



# NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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## Action Memo

**File Number:**Catch 15-001

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**Agenda Date**2/2/2015

**Agenda Number:**C1

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**Dan Hull, Chairman**  
**Chris Oliver, Executive Director**

**SUBJECT:**  
CDQ Pacific Cod Fishery Development - Final Action

**ESTIMATED TIME:**  
2 hours

**ACTION REQUIRED:**  
Final Action on an Environmental Assessment/Regulatory Impact Review to expand opportunity for small hook-and-line CDQ vessels to fish Pacific cod CDQ

### BACKGROUND

The purpose of this action is to create a regulatory structure for the harvest of Pacific cod Community Development Quota (CDQ) that promotes harvest opportunities among the small hook-and-line vessels, and effectively allows CDQ and IFQ halibut harvesters, operating vessels less than or equal to 46 ft. LOA, the ability to retain Pacific cod CDQ in excess of the 20 percent maximum retainable amount (MRA) provided for the halibut fishery. The difference between the vessel requirements for halibut CDQ fishing and directed Pacific cod CDQ fishing means that Pacific cod caught in the halibut fishery is generally not able to be retained by small vessels for commercial use. Adjusting the regulations for these fisheries could reduce Pacific cod discards and increase small vessel economic opportunities in the halibut CDQ fishery.

In June 2014, the Council identified Alternative 4, along with National Marine Fisheries Services' (NMFS) expanded recommendations, as a preliminary preferred alternative (PPA). This alternative would provide for an exemption to the License Limitation Program (LLP) for hook-and-line vessels less than or equal to 46 ft. LOA that are fishing Pacific cod CDQ. This alternative would still require specific documentation for fishery participants to demonstrate eligibility while on the water. However, unlike an LLP license this documentation would be issued without charge and be unlimited in supply. Additionally, the PPA outlines the retention and catch accounting process that would take effect in a directed Pacific cod CDQ fishery under this alternative. This alternative would constrain the directed Pacific cod CDQ fishery to operate during the halibut CDQ season in order to provide a straight-forward accounting process for halibut caught while the vessel was targeting Pacific cod CDQ.

The Council considered three new options to the PPA in the Public Review Draft of the analysis in October 2014. The first would apply the provisions of the PPA that have been considered for the Pacific cod CDQ fishery to all of the groundfish CDQ fisheries (with the exception of sablefish). Option 2 considered extending a prohibition against discarding legal sized halibut while IFQ fishing to participants of the halibut CDQ fishery. The third option of the PPA would allow a Pacific cod CDQ directed fishery to occur before, during, and after the halibut CDQ season by using a combination of halibut CDQ and a CDQ group's Prohibited Species Quota to account for halibut caught while Pacific cod CDQ fishing.

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In public testimony, CDQ groups expressed concerns with the Option 3 to the PPA. They explained that with the truncation of their own halibut seasons based on a suite of region- and group-specific factors, many groups would benefit from additional group-level flexibility in the dates that directed Pacific cod CDQ fishing could occur without available CDQ or IFQ halibut to support it.

Therefore in October 2014, the Council deferred final action on the package. Instead the Council re-designated Option 3 as Sub-option 3.1 and added a Sub-option 3.2 for analysis. Sub-option 3.2 would allow CDQ groups to annually establish their own season dates for when their directed Pacific cod CDQ fishery would be supported by halibut CDQ/ IFQ and when it would rely on the calculation of a halibut PSC rate.

After the October 2014 Council meeting, as NMFS AK Regional Office analyzed the details of Sub-option 3.2, it became apparent that a third option for halibut PSC management was appropriate to consider. A third sub-option would complete the range of flexibility possible for the utilization of halibut PSC in a directed Pacific cod CDQ fishery. Therefore, NMFS AK Regional Office recommends the inclusion of Sub-option 3.3 that would allow the CDQ groups the flexibility to decide, on a trip-by-trip basis, whether a small hook-and-line vessel fishing for Pacific cod CDQ would retain all halibut under a halibut CDQ or IFQ allocation or would discard all legal sized halibut and accrue halibut PSC associated with that CDQ group during that fishing trip.

The Public Review Draft of the analysis has been updated to include revised description and analysis of impacts on the new Sub-options to the PPA under Option 3. A summary document includes the full detailed description of the PPA with pending Sub-options for consideration, as well as highlighting elements of the analysis that have been added or revised.