

12/10/16

# Public Testimony Sign-Up Sheet

Agenda Item C-2 MRA Adjustments

	NAME (PLEASE PRINT)	AFFILIATION
1	Teressa Kandianis	KODIAK FISH COMPANY
2	<del>Richard McLellan</del>	<del>FT LEGACY</del>
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

MEMORANDUM

TO: Council and AP Members  
FROM: Chris Oliver *Chris*  
Executive Director  
DATE: November 27, 2006  
SUBJECT: MRA Adjustments

ESTIMATED TIME  
2 HOURS

**ACTION REQUIRED**

Final action on MRA Adjustment regulatory amendment.

**BACKGROUND**

At its June 2006 meeting, the Council conducted initial review of an analysis of alternatives to modify the accounting period for the maximum retainable allowance (MRA) for the non-AFA trawl catcher processor sector. MRAs limit the amount of each non-directed species catch that may be retained to a percentage of directed species catch. Under current regulations, MRA accounting is instantaneous. In effect, a vessel must be in compliance with the MRA at all times during a fishing trip. This proposed action would modify the MRA accounting period for certain species to the end of a fishing trip or until an offload. A fishing trip ends on the earliest of: a directed fishing closure, an offload, entering or leaving an area subject to a directed fishing closure, changing fishing gear, or the end of a weekly reporting period. At its June meeting, the Council requested that staff make several changes to the analysis. Staff has completed the requested revisions, and this item is scheduled for final action at this meeting.

Prior to the June meeting, the analysis considered MRA changes only for yellowfin sole, rock sole, flathead sole, other flatfish, and arrowtooth flounder, with options to include Aleutian Islands Pacific ocean perch, Atka mackerel, Greenland turbot, and other rockfish. In June, the Council added options to consider application of new adjustment periods for Pacific cod and Bering Sea Pacific ocean perch. The Council also removed options for applying the modified accounting period for Greenland turbot, northern rockfish, shortraker rockfish, roughey rockfish, and other rockfish, but requested that staff include analysis of effects of the action with respect to other rockfish. The change in accounting would apply to all of the non-AFA trawl catcher processor sector prior to the implementation of the Amendment 80 cooperative program. Upon implementation of Amendment 80, the change would apply only to participants in the non-AFA trawl catcher processor limited access fishery (and not to vessels in cooperatives). The Council requested staff evaluate the effect of relaxing the MRA accounting period on incentives for cooperative formation and membership. The Council also asked that staff explore impacts of the modified MRA adjustment periods both before and after implementation of Amendment 85. Amendment 85 is intended to be implemented in January 2008.

In addition to the revisions requested by the Council, staff also expanded the analysis in some sections. The discussion of potential impacts of the proposed action on endangered species has been expanded, as well as the discussion of potential effects of the action on targeting behavior, sorting, and processing, and the associated costs and benefits of changes in those activities. The analysis was mailed to you on November 8, and the executive summary is provided below.

## EXECUTIVE SUMMARY OF THE ANALYSIS

This document is an Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for a proposed regulatory amendment to modify the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by a vessel in the non-American Fishery Act (AFA) trawl catcher processor (C/P) sector. Non-AFA trawl C/Ps operating in the Bering Sea and Aleutian Islands (BSAI) are those that are not listed as AFA C/Ps at 50 CFR 679.4(l)(2)(i). This proposed action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation method and MRAs for groundfish species that are closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation. These modifications also would apply when the non-AFA C/Ps participate in any Community Development Quota (CDQ) fishery in which MRAs are used to limit retention of the selected groundfish species. MRAs are the primary tool used by the National Marine Fisheries Service (NMFS) to regulate the catch of species closed to directed fishing during a fishing year.

MRA regulations located at 50 CFR 679.20(e) establish the calculation method and MRA percentages for groundfish species that are closed to directed fishing. The MRA is calculated as a percentage of the retained amount of species closed to directed fishing relative to the retained amount of basis species or species groups open for directed fishing. Table 11 in 50 CFR 679 (see Appendix 2) lists retainable percentages for BSAI groundfish species. Amounts that are caught in excess of the MRA percentage must be discarded. Potential environmental, economic and other distributional effects of the No Action Alternative, Alternative 2 and Alternative 3 are highlighted in the following EA, RIR, and IRFA portion of this executive summary and in Chapters 4, 5 and 6.

Each year, after the Groundfish Plan Team sets the ABC for each species, the Council and NMFS specify annual levels of total allowable catch ("TAC") for the various BSAI groundfish fisheries. NMFS assesses each groundfish TAC annually to determine how much of a species' TAC is needed as incidental catch and bycatch in other groundfish fisheries. For some species and sectors, the remainder may be made available as a directed fishing allowance. This amount of directed fishing allowance is not formally specified for all groundfish species, and may be applied as a flexible target for NOAA fishery management. One exception is that the directed fishing allowance is specified for vessels catching pollock.

NMFS closes a species or species group to directed fishing when the (specified or unspecified) directed fishing allowance for that species has been reached in order to leave sufficient portions of the TAC to provide for incidental catch in other fisheries. However, if TAC is reached, retention of that species becomes prohibited and all catch of the species must be discarded. Under existing regulations, a species or species group may be open to directed fishing, closed to directed fishing, in which case amounts of the species may be retained up to the maximum retainable amount (MRA) for that species (Figure 1), or retention may be prohibited, in which case the species is considered a prohibited species and cannot be retained. Directed fishing is defined in regulations as "any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the MRA for that species or species group."

**Groundfish Forum**

4241 21st Avenue West, Suite 200  
Seattle, WA 98199  
(206) 213-5270 Fax (206) 213-5272  
www.groundfishforum.org

November 29, 2006

Ms. Stephanie Madsen, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave.  
Anchorage, AK 99501  
FAX: 907-271-2817

**RECEIVED**  
NOV 29 2006  
**N.P.F.M.C.**

**Re: Agenda Item C-2: MRA adjustments**

Dear Madam Chair,

Groundfish Forum represents the majority of vessels operating in the trawl 'H&G' (non-AFA CP) sector. This sector operates in multispecies fisheries, typically catching a variety of different types of fish in each haul. The diverse nature of the catch can lead to discards when there are unmarketable fish or when regulations require that some amounts and types of fish be thrown back. The fleet has worked very hard to minimize discards, and we see adjusting the MRA enforcement period as one more tool in that effort.

The H&G sector has requested an increase in the 'maximum retainable amount' (MRA) accounting period for several species to reduce regulatory discards – those that are required under regulation even when the vessel would prefer to retain the catch. This mirrors the change which the Council approved for pollock in 2003. That action resulted in an increase in retention of incidentally caught pollock, even though the overall incidental catch of pollock declined. We believe that taking this action for other species will also facilitate increased retention.

We strongly encourage the Council to support Alternative 3, extending the MRA accounting period to an offload-to-offload basis for yellowfin sole, rock sole, flathead sole, other flatfish and arrowtooth flounder, with the additional inclusion of Aleutian Islands POP and Atka mackerel (outside critical habitat). In addition, we encourage you to support extending the accounting period for Pacific cod (outside critical habitat) when the H&G sector receives its own allocation of that species.

**Background**

As stated above, the H&G sector participates in multispecies fisheries, where several different types of fish (flatfish, cod, Atka mackerel and some rockfish) may all be contained in one haul. If one of the species is on 'bycatch' status (not open for directed fishing), it may only be retained up to a set percentage against the amount of basis species (which are open to directed fishing) on board the vessel. Under current regulations, for all species other than pollock, the percentage is measured instantaneously; at any given point in the trip, the amount of incidental catch on board may not exceed the MRA for that species. However, the situation occurs where a vessel

is required to discard incidental catch early in the trip, when at a later time there would be sufficient basis species to allow it to retain that fish.

The proposed MRA adjustment would extend the enforcement period from 'instantaneous' to either the end of a trip or the time of offload. This action would give a vessel operator the option of retaining incidental catch early in the trip knowing there would be sufficient basis species on board to bring them into compliance at the end of the enforcement period.

#### **Why is this important?**

Reducing discards is not only a prime concern of the Council, it is mandated in the Magnuson-Stevens Act. One of the actions the Council has taken to achieve this is to mandate a minimum Groundfish Retention Standard (GRS) for the H&G sector, through Amendment 79. While the sector is working very hard to reduce discards, incidental catch above the MRA amount MUST be discarded by law, even if the vessel operator would like to retain it and even if it would be within the MRA amount by the end of the trip. Further, these legally mandated discards count against the GRS so that the operator is both required to discard and penalized for doing so. Extending the enforcement period will minimize the amount of regulatory discards that occur during fishing operations.

#### **Will Amendment 80 take care of the problem?**

No, not completely. Vessels which choose not to coop will still be subject to MRA regulations for all species which are closed to directed fishing. Additionally, species which are not allocated under Amendment 80 (such as arrowtooth flounder and other flatfish) will be managed by MRA for all vessels when they are closed to directed fishing.

#### **Will this allow the H&G sector to take more Pacific cod?**

With the passage of Amendment 85, the Council limited the H&G sector to 13.4% of the Pacific Cod quota, as a hard cap. It cannot exceed that amount, so cannot impact the allocations to other sectors.

Further, the amount allocated to this sector is much lower than its historic catch and will preclude any directed fishery in some years – meaning that Pacific cod will be on bycatch status. If Amendment 85 were to go into effect without Amendment 80, Pacific cod would be on MRA status all year and the fleet would be forced to discard incidental catch above the MRA. Mandating discard of a valuable species – one for which the Council has chosen to mandate full retention – is counter to sound fisheries management. Extending the MRA accounting period will mitigate, to some extent, the amount of mandatory discards of Pacific cod.

We encourage the Council to address Pacific cod in this action as it did with Amendment 80. In that case, the Council included a clause that Pacific cod could be managed at the coop level 'in the event that the non-AFA trawl CP sector receives an exclusive allocation of Pacific cod.' The same language could be included to effect an increase in the MRA enforcement period for cod upon implementation of Amendment 85.

The EA notes that some sectors oppose including Pacific cod in this action because it could result in reduced rollovers from the H&G sector to other sectors. We believe each sector should be allowed to utilize its allocation under the new regime as efficiently as possible; managing so as to encourage rollovers is counter to the problem statement. Additionally, under status quo enforcement, much of what other sectors might perceive as available to rollover will in fact be discarded, and of no value to any sector.

#### **Concerns raised in the Environmental Assessment (EA)**

- 1) For species that are fished near the ABC level, any increase in catch that might occur under this program could cause the catch to exceed the ABC and, possibly, approach OFL. This could result in closing all fisheries with incidental catch of that species, and could compromise the health of the stock. For this reason, we do not support extending the accounting period for shortraker, rougheyc or northern rockfish or for Bering Sea POP. Catch levels of these species are low, and concomitant discards are low as well. There is little benefit to be gained from extending the enforcement period.
- 2) For species which are harvested in Steller sea lion (SSL) critical habitat, the change could result in a need for consultation under SSL protection regulations. While NMFS is already undertaking this consultation, we believe it would be prudent to exclude the catch of Pacific cod and Atka mackerel taken in SSL critical habitat from this action. Catch of those species outside of critical habitat should be included in the action.
- 3) Harvest of individual species in complexes could increase. However, of the species recommended for inclusion, the only ones managed as a complex are 'other flatfish.' As shown in the EA (Table 18, page 118), the TAC for this complex is far below the ABC, and the actual catch is typically less than half of the TAC. The Council is currently in the process of evaluating a procedure for lumping and splitting individual species and complexes, which will address concerns about minor species. It retains the option of separating out species for alternative management practices if concerns are raised in the future.
- 4) NMFS has expressed concern about their ability to enforce the new regulations if the accounting period extends from offload to offload. An offload is an opportunity to document precisely what product is on board the vessel, as opposed to week-ending dates where the amount in the factory has to be estimated. Given the ability to

randomly audit offloads, enforcement officers can determine any violations of the MRA with absolute certainty. With the upcoming requirement for vessels to carry two observers and flow scales, we believe NMFS will have the ability to monitor retention closely and quickly verify any violations.

In summary, we request the Council to approve Alternative 3, extending the MRA accounting period to 'offload to offload' for yellowfin sole, flathead sole, rock sole, other flatfish, and arrowtooth flounder, including the options for Atka mackerel (outside SSL critical habitat) and Aleutian Islands POP. In addition, we ask the Council to approve the same extension for Pacific cod (outside SSL critical habitat), to take effect when Amendment 85 is implemented.

Thank you for the opportunity to comment.

Sincerely,



Lori Swanson  
Executive Director

***Final Action***  
**Modifying Accounting for Maximum  
Retainable Amounts for Selected  
Groundfish Species for the Non-American  
Fishing Act Trawl Catcher Processor Sector**

ENVIRONMENTAL ASSESSMENT / REGULATORY  
IMPACT REVIEW /  
INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Need for Proposal

- The non-AFA trawl C/P sector identifies instantaneous MRA accounting as constraining to groundfish retention of certain species.
- Increasing interval of time for MRA accounting, to balance basis species and incidental could increase retention.

full purpose and need statement on pg: 3



## What is an MRA?

(Maximum Retainable Amount)

An MRA is the amount of a groundfish species that may be retained, when that species is closed to directed fishing relative to the retained amount of basis species or species groups open for directed fishing.

MRA regulations Located at 50 CFR 679.20 (e)  
(3)

Page 43 EA/RIR/IRFA

## MRA Accounting

**Amount of basis species and incidental species caught & amount required to discard when MRA is 30%**

**14 metric tons  
of total catch in a tow**

**4 metric tons  
Of incidental  
species caught**

**10 Metric Tons of Basis Species Caught**

**(incidental  
species)  
3 metric tons  
allowed**

**1 mt  
Disc-  
arded**

**10 Metric Tons of Basis  
Species to be processed**

Council: June Motion list of modifications to MRA accounting motion and EA/RIR/IRFA

- Status quo Management of groundfish using MRA
- Remove selected species from options that may have management or enforcement issues associated with them,
- Describe effects of including "other rockfish".
- Include Pacific Cod to potential species for applying a different MRA accounting interval.

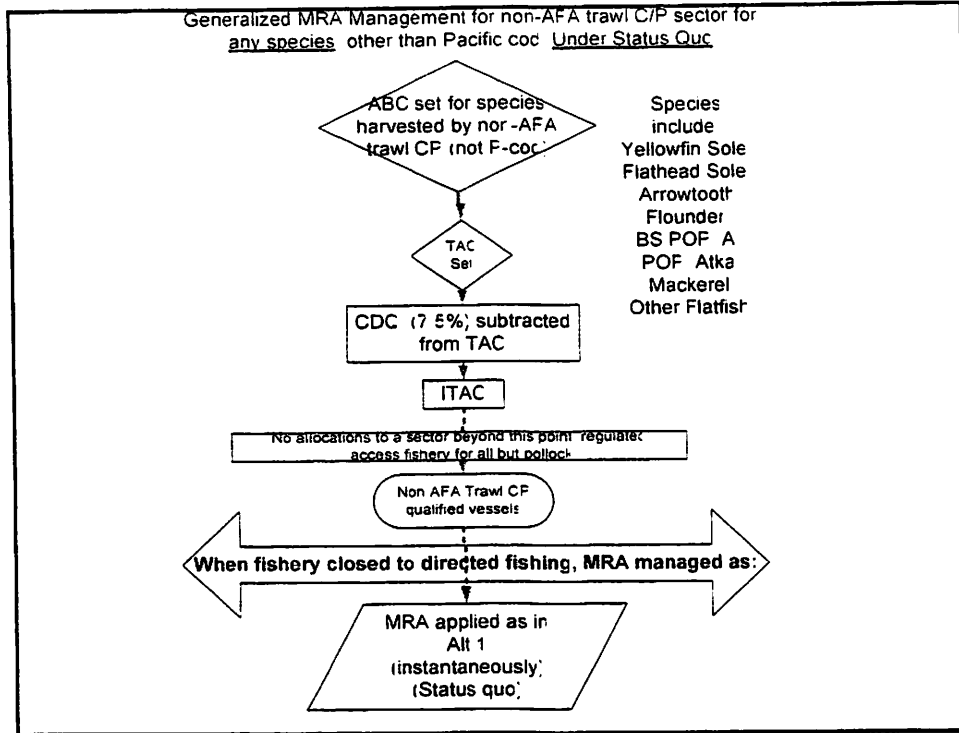
Continued: Information and Changes requested by the Council

- Show alternatives for MRA accounting change before and after (or with and without) implementation of Amendment 85 and Amendment 80.
- Make Aleutian Island POP a distinct option from BS POP (show catch, discard, retention data).
- Address potential effects on Coop formation from applying Alternative 2 or 3 to Amendment 80 vessels not in coops.

## Additional Analysis Resulting from June 2006 Motion

- Adds to Endangered species analysis and RIR associated with addition/removal of species as directed by Council.
- Expands analysis on effects to industry and fleet.
- Clarifies the conditions where MRA alternatives apply to CDQ fisheries: when MRAs already used

Status Quo Management of  
groundfish when MRAs are  
applied



## June Council Motion Alternatives for MRA accounting

**Alternative 1. No action, and no change in MRA accounting period.**

**Alternative 2. In the BSAI, allow the calculation of the MRA of yellowfin sole, rock sole, flathead sole, "other flatfish", and arrowtooth flounder to occur at the end of a fishing trip.**

- **Option:** Include Pacific cod,
- **Option:** Include Aleutian Islands Pacific ocean perch,
- **Option:** Include Bering Sea Pacific ocean perch,
- **Option:** Include Atka mackerel

**Alternative 3. In the BSAI, calculate the period of accounting for MRA of yellowfin sole, rock sole, flathead sole, "other flatfish" and arrowtooth flounder at the time of offload.**

- **Option:** Include Pacific cod,
- **Option:** Include Aleutian Islands Pacific ocean perch,
- **Option:** Include Bering Sea Pacific ocean perch,
- **Option:** Include Atka mackerel

Pg vii

Motion includes option to apply Alternatives 2 and 3 to Amendment 80 sector participants, even those that are not coop members

Remove Species from options that may have management or enforcement issues

- Northern Rockfish
- Shortraker Rockfish
- Rougheyeye Rockfish
- "Other Rockfish"
- Greenland Turbot

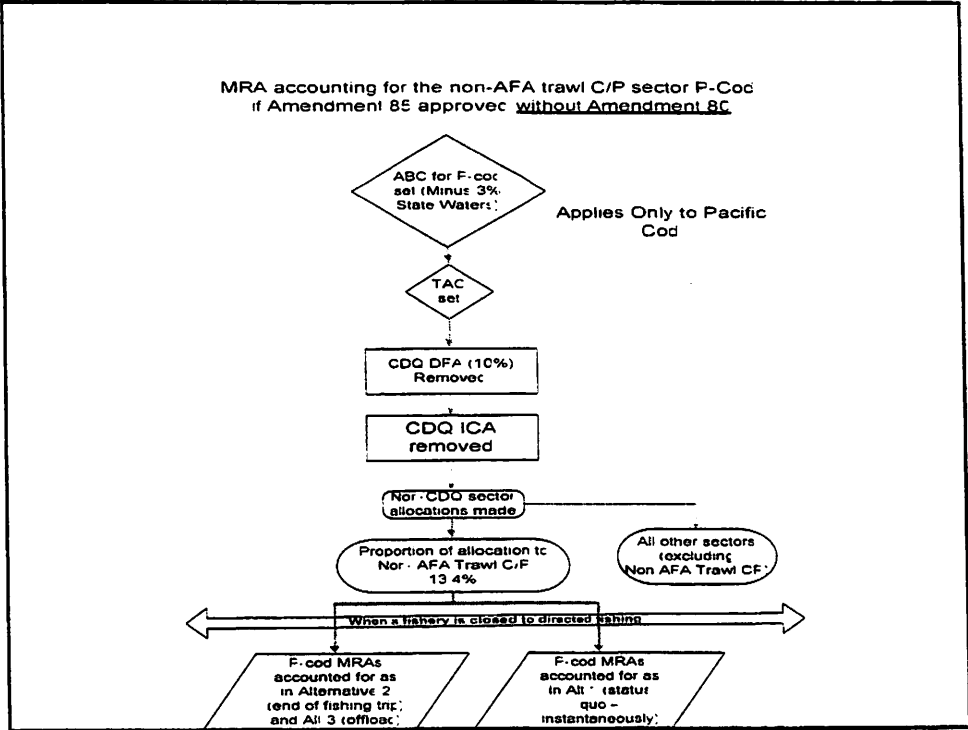
## Other Rockfish: Issues with applying Alternative 2 and 3

- Contains multiple species that may be broken out into individual TACs (e.g. shortspine thornyheads & dusky) in the near future.
- Individual species of rockfish in this category have low OFL levels and present management difficulties.
- Catch of "Other rockfish" does not result in large discards compared to some other species.

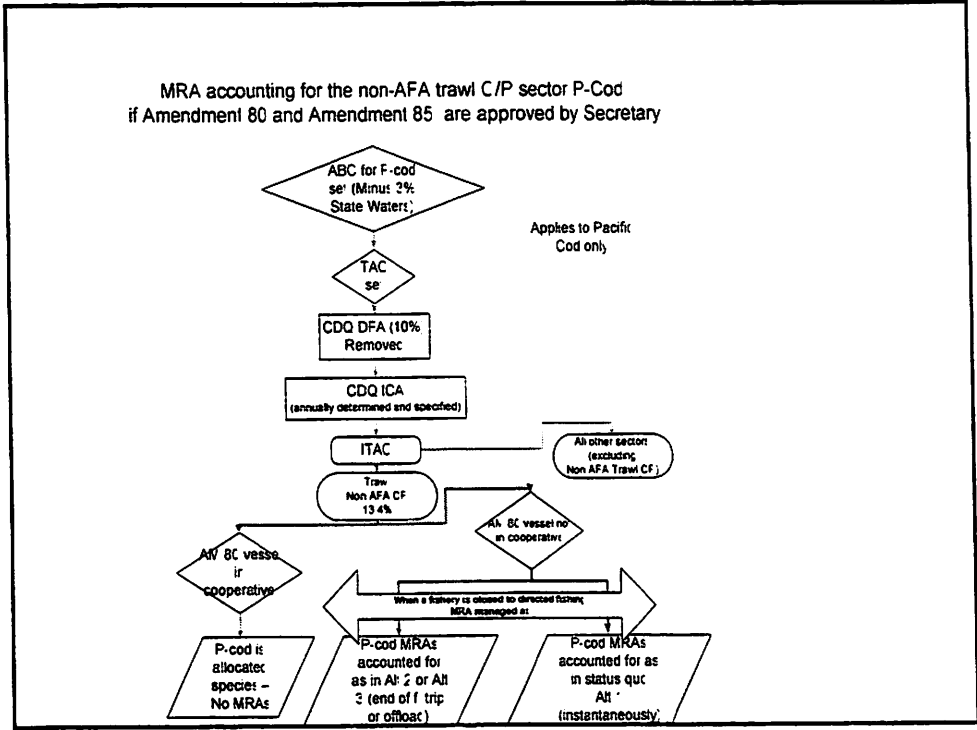
## Pacific Cod Alternatives

Council Alternatives/Options for MRA  
accounting for the non-AFA trawl C/P  
sector P-cod

MRA accounting for the non-AFA trawl C/P sector P-Cod  
if Amendment 85 approved without Amendment 8C



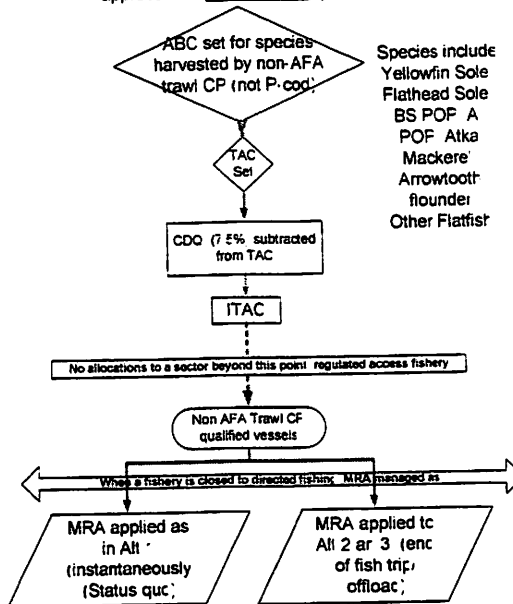
MRA accounting for the non-AFA trawl C/P sector P-Cod  
if Amendment 80 and Amendment 85 are approved by Secretary



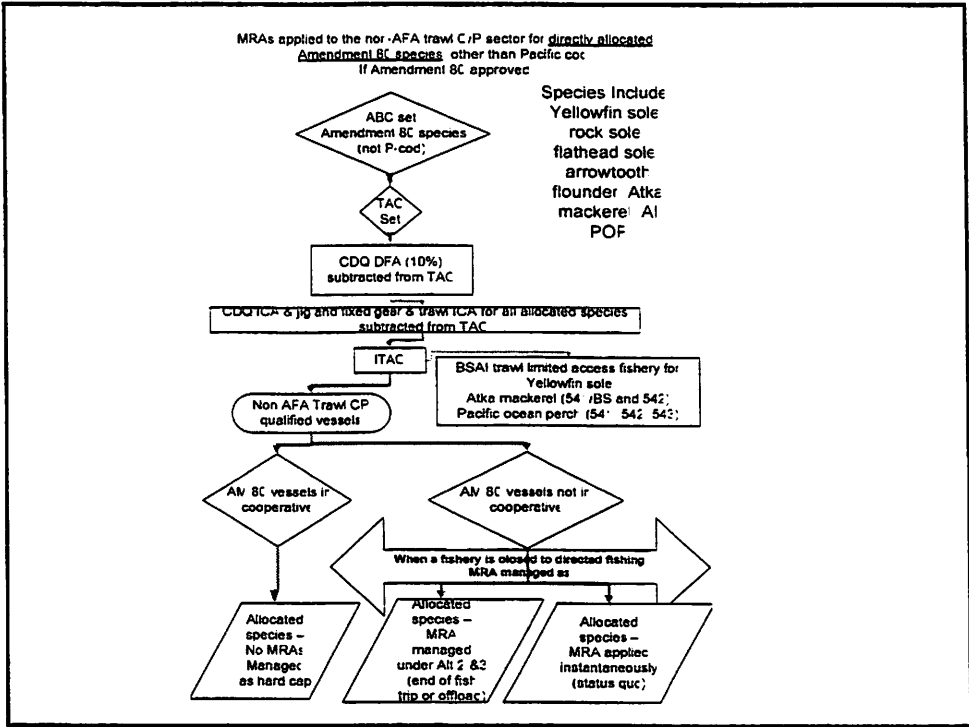
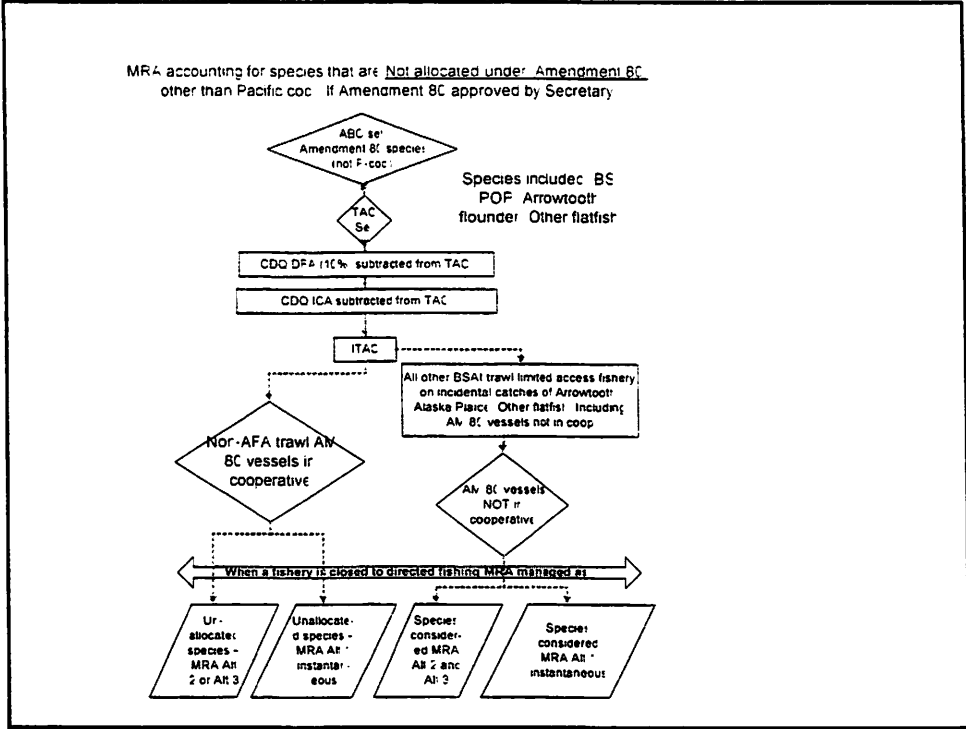
## Amendment 80 Allocated Species & Unallocated Species

Council Alternatives for MRA accounting for the non-AFA trawl C/P sector Allocated and other Species that the Council may select (excluding Pacific Cod)

MRAs applied to the non-AFA trawl C/P sector for any species other than Pacific cod Prior to Amendment 80 approval or if not approved by Secretary

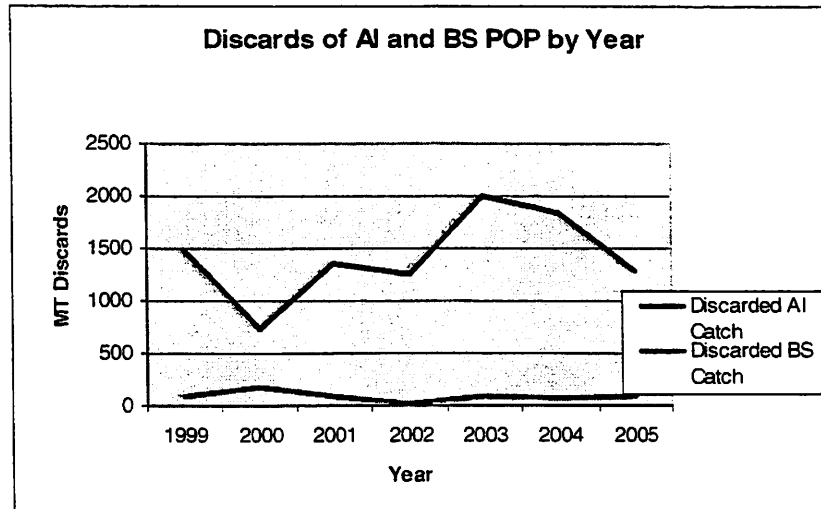






**Make Aleutian Island POP a distinct option  
 from BS POP  
 (show catch, discard, retention data).**

Total catch, retained catch, discards, and percent of retained catch for AI and BS POP from 1995 to 2005 in the non-AFA trawl C/P sector.							
Year	1999	2000	2001	2002	2003	2004	2005
<b>AI POP</b>							
Total Catch	12,455	9,314	8,550	10,572	12,714	11,120	9,290
Retained Catch	10,979	8,585	7,195	9,315	10,720	9,283	8,001
Percent Retained Catch	88%	92%	84%	88%	84%	83%	86%
Discarded Catch	1,476	729	1,355	1,257	1,993	1,837	1,290
<b>BS POP</b>							
Total Catch	226	380	319	93	201	214	214
Retained Catch	129	206	221	73	114	138	123
Percent Retained Catch	57%	54%	69%	79%	57%	64%	57%
Discarded Catch	97	173	98	20	86	76	91



### Some criteria for selecting species to adjust MRA accounting

- Has the non-AFA trawl C/P sector identified this species as one that would assist in improved groundfish retention?
- What is the average catch, amount and rate of retention for this species? Do catch accounting data suggest there is there a residual amount of catch for a species that could be retained?
- How does the OFL or ABC compare with average catch and recent catches? If total catches approach an ABC such that additional (perhaps small) increases in catch occurred it would be of concern to managers?
- What is the TAC for this species compared with it's average catch? How many times has it been closed on TAC or reached the TAC in the groundfish harvest specifications?

pg 51

## Selecting Species to apply accounting change (continued)

- Is the existing MRA small (typically less than 20 percent) or large?
- Is this a species group and part of a species complex in BS or AI for the purpose of management? Does that have implications for management of longer periods of MRA accounting?
- Are there additional management, endangered/threatened species concerns with extending the MRA accounting period for this species?
- Do enforcement concerns exist for extending the accounting period for the MRA computations for this species (other than those identified in Alternative 3, extension of the MRA accounting period beyond a reporting week to the time of offload)?

Comparison of OFL, TAC, catch, MRA percentages, stock status, retention, and discard information, and status of request for alternating accounting interval for MRA by the non-AFA trawl C/P sector (Table 18 pg 119).

Species Considered	Sector request for MRA accounting change?	OFL	TAC from 97 to 05 (mt)	Ave. catch between 1997-2005 (mt)	MRA (%)	Stock Status - Length of Recruitment	Retention & discard rates, amount retained or discarded
Yellowfin sole	Yes	140,000 (2005 only)	86,075 to 90,686	68,350	20-35	Tier III a Not overfished - above target biomass Fast growing and early age of recruitment	In 2005 total discards of yellowfin sole were 7,272 mt. Average retention rate is 85% from 1999 to 2005. Groundfish retention is 53% to 74% in target fishery.
Flathead sole	Yes	75,200 to 70,200 (2004-5)	19,000 to 19,500	14,000	20-35	Tier IIIa	In 2005 total discards of flathead sole are 2,011 mt. Average flathead sole retention rate is 81% from 99 to 05.

Discard of species when that species is not the target. 2005 – (Table 14 pg 53)

Ranking	Discarded Catch by Species	mt	Ranking continued	Discarded Catch by Species	mt
1	Pollock	13,218	12	Pacific cod	434
2	Alaska plaice	9,799	13	Other rockfish	78
3	Rock sole	8,389	14	Greenland turbot	57
4	Other species	5,164	15	Squid	31
5	Arrowtooth flounder	4,631	16	Sablefish	29
6	Northern rockfish	2,787	17	Shortraker	5
7	Yellowfin sole	2,624	18	Rougheye	2
8	Other flatfish	2,107			
9	Pacific Ocean perch	1,222			
	<i>AI Pacific Ocean perch</i>	1,132			
	<i>BS Pacific Ocean perch</i>	90			
10	Flathead sole	1,075			
11	Atka mackerel	887			

Comparison of OFL, TAC, catch, MRA percentages, stock status, retention, and discard information, and status of request for alternating accounting interval for MRA by the non-AFA trawl C/P sector (Table 18 pg 119).

Species Considered	Sector request for MRA accounting change?	OFL	TAC from 97 to 05 (mt)	Ave. catch between 1997-2005 (mt)	MRA (%)	Stock Status -Length of Recruitment	Retention & discard rates, amount retained or discarded
Rock sole	Yes	145,000 to 167,000	38,000 to 40,500	36,500	20-35%	Tier III a Not overfished- Declining biomass Moderately slow growing and recruitment	In 2005 total discards of rock sole are over 8,000 mt. Average rock sole retention rate is 57% from 99 to 05
Aleutian Islands POP	Yes	15,000 to 17,000	11,200 to 11,072	11,000	5% - 15%	Not overfished Below target biomass Slow growing and slow recruiting In 2005 total discards of Aleutian Islands POP are 1,218 mt.	Average Aleutian Islands POP retention rate is 87% from 99 to 05.

Discard of species when that species is not the target. 2005 – (Table 14 pg 53)

Ranking	Discarded Catch by Species	mt	Ranking continued	Discarded Catch by Species	mt
1	Pollock	13,218	12	Pacific cod	434
2	Alaska plaice	9,799	13	Other rockfish	78
3	<b>Rock sole</b>	<b>8,389</b>	14	Greenland turbot	57
4	Other species	5,164	15	Squid	31
5	Arrowtooth flounder	4,631	16	Sablefish	29
6	Northern rockfish	2,787	17	Shorthead	5
7	Yellowfin sole	2,624	18	Rougheye	2
8	Other flatfish	2,107			
9	Pacific Ocean perch	1,222			
	<i>AI Pacific Ocean perch</i>	<i>1,132</i>			
	<i>BS Pacific Ocean perch</i>	<i>90</i>			
10	Flathead sole	1,075			
11	Atka mackerel	887			

Comparison of OFL, TAC, catch, MRA percentages, stock status, retention, and discard data for Alts 2 and 3: MRA by the non-AFA trawl C/P sector (Table 18 pg 119).

Species Considered	Sector request for MRA accounting change?	OFL	TAC from 97 to 05 (mt)	Ave. catch between 1997-2005 (mt)	MRA (%)	Stock Status - Length of Recruitment	Retention & discard rates, amount retained or discarded
Arrowtooth Flounder	Yes	132,000 mt to 174,000 mt	12,000 mt	11,800 mt	35%	Tier III a Not overfished - above target biomass. Fast growing & young recruiting	In 2005 total discards of Arrowtooth are 5,159. Average aggregate Arrowtooth flounder retention rate is 38% from 99 to 05.
"Other Flatfish"	Yes. Increase retention of Rex sole	18,000 mt to 28,500 for other flatfish 231,000 mt to 258,000 mt for Alaska plaice	38,000 mt to 40,500 mt (combined other flatfish and AK Pl)	12,670 mt	20% to 35%	Tier V for other flatfish group. not possible to determine if overfished. Fast growing and recruitment	In 2005 total discards of this other flatfish category are 2,118. Average aggregate other flatfish retention rate is 10% from 99 to 05

**Comparison of OFL, TAC, catch, MRA percentages, stock status, retention, and discard data for Alts 2 and 3: MRA by the non-AFA trawl C/P sector (Table 18 pg 119).**

Species Considered	Sector request for MRA accounting change?	OFL	TAC from 97 to 05 (mt)	Ave. catch between 1997-2005 (mt).	MRA (%)	Stock Status - Length of Recruitment	Retention & discard rates, amount retained or discarded
Atka Mackerel	Yes	78,000 mt to 148,000 mt	TAC for 2004 and 2005 was 63,000 mt	Total catch AK mackerel 55,650 mt	20% (all basis species)	Total 2005 total discards of AK mackerel are 3,510.	Total 2005 total discards of AK mackerel are 3,510. Average discard rate is less than 10% from 99 to 05. Some caught in Critical habitat.
Pacific Cod	Yes. If AM 85 puts this species on bycatch.	OFL 230,000 mt & 176,000 mt for 2006 2007	TAC for 2006 and 2007 was 194,000 mt 148,000 mt	1999 to 2005 total catch P-cod 30,350 mt.	20% (all basis species)	Tier III a Not overfished -declining biomass - Moderately slow growing and recruitment	2005 discards of P-cod is 500 mt. More discarding is possible when Amendment 85 implemented. Extending MRA accounting for P-cod in critical habitat may require further review under Section 7 of ESA.

Potential Environmental Effects (continued)

- If Council approves Alts 2 or 3 for P-cod or Atka mackerel, improving flexibility to increase retention could lead to change in catch of P-cod or A-Mackerel in some SSL protection areas, this may have some implications for SSL consultation.

**Comparison of OFL, TAC, catch, MRA percentages, stock status, retention, and discard data for Alts 2 and 3: MRA by the non-AFA trawl C/P sector (Table 18 pg 119).**

Species Considered	Sector request for MRA accounting change?	OFL	TAC from 97 to 05 (mt)	Ave. catch between 1997-2005 (mt).	MRA (%)	Stock Status - Length of Recruitment	Retention & discard rates, amount retained or discarded
BS POP	No or little interest expressed by non-AFA trawl CP	OFL 15,800 mt & 17,600 mt projected for 2006 2007	Projected TAC for 2007 1,400 mt	1999 to 2005 average catch of BS POP 200 mt.	0% to 15% for most species	Tier III a Not overfished - declining biomass slow growing and long lived.	No directed fishery in BS. Total discards approximately 400 mt. Management and enforcement concerns with changing MRA accounting for POP in this area.

## Potential Economic Effects of Alternatives 2 & 3

- MRA accounting may or may not change fishing activity or retention, if incidental catch is not perceived as higher valued to the fishing firm.
- Where the value to a firm of retaining a species is higher, it is possible for retention to increase.

pg 127



## Potential economic effects (continued)

- If Alternatives 2 & 3 do provide incentives for increased retention of species, revenues from retaining more highly valued catch could be partially offset by increased sorting costs.
- In the long run, and in regulated access fishery any increase in expected profits might be dissipated from more effort.

## Advantages and Disadvantages of Accounting Periods

pg 125

### End of Fishing trip

- Definition of a fishing trip unchanged
- Weekly audit allows for timely identification of MRA violations
- Frequency of boardings similar to no action.
- intentionally targeting incentives similar to status quo

### Offload

- Definition of a fishing trip unchanged
- Timing of MRA violation delayed
- Frequency or extent of offload inspections may increase to insure compliance.
- intentionally target species in bycatch status

## Advantages and Disadvantages of Accounting Periods (continued)

### End of Fishing trip

- Distribution of enforcement time in at sea versus shoreside accounting would not increase substantially beyond status quo.
- Less flexible accounting

### Offload

- any increase in enforcement of MRA's would require reductions of activities in other areas.
- More flexible accounting.

## Purpose and Need Statement

### Problem Statement (section extracted)

The sector has reported that the current instantaneous MRA enforcement (accounting) period forces the discard of incidentally caught species that otherwise would be retained. ....However, sometimes species managed with MRAs must be discarded when incidental catch at anytime during a fishing trip exceed the MRA, even though economic incentives exist to retain that species and overall catch at the end of a fishing trip would not exceeded the MRA.

## Conditions that Can trigger a Fishing Trip

- (A) The effective date of a notification prohibiting directed fishing in the same area under § 679.20 or § 679.21;
- (B) The offload or transfer of all fish or fish product from that vessel;
- (C) The vessel enters or leaves an area where a different directed fishing prohibition applies;
- (D) The vessel begins fishing with different type of authorized fishing gear; or
- (E) The end of a weekly reporting period, whichever comes first.