



C5 BSAI Pot CP Monitoring Adjustments

February 2023

Action Memo

Council Staff: Sam Cunningham
Other Presenters: Alicia Miller (NMFS) & Mason Smith (NMFS)
Action Required: 1. Review Initial/Final regulatory impact review analysis
2. Select preferred alternative

BACKGROUND

In June 2022, the Council reviewed and provided input on a draft analysis presented by NMFS Alaska Region (NMFS AKR) that included measures intended to reduce the likelihood of data loss in the pot gear catcher/processor (CP) fleet participating in the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI). The proposed measures (Alternative 2) would require participants to carry a Level 2 observer (Alt. 2 Element 1) and comply with pre-cruise meeting notifications (Alt. 2 Element 2). Additionally, the proposed measures would require certification and testing standards for pot CP participants choosing any of the following voluntary monitoring options: observer sampling stations, motion-compensating platform and flow scales, or additional observers on the vessel (Alt. 2 Element 3). These measures are analyzed in reference to the no action alternative (Alternative 1). At the Council's request, NMFS transmitted a draft proposed rule to the Council on December 15, 2022. At the time, NMFS AKR anticipated that this action could be proposed under the authority of Section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

At the national level, NMFS recently clarified a policy preference for fishery management regulations to be recommended, in certain circumstances, explicitly by Fishery Management Councils as opposed to having NMFS undertake rulemaking using its general authority under MSA Section 305(d). Accordingly, the Council will consider moving this action forward under its own authority, to recommend regulatory changes necessary or appropriate to implement the Council's Fishery Management Plans under Section 303(c)(2) of the MSA.

At this meeting, the Council will review a revised and updated regulatory impact review (RIR) analysis of the alternatives for amending pot CP monitoring requirements. The Council has the opportunity to select a preferred alternative for recommendation to the U.S. Secretary of Commerce.