selectivity, product quality, possible habitat degradation, possible negative impacts of intense fishing on spawning stocks - fixed gear is clearly preferable to mobile gear for the harvest of demersal species like cod;

4. Line-caught fish are generally of the highest quality, and generally command the highest prices; and

5. The overriding duty of fishery managers is to protect and conserve the fishery resources which produce jobs, food, and profits. Where one gear type has substantial conservation advantages over another, preferential treatment should be accorded to the conservation-oriented gear. (Please see IPHC proposal to preferentially allocate halibut PSC to gear types or fisheries which demonstrate low halibut bycatch mortality, attached)

While prohibited species savings is the most significant aspect of the Coalition proposal, there are many other advantages in the use of fixed gear for the harvest of certain demersal species. We respectfully request that the Council examine these issues during the 1992 amendment cycle, and consider implementation a preferential access program for fixed gear in certain BSAI demersal groundfish fisheries. We are confident that the information generated in such an analysis will serve the Council in making other management decisions - such as allocation of PSC caps.

Thank you for your attention.

FIS  
SEPT. 20

1991 BERING SEA/ALEUTIANS  
PACIFIC COD TARGET FISHERIES

		HOOK & LINE (AS OF 7/14)	TRAWL (AS OF 7/14)	HOOK & LINE (AS OF 8/25)
GROUNDFISH				
	(MT)	<u>35285</u>	<u>97474</u>	44563
PACIFIC COD*				
	(MT)	<u>32785</u>	<u>75234</u>	41380
CHINOOKS				
	(NO.)	11	3846	22
C. BAIRDI				
	(NO.)	<u>3632</u>	<u>362643</u>	4506
RED KING CRAB				
	(NO.)	0	208	0
HALIBUT				
	(MT)	868	1974	1363
HALIBUT MORT.				
	(MT)	<u>139</u>	<u>1878</u>	218

RATE CALCULATIONS

CHINOOKS				
	(NO./MT PAC. COD)	0.0003	0.0511	0.0005
C. BAIRDI				
	(NO./MT PAC. COD)	0.1108	4.8202	0.1089
RED KING CRAB				
	(NO./MT PAC. COD)	0.0000	0.0028	0.0000
HALIBUT				
	(KG/MT PAC. COD)	26.49	26.24	32.94
HALIBUT MORT.				
	(KG/MT PAC. COD)	<u>4.24</u>	<u>22.31</u>	5.27

SOURCE: NMFS BYCATCH REPORTS (GEAR/AREA/TARGET/WEEK)

- \* PACIFIC COD COMPONENT ESTIMATED USING 1991 SPECIES COMPOSITIONS CALCULATED BY FIS IN JUNE (USING NMFS R.O. DATA).
- HOOK AND LINE: PACIFIC COD WAS 73% OF PACIFIC COD TARGET FISHERY
- TRAWL: PACIFIC COD WAS 77% OF PACIFIC COD TARGET FISHERY

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL  
North Pacific Fishery Management Council

Name of Proposer: Staff, IPHC

Date: July 26, 1991

Address: International Pacific Halibut Commission  
P.O. Box 95009  
Seattle WA 98145

Telephone: (206) 634-1838

Fishery Management Plan: Bering Sea-Aleutian Islands and Gulf of Alaska

**Brief Statement of Proposal:** Preferentially allocate PSC to gears or fisheries that demonstrate the lowest bycatch mortality (combination of bycatch rate and bycatch mortality rate). Develop criteria for exemptions from the limits of gears or fisheries with very clean rates or very low mortalities.

**Objectives of Proposal:** (What is the problem?) The objective is to reduce PSC limits as low as practicable, while maximizing the amount of groundfish harvested. Preferential allocation will reward those fisheries and gears that minimize bycatch mortality, and penalize the dirtiest. Exemptions would only be given for specific reasons, and reviewed on a regular basis.

**Need and Justification for Council Action:** (Why can't the problem be resolved through other channels?) The Council has jurisdiction for bycatch.

**Foreseeable Impacts of Proposal:** (Who wins, who loses?) Clean fishermen win through allocation of bycatch, dirty fishermen lose through reduced amounts of bycatch, and the nation increases the amount of groundfish harvested for a given amount of bycatch.

**Are There Alternative Solutions?** If so, what are they and why do you consider your proposal the best way of solving the problem? Allocation could be preferential to gears or fisheries that demonstrate greatest proportionate reduction. Alternatives that give preference to dirty fisheries or gears will increase the problem of shutting down groundfish fisheries because of bycatch.

**Supportive Data & Other Information:** What data are available and where can they be found? Bycatch rates by fishery and gear are available through NMFS.

Signature: