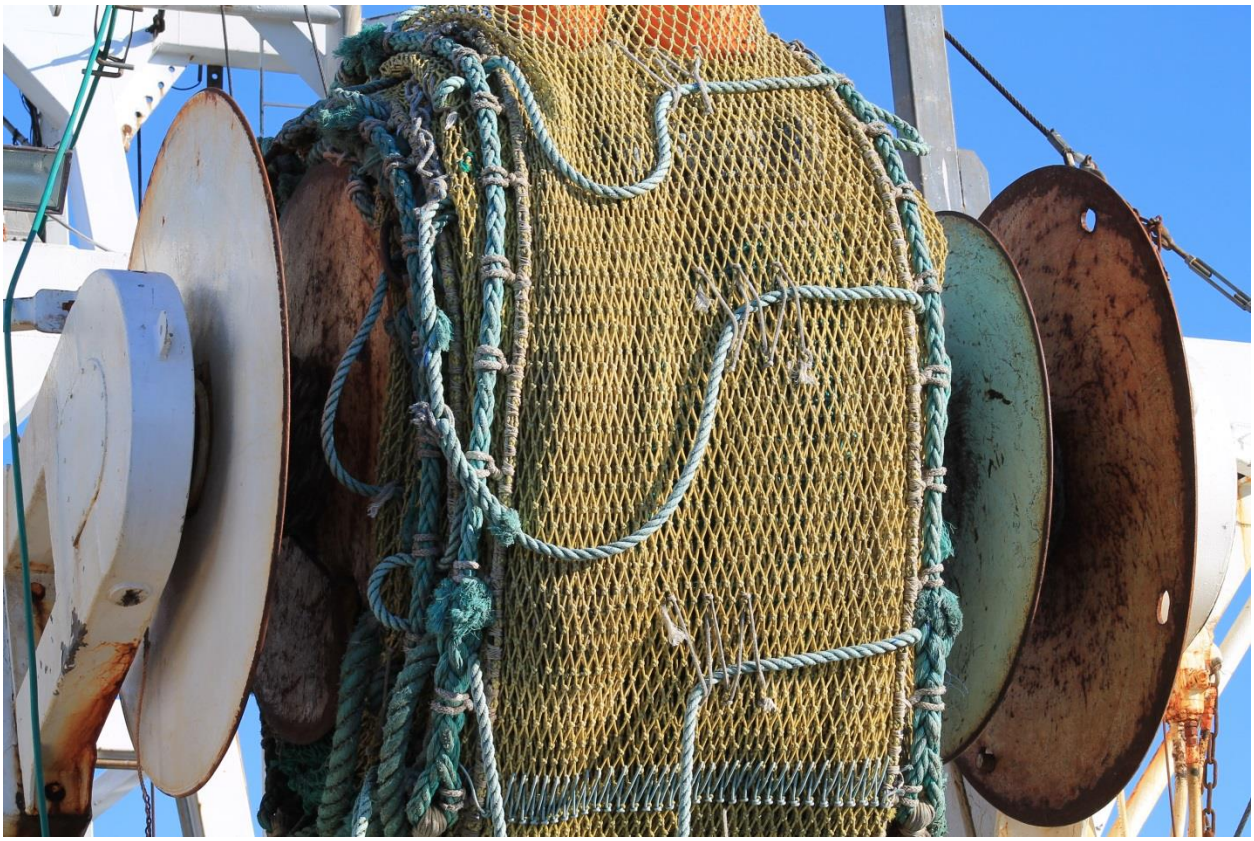
Gulf of Alaska Trawl Groundfish Bycatch Management Environmental Impact Statement

Scoping Report



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United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service,
Alaska Region

North Pacific Fishery Management Council

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Introduction

The North Pacific Fishery Management Council (Council) is considering the establishment of a new bycatch management program for the Gulf of Alaska (GOA) trawl groundfish fisheries. The purpose of the program is to improve management of all species caught in the GOA trawl groundfish fisheries by creating vessel-level and/or cooperative-level incentives to avoid and reduce bycatch, and to create accountability measures for participants when utilizing target and bycatch species. The Council also intends for the program to improve operational efficiencies, reduce incentives to fish during unsafe conditions, and support the continued participation of coastal communities that are dependent on the fisheries.

The Council and National Marine Fisheries Service (NMFS) are considering preparing an Environmental Impact Statement (EIS) because the effects of some important aspects of a bycatch management program on target and bycatch species and their users may be uncertain or unknown. This could result in significant impacts on the human environment not previously analyzed by the Council and NMFS. Therefore, the Council and NMFS are initiating scoping for an EIS in the event an EIS is needed.

NMFS published a notice of intent to publish an EIS on July 14, 2014. NMFS invited the public to comment on the range of issues that should be considered by the Council and NMFS in the development of a GOA trawl bycatch management program – to scope the issues. This report summarizes the comments received during the July 14, 2015, to August 28, 2015, scoping period for the GOA Trawl Groundfish Bycatch Management EIS.

If the Council's action proceeds, an EIS must be prepared in accordance with the National Environmental Policy Act (NEPA). An EIS will serve as the central decision-making document for management measures being developed by the Council to create a new bycatch management program in the GOA trawl groundfish fisheries. The EIS will provide decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternatives for managing bycatch in the GOA trawl groundfish fisheries.

This report summarizes the issues the public raised with the proposed action as it has been developed by the Council thus far. This report also describes alternative management measures raised in public comments during the scoping process. The purpose of this report is to inform the Council and the public of the results of scoping and to assist in the development of the range of alternatives for analysis in the draft EIS.

The NMFS Alaska Region web site contains additional information on this EIS at http://www.alaskafisheries.noaa.gov/. Once published, the draft EIS will be available for download at this site. This site also contains the notice of intent, this scoping report, and related information.

What is this Action?

The proposed action to be analyzed in the EIS is a bycatch management program for the GOA trawl groundfish fisheries that allocates exclusive harvest privileges to individuals, cooperatives,

or other entities. The bycatch management program would replace the "race for fish" derby fishery with a program that provides tools to effectively manage bycatch and reduce prohibited species catch (PSC) use, and that promotes increased utilization of groundfish harvested in the GOA. The proposed action is intended to improve stock conservation by imposing accountability measures for utilizing target, incidental, and PSC catch, creating incentives to eliminate wasteful fishing practices, providing mechanisms for participants to control and reduce bycatch in the trawl groundfish fisheries, and to improve safety of life at sea and operational efficiencies.

Draft Purpose and Need for this Action

In October 2012, the Council unanimously adopted a purpose and need statement, and goals and objectives, to support the development of a new bycatch management program that would allocate allowable harvest to individual, cooperatives, or other entities. The Council determined that this kind of management program would mitigate the adverse effects of current management measures by removing disincentives to reduce bycatch and PSC, and providing a more flexible and efficient management system for participants to better manage and utilize groundfish species in the GOA trawl fisheries.

> *Management of Gulf of Alaska (GOA) groundfish trawl fisheries has grown increasingly complicated in recent years due to the implementation of measures to protect Steller sea lions and reduced Pacific halibut and Chinook salmon Prohibited Species Catch (PSC) limits under variable annual total allowable catch (TACs) limits for target groundfish species. These changes complicate effective management of target and non-target resources, and can have significant adverse social and economic impacts on harvesters, processors, and fishery-dependent GOA coastal communities.*
>
> *The current management tools in the GOA Groundfish Fishery Management Plan (FMP) do not provide the GOA trawl fleet with the ability to effectively address these challenges, especially with regard to the fleet's ability to best reduce and utilize PSC. As such, the Council has determined that consideration of a new management regime for the GOA trawl fisheries is warranted.*
>
> *The purpose of the proposed action is to create a new management structure which allocates allowable harvest to individuals, cooperatives, or other entities, which will mitigate the impacts of a derby-style race for fish. It is expected to improve stock conservation by creating vessel-level and/or cooperative-level incentives to eliminate wasteful fishing practices, provide mechanisms to control and reduce bycatch, and create accountability measures when utilizing PSC, target, and secondary species. It will also have the added benefit of reducing the incentive to fish during unsafe conditions and improving operational efficiencies.*
>
> *The Council recognizes that GOA harvesters, processors, and communities all have a stake in the groundfish trawl fisheries. The new program shall be designed to provide tools for the effective management and reduction of PSC and bycatch, and promote increased utilization of both target and secondary species harvested in the GOA. The program is also expected to increase the flexibility and economic*

efficiency of the GOA groundfish trawl fisheries and support the continued direct and indirect participation of the coastal communities that are dependent upon those fisheries. These management measures could apply to those species, or groups of species, harvested by trawl gear in the GOA, as well as to PSC. This program will not modify the overall management of other sectors in the GOA, or the Central GOA rockfish program, which already operates under a catch share system.

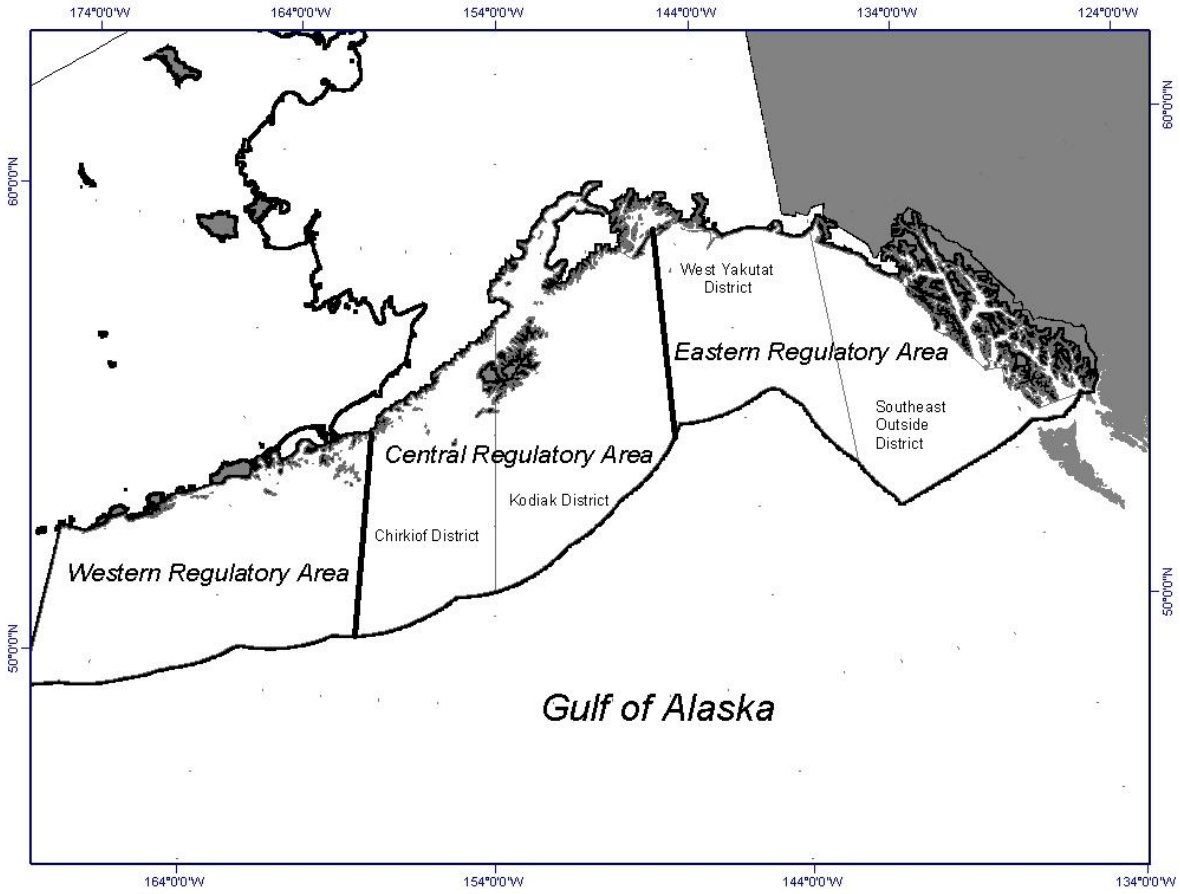
Goals and Objectives:

1. *Balance the requirements of the National Standards in the Magnuson Stevens Act*
2. *Increase the ability of the groundfish trawl sector to avoid PSC species and utilize available amounts of PSC more efficiently by allowing groundfish trawl vessels to fish more slowly, strategically, and cooperatively, both amongst the vessels themselves and with shore-based processors*
3. *Reduce bycatch and regulatory discards by groundfish trawl vessels*
4. *Authorize fair and equitable access privileges that take into consideration the value of assets and investments in the fishery and dependency on the fishery for harvesters, processors, and communities*
5. *Balance interests of all sectors and provide equitable distribution of benefits and similar opportunities for increased value*
6. *Promote community stability and minimize adverse economic impacts by limiting consolidation, providing employment and entry opportunities, and increasing the economic viability of the groundfish harvesters, processors, and support industries*
7. *Improve the ability of the groundfish trawl sector to achieve Optimum Yield, including increased product retention, utilization, landings, and value by allowing vessels to choose the time and location of fishing to optimize returns and generate higher yields*
8. *Increase stability relative to the volume and timing of groundfish trawl landings, allowing processors to better plan operational needs as well as identify and exploit new products and markets*
9. *Increase safety by allowing trawl vessels to prosecute groundfish fisheries at slower speeds and in better conditions*
10. *Include measures for improved monitoring and reporting*
11. *Increase the trawl sector's ability to adapt to applicable Federal law (i.e., Endangered Species Act)*
12. *Include methods to measure the success and impacts of all program elements*
13. *Minimize adverse impacts on sectors and areas not included in the program*
14. *Promote active participation by owners of harvest vessels and fishing privileges*

The Action Area

The proposed action would apply to participants in Federal groundfish fisheries prosecuted with trawl gear in the following areas: (1) The Western GOA Regulatory Area (Western GOA), (2) the Central GOA Regulatory Area (Central GOA), and (3) the West Yakutat District of the Eastern GOA Regulatory Area (West Yakutat District). These areas are defined at 50 CFR 679.2 and shown in Figure 3 to 50 CFR part 679. See Figure 1 for a map of the action area.

Figure 1. Gulf of Alaska Regulatory Areas



Statutory Authority for this Action

Under the Magnuson-Stevens Act (16 USC 1801, et seq.), the United States has exclusive fishery management authority over all marine fishery resources found within the exclusive economic zone, which extends between 3 and 200 nautical miles from the baseline used to measure the territorial sea.

The management of these marine resources is vested in the Secretary and in the Regional Councils. In the Alaska Region, the Council has the responsibility for preparing Fishery

Management Plans (FMP) and FMP amendments for the marine fisheries that require conservation and management, and for submitting their recommendations to the Secretary. Upon approval by the Secretary, NMFS is charged with carrying out the Federal mandates of the Department of Commerce with regard to marine and anadromous fish.

Management of the Federal groundfish fisheries in the GOA is carried out under the FMP for Groundfish of the Gulf of Alaska. The FMP, its amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson-Stevens Act and other applicable Federal laws and executive orders, notably the NEPA and the Endangered Species Act (ESA).

Public Participation – Scoping

The development of the GOA trawl groundfish bycatch management EIS provides the opportunity for public participation. Scoping is the term used for involving the public in the NEPA process at its initial stages. Scoping is designed to provide an opportunity for the public, agencies, and other interest groups to provide input on potential issues associated with the proposed action. Scoping is used to identify the environmental issues related to the proposed action and identify alternatives to be considered in the EIS. Scoping is accomplished through written communications and consultations with agency officials, interested members of the public and organizations, Alaska Native representatives, and State and local governments.

The formal scoping period began with the publication of a Notice of Intent in the *Federal Register* on July 14, 2015 (80 FR 40988). Public comments were due to NMFS by August 28, 2015. In the Notice of Intent, NMFS requested written comments from the public on the range of alternatives to be analyzed and on the environmental, social, and economic issues to be considered.

Additionally, members of the public have the opportunity to comment during the Council process. In its most recent effort, the Council started considering revisions to bycatch management in the GOA trawl groundfish fisheries in 2012. Since then, the Council has noticed the public when it is scheduled to discuss GOA bycatch issues. The Council process, which involves regularly scheduled and noticed public Council meetings, ad-hoc industry meetings, and Council committee meetings, started before this formal scoping process and will continue after this formal scoping process is completed. This scoping report summarizes issues and alternatives from the formal scoping process and summarizes, to the extent possible, issues raised in the Council process through the October 2014 Council meeting. The EIS will address the relevant issues identified during the scoping and the Council processes.

Summary of Alternatives and Issues Identified During Scoping

NMFS received 36 written comments from the public and interested parties and an additional 26 mailing campaign letters from members of the public. Due to the volume of information provided in these letters, it is not practical to append these documents to this scoping report. The letters are available for review by going to www.regulations.gov and entering NOAA-NMFS-

2014-0150 in the search screen or alternatively the letters can be accessed by going to http://www. alaskafisheries.noaa.gov/. The comments identified the following alternatives and issues for analysis in the EIS.

Generally, the comments supported more focused analysis of the existing alternatives identified by the Council in October 2014, specifically Alternatives 2 and 3, which are listed below.

Preliminary Alternatives

NMFS, in coordination with the Council, will evaluate a range of alternative bycatch management programs for the trawl groundfish fisheries in the Western GOA, Central GOA, and West Yakutat District. NMFS and the Council recognize that implementation of a GOA trawl bycatch management program allocating exclusive harvest privileges would result in substantial changes to many of the current management measures for the groundfish fisheries. The EIS will analyze these changes as well as alternative ways to manage target and bycatch species in the GOA groundfish fisheries. The potential alternatives already identified for the EIS include:

Alternative 1

The existing management program (no action).

Alternative 2

A bycatch management program that would allocate exclusive harvest privileges to participants in the Western GOA, Central GOA, and West Yakutat District trawl groundfish fisheries who voluntarily join a cooperative. Participants who do not choose to join a cooperative would have the opportunity to participate in the current limited access management system under the groundfish license limitation program (LLP).

In Alternative 2, the Council is considering allocating exclusive harvest privileges to cooperatives. Alternative 2 contains several elements and options for determining eligible participants, groundfish and PSC species to be allocated, and methods for determining allocations to cooperatives and the limited access fishery. Alternative 2 also includes elements and options for cooperative formation and membership that are intended to provide incentives for participation by harvesters and processors to improve coordination and operational efficiencies. Alternative 2 also contains a number of elements that are intended to provide for fishery dependent community stability, such as harvest privilege consolidation limits and area- and port-specific delivery requirements.

Alternative 3

A bycatch management program that would allocate exclusive harvest privileges to fishery participants who voluntarily join a cooperative and either 1) a Community Fishing Association as defined in section 303A(c)(3) of the Magnuson-Stevens Act or 2) an Adaptive Management Program. Participants who do not choose to join a cooperative would have the opportunity to participate in the current limited access management system under the groundfish LLP.

In Alternative 3, the Council is considering allocating exclusive harvest privileges to cooperatives and either a Community Fishing Association or to persons who meet the criteria established for an Adaptive Management Program. The allocation to a Community Fishing Association or Adaptive Management Program would meet objectives that include providing for sustained participation of fishing communities, promoting conservation measures, and assisting vessel owner-operators, captains, and crew who want to enter and participate in the GOA trawl groundfish fisheries.

Alternatives and Options Recommended in Public Comments

The public comments have been organized under the Preliminary Alternatives to which they apply. The comments are further organized, to the extent possible, under the elements identified by the Council in October 2014 for each of the alternatives. Some the elements were not addressed by public comments and are indicated as such. Alternative 3, by design, includes Alternative 2; the issues raised by public comments that are relevant to Alternative 2 are not repeated under Alternative 3. Any comments that propose management measures not already included under the Preliminary Alternatives are discussed under the New Management Measures section.

Alternative 2

General support to analyze Alternative 2

- Several comments supported including Alternative 2 for analysis in the EIS.
    - Alternative 2 is a reasonable alternative and will meet the Council's purpose and need statement for the action.
    - Alternative 2 was developed over several public Council meetings with significant input from participants, communities, and fisheries managers.
    - Alternative 2 uses a cooperative management structure coupled with allocations of target and bycatch species to provide the necessary tools to meet bycatch reduction goals while still providing the opportunity to achieve optimum yield of target species as required by the Magnuson-Stevens Act.

<u>Element 1: Observer coverage and monitoring</u>

- Analyze the impacts of placing all GOA trawl vessels in the 100 percent observer coverage category.
- The analysis should consider immediate implementation and utilization of electronic monitoring in place of human observers on all fishing vessels in the GOA trawl bycatch management program. When human observers must be used, they should be allowed to embark and disembark to tender vessels in the fishery.
- 100 percent observer coverage will impose a financial hardship on small trawl fishery operations that operate out of Sand Point and King Cove. These economic impacts must be analyzed as part of the bycatch management program

<u>Element 2: Trawl sector eligibility</u>

- Analyze participation criteria that define eligibility for the purchase of trawl licenses, fishing history, and quota allocated under the program. Alternative 2 would require persons (the definition of which includes individuals, corporate entities and

government and community entities) to document a fishing vessel to hold and purchase an LLP license, and to purchase and hold quota. The EIS also should include an alternative for communities to hold quota.

- Analyze the benefits of reserving some portion of quota share for allocation to active crew and skippers.

Element 3: Allocated species

- Analyze the allocation of pollock and Pacific cod as target species and the allocation of some secondary species in a cooperative style management program.
- Alternative 2 should allocate pollock, Pacific cod, Pacific Ocean perch, northern rockfish, and dusky rockfish as target species. The fisheries for these species typically close when the total allowable catches (TACs) are reached; they are not typically closed because the PSC limits have been reached. If these species are not allocated then the fleet will continue to race to harvest these species rather than fishing more slowly and strategically to avoid PSC.
- Alternative 2 should not allocate flatfish species because the TACs have never been fully harvested in the GOA. These unallocated flatfish species would be a means of incentivizing expanded harvests of these underutilized species by improved utilization of PSC in all target fisheries. The allocation of flatfish should be reviewed in the five year review of the bycatch management program if the TACs are more fully utilized and a race for flatfish has developed.
- Analyze the allocation of species in the following order of priority:
  - Halibut and Chinook salmon PSC
  - Rex sole and sablefish as secondary species
  - Pacific cod and pollock as target species

Element 4: Sector allocations of target and secondary species

- Analyze the following methods of allocating target and secondary species:
  - Pacific cod and pollock based on historical landings
  - Rex sole and sablefish based on historical landings
- The objective for the bycatch management program should be to reduce the amount of all fish that are discarded, not just PSC species. Alternative 2 can be used to analyze tradeoffs for relieving Maximum Retainable Amount (MRA) regulations for secondary species as well as changes in other fishery regulations that force discards. For example, changing the trawl Pacific cod directed fishery seasons to January 20 – June 10 and June 10 – November 1 with no change to the A and B seasonal allocations would remove the prohibition on directed fishing from June 10 – September 1 and provide much greater flexibility in fishing operations. The trawl fleet would be relieved from Pacific cod MRAs in other target fisheries during this time period and could choose when to deploy for directed Pacific cod fishing trips when Pacific cod aggregations are high and bycatch rates may be lower. This management change could reduce gear conflicts between the trawl and fixed gear sectors as well as improve opportunities for the fleet to coordinate deliveries with processors when capacity is available.
- Analyze the feasibility and effects of requiring 100 percent retention of pollock and Pacific cod for the trawl inshore sector from January 20 – November 1 and increasing the

MRAs for pollock and Pacific cod in other target species fisheries for the period November 1 – December 31 to reduce regulatory discards.

- Maintain the qualifying years 2003 to 2014 as an option for analysis.
- The options for qualifying years should be expanded beyond 2012 to analyze the impacts of allowing participants who recently acquired GOA trawl groundfish LLP licenses to qualify for the trawl sector under the program. Alternatively, the program could include an exemption from the qualifying years for these participants.
- Analyze a more inclusive range of qualifying years prior to 2003 for sector allocations of target and secondary species. This would include vessels with a long history of participation before 2003 that are still participating in the fishery.
- Analyze a method to allocate secondary species to sectors based on total catch in addition to allocations based on retained catch. Secondary species that are managed by MRAs can change management status over the calendar year from bycatch status (can be retained in amounts up to the MRA) to PSC status (must be discarded), so using retained catch to allocate secondary species may not be appropriate for all sectors.

Element 5: Sector allocations of PSC

- Analyze the following potential PSC allocation methods:
  - Allocate halibut and Chinook salmon PSC based on groundfish harvests to ensure individual accountability and reduce the likelihood that poor PSC performance by one vessel will adversely impact other vessels with good PSC performance.
  - Allocate halibut PSC based on all groundfish landed.
  - Allocate Chinook salmon PSC based on pollock and non-pollock landings.
  - Allocate an amount of pollock TAC that is sufficient to reduce Chinook salmon PSC in the Pacific cod and pollock fisheries by fifty percent and annually allocate pollock to quota holders on the basis of their relative success at avoiding Chinook salmon.
- Analyze modifications to PSC limits:
  - Allocate additional Chinook salmon PSC to the trawl fisheries in the GOA and consider the ESA limit of 40,000 Chinook salmon as the upper bounds instead of the current 32,500 Chinook salmon.
  - Include meaningful bycatch reductions for Chinook salmon, halibut, and Tanner crab beyond the status quo.
  - Include a broader range of PSC limit reductions beyond the current 25 percent reduction option for Chinook salmon and 10 percent or 15 percent reduction options for halibut to reflect significant resource uncertainties and to address ongoing inequity caused by placing the conservation burden primarily on directed fishery user groups. PSC reductions of up to 50 percent should be considered to respond to declines in PSC species stocks. These reductions could be modified in the future if scientific information indicates PSC stocks have increased in abundance.
  - Create a timeline to achieve zero discards of edible fish.
- Consider more narrowly tailored management measures such as area closures to reduce PSC in the GOA trawl groundfish fisheries.

Management measures not supported for further analysis

Many public comments referenced the need for target species and PSC allocations as a package, noting that an allocation of PSC without an allocation of target species quota, would not be effective in meeting the Council's stated goals. The comments suggested that an individual bycatch quota (IBQ) program alternative should not be analyzed.

- Individual or cooperative bycatch quotas (IBQs) would not stop the race for fish in the GOA pollock and Pacific cod fisheries that are already fully prosecuted. An IBQ program would provide incentives for individual vessels to improve PSC performance, but would not foster fleet-wide cooperation to reduce PSC. The potential for PSC reduction is greater with fleet-wide cooperation through the use of PSC "hot spot" reporting and sharing information on technology improvements for excluder devices, electronics, and fishing gear.
- An IBQ program will not provide the necessary tools for the fleet to achieve optimum yield of target species while also reducing bycatch. Other IBQ programs result in less than full utilization of target species catch because participants hold on to their IBQ instead of trading it to facilitate the prosecution of the fishery. Costs for the industry are greater with an IBQ fishery due to monitoring needs, costs of purchasing IBQ, and costs for cooperative management. Without the other incentives and tools that come with an allocation of target and secondary species, the IBQ program will not meet all of the stated goals of the Council for a bycatch management program.
- An IBQ program would compel fishermen to participate in a race for fish for target species rather than take actions to reduce bycatch if those actions reduce overall groundfish catch. Allocating target and bycatch species would end the race for fish and make the program much more likely to be effective in meeting its stated goals. IBQ programs are also unlikely to capture the ancillary benefits often seen under exclusive harvest privilege programs like cooperatives, individual fishing quotas and Territorial Use Rights for Fishing. Furthermore, the performance of IBQ programs is unknown and untested.

<u>Element 6: Voluntary inshore cooperative structure</u>

- Analyze the following elements of the voluntary cooperative structure in Alternative 2:
  - Eligible LLP license holders may choose to join a cooperative in association with their historical processor or participate in the limited access fishery.
  - Eligible LLP license holders may be in one cooperative in each region (Western GOA and the Central GOA/West Yakutat District).
  - Each cooperative must comply with annual cooperative formation, contract filing, and reporting requirements.
- Analyze the benefits of a cooperative structure to manage bycatch; increase efficiency, flexibility and safety in the fishery; and allow for improved utilization of the cooperative species.
- The EIS should describe that cooperative programs provide the fleet with the tools, accountability, and management structure necessary to manage and control bycatch, achieve optimum yield, and provide greater economic stability and opportunity for harvesters, processors and communities.

- Analyze the benefits of using a cooperative management structure to collectively alter fishing strategies and fishing behavior and slow down the race for fish. The best tools to avoid bycatch utilize temporal, spatial, and collective decision making at the harvester level coupled with a cooperative harvest structure that employs personal and collective accountability to avoid bycatch.
- Analyze a cooperative management program that does not include permanent quota allocations. Instead, target species and PSC could be allocated annually. This cooperative management program would work in conjunction with the LLP and target species sector splits between gear groups and vessel designations to enable fishermen to utilize PSC more efficiently and encourage best fishing practices. In recent years, local Western GOA trawl fishermen have successfully fished under a voluntary agreement to limit bycatch of Chinook salmon, and this model serves as a template for future trawl bycatch management.
- Analyze the impacts of including community sign-on requirements for cooperative contracts.
- Analyze how a linkage between processors and harvesters may function.

Element 7: Voluntary catcher/processor cooperative structure

- Analyze the catcher/processor fleet's history in and dependence on the GOA groundfish trawl fishery. Many vessels were pioneers in GOA fisheries before shoreside markets developed and have made significant investments in the fishery. Several vessels in the catcher/processor fleet spend a significant part of the year participating in the GOA groundfish fisheries. This dependence on GOA groundfish fisheries resulted in these participants receiving lower allocations in the Bering Sea under the Amendment 80 program. Therefore, the ability of these vessels to participate in GOA groundfish fisheries at the current level must be preserved.

Element 8: Fishery dependent community stability

- Consolidation limits
  - Analyze the impacts of vessel use caps on the fleet.
    - Incorporate flexibility into the vessel use caps so the industry can expand and contract based on fishery TACs and the economic conditions of the fishery.
    - Analyze the impact of consolidation of LLP licenses on fewer trawl vessels on the total amount of harvest, the associated landing taxes and processing revenues, the processing employment opportunities, the number of available crew jobs, the shares paid to crew, and the amount of demand for shore-based support services.
  - Analyze quota holding (ownership) cap options beyond the current low end of the range (3 percent) to account for persons who own multiple LLP licenses and vessels.
    - Include a grandfather provision for ownership caps.
  - Analyze the effects of processing caps.
  - Analyze possible divesture mechanisms for ownership and use caps.

        - Conduct further analysis of grandfathering in quota holdings and processing levels in excess of the caps, including an analysis of a sunset provision to specify a time period after which quota holdings in excess of the cap must be divested.
        - Analyze the effect of Alternative 2 on consolidation of quota holdings by non-Alaskans.
    - Analyze the effects of regionalization of quota on historical delivery patterns. Regionalization is a measure to preserve historical delivery levels to shoreside processors in each management area. Analyze the benefits of regionalization in maintaining processing levels and the associated employment opportunities at or near historical levels.
    - Port-of-landing requirements
        - Analyze the effects of port-of-landing requirements on vessel safety and bycatch reduction goals. Port-of-landing requirements and regionalization of landings have been used in other rationalized fisheries with mixed results.
        - Analyze the effects of port-of-landing requirements and regionalization for fisheries that are not currently or historically fully utilized. Port-of-landing requirements may provide a windfall to communities if deliveries from a groundfish fishery that has not been fully utilized in the past increase and must be delivered to a specific port.
        - Analyze a broader range of ports to be included in the port-of-landing analysis beyond Kodiak, consider Seward for inclusion as well.
    - Active participation requirements
        - Analyze the active participation criteria of requiring trawl vessel ownership or participation as crew to determine if these options meet the stated goals of the bycatch management program and whether these active participation criteria can be enforced.
        - Analyze options for including an active participation requirement for individuals to acquire and retain quota, with an exemption for community entities such as Community Quota Entities and Community Fishing Associations.
        - Analyze benefits of active participation requirements in maintaining entry level opportunities for fishermen.

<u>Element 9: Transferability</u>

No public comments addressed this element.

<u>Element 10: Gear conversion</u>

- Analyze incentives that could be included for the permanent transfer of trawl quota to lower impact gears.
- Analyze the benefits of gear conversion in creating conservation benefits across the GOA and beyond through a shift to gear types with lower bycatch levels and mortality rates and reduced habitat impacts.
- Analyze the benefits to bottom habitat of banning all trawl gear in the GOA groundfish fisheries.

Element 11: Limited access trawl fisheries (catcher vessel and catcher/processor)

One comment supported continued analysis of the limited access trawl fishery, recognizing the potential difficulties in managing a limited access fishery with a relatively small TAC.

Element 12: Sideboards

No public comments addressed this element.

Element 13: Program review

- Develop program review options. An established structure for review and adaptation is important for the continued sustainability of this fishery.

Element 14: Cost recovery and loan program

- Develop a possible cost recovery program structure for the bycatch management program.

Alternative 3

Option 1: Community Fishing Association (CFA)

Several comments requested further analysis of the Community Fishing Association (CFA) component of Alternative 3. Comments suggested analyzing the costs versus benefits of a CFA and the regulatory burden associated with possible designs. Additionally, comments proposed an examination of the transparency of CFAs, and the costs to join a CFA as well as the responsibilities of participating fishermen. Some commenters requested a more thorough examination of the goals of a CFA option.

Element 1: Quota allocation

- Analyze the effects of a range of initial allocations to a CFA.
- Compare the effects of an option where a CFA is given an initial allocation versus an option where CFA is eligible to purchase quota after allocation.

Element 2: Number of CFAs

No public comments addressed this element.

Element 3: Goals and objectives of CFA

- Explicitly address whether ensuring community access to the fishery into the future is a primary goal of the bycatch management program.
- Compare and contrast how communities are protected under a CFA option with the community protection elements incorporated into Alternative 2; regionalization, port-of-landing requirements, consolidation limits, and active participation requirements.
- Analyze the potential benefits of adding a Right of First of Offer program for quota share sale or lease to create opportunities for new entrants into the fishery.

- Analyze the benefits of CFAs on strengthening the relationships among the captain, vessel owner, and crew with the community; providing opportunity for future generations to enter the fishery; and encouraging equitable crew compensation.
- Analyze the benefits of CFAs in directly anchoring fishing quota to fishing communities.
- Consider whether and to what extent providing an initial allocation to a CFA is critical to the success of the CFA and the broader goals of the bycatch management program.
- Analyze the ways in which an initial allocation to CFAs would meet program goals instead of allowing CFAs to purchase quota.
- Conduct a side-by-side analysis of the proposed management program's potential attainment of the Council's goals and objectives both with a CFA, and without a CFA.

Element 4: Communities eligible for CFA

No public comments addressed this element.

Element 5: Community sustainability plan

- Analyze possible structures for a CFA.
  - Mechanisms for harvesters to lease quota from a CFA.
  - General operation and staffing of CFAs.
  - Methods of funding a CFA.
- Analyze mechanisms for new entry as a component of a CFA.
  - Analyze a mechanism to sever a segment of catch history from an active LLP license and apply it to a latent LLP license to allow for new entry at a lower cost than purchasing an active LLP license.
- Analyze mechanisms to anchor quota in community as a component of a CFA.
- Analyze a mechanism to protect equitable crew compensation as a component of a CFA.

Element 6: Annual report

No public comments addressed this element.

Element 7: CFA cooperative program integration

- Analyze an option where the community in which the processor is located would also be required to sign the cooperative contract, which would allow the community to support cooperative practices that meet community goals and objectives. Analyze the option of community participation and approval of cooperative contracts. Explore the option of requiring the cooperatives to provide quarterly performance reports to the community.
- Analyze methods for how quota will move from the CFA to a cooperative to be fished.

Option 2: Adaptive management program

Many comments requested further analysis of the adaptive management component of Alternative 3. The elements for further examination include the responsibility of participating fishermen and communities in an adaptive management program.

Element 1: Goals and objectives

- Analyze the potential benefits of an adaptive management plan.

- Examine whether there is an additional benefit gained in an adaptive management program as compared to the community protection elements in Alternative 2; regionalization, port-of-landing requirements, consolidation limits, and active participation requirements.

Element 2: Process for allocating quota

- Analyze a formulaic approach whereby use of the quota would be triggered by specific conditions in the fishery in comparison to using a board of directors or similar structure to determine the use of quota.

Element 3: Program review and evaluation

- Develop a structure for program review and evaluation.
- Analyze options for review and evaluation of program performance with opportunities to modify and improve the program.

Additional management measures for consideration

- Trip limits
  - Analyze the impacts of increasing the pollock trip limit from 136 mt to 159 mt to reduce wastage and discards.
  - Analyze the impacts of increasing the pollock trip limit to between 50,000 and 100,000 lbs to improve operating efficiencies and decrease at-sea discards.
  - Analyze the ramifications of eliminating pollock trip limits as an option under a new bycatch management program. The need for trip limits may be eliminated under a new management program, and removing trip limits would improve the safety of harvesters and reduce their overall carbon footprint by reducing the number of trips needed to fully execute the fishery.
- Habitat protections
  - Analyze habitat protection options to include in a new bycatch management program.
- State and Federal fishery coordination
  - Analyze provisions under Alternatives 2 and 3 to enable participants in the Federal voluntary cooperative program to continue to have access to State of Alaska waters to harvest pollock without creating a race for fish.
  - Analyze mitigation measures to reduce cumulative impacts on areas supporting remaining open-access fisheries, including fisheries in Alaska state waters.

Issues Identified During Scoping

The comments received also reported a range of topic areas for further analysis. The Council and NMFS will consider the areas of analysis identified during scoping in the draft EIS.

Effectiveness of existing bycatch management measures in the GOA trawl groundfish fisheries

Many comments emphasized the inadequacies in the existing bycatch management system for the GOA groundfish trawl fisheries.

- New tools are needed to stop the race for fish and reduce bycatch and PSC discards.
- Without the necessary tools, and the implementation of a Chinook PSC cap in the non-pollock fisheries, the entire GOA was closed to bottom trawling in May of this year. Status quo will not work.
- Trawl fishing in the GOA, under the present race for fish, will become prohibitive for the local small boat owner to compete.
- Under the race for fish, the fleet targets the most profitable fish first (usually pollock and Pacific cod). Once the seasons for those species close, the fleet moves on to target other species. However, Pacific cod and pollock continue to be caught, and are caught in amounts that are greater than the MRAs, so are discarded. Rationalization would give the fleet flexibility in the timing and location of target species harvests.
- There are several regulations that require discards of non-PSC species in the current GOA trawl management program: seasonal pollock and Pacific cod fishery structures, prohibition on targeting Pacific cod from June 10 to September 1, low MRAs for pollock and Pacific cod from November 1 to December 31 in other target fisheries, and pollock trip limits. Modifying these regulations would allow the fleet to reduce wastage and discards while harvesting the pollock and Pacific cod TACs.

Problem Statement- Purpose and need

Several comments recommended a comparison of how Alternatives 2 and 3 address larger programmatic goals, including stopping the race to fish and achieving the optimum yield of groundfish fisheries.

- Make the objective(s) of the proposed bycatch program explicit and develop alternatives to match these goals.
- Fully consider the broader interests of non-trawl users of fishery resources in bycatch reduction, including recreational, commercial, subsistence, and conservation interests.

Some comments cited specific goals that should be included in the purpose and need statement for a new bycatch management program.

- Minimize adverse impacts on sectors and areas not included in the program.
- Consider equity among all halibut resource users.

Bycatch accountability

Comments suggested evaluating alternatives according to their effectiveness at creating individual accountability for bycatch.

Environmental impacts

Comments suggested the alternatives be analyzed with respect to their environmental impacts. Specific impacts suggested for analysis were gear effects and climate change effects.

Economic impacts

- Analyze how the markets for GOA trawl groundfish respond to and are affected by global market forces.
- Analyze the value of quota created under a new bycatch management program and how it impacts historical harvesting and processing investments made in the groundfish fisheries. Allocations of quota that are substantially greater in value than the amount of vessel and plant owners' investments creates a windfall for the owners of those assets.

Social and community impacts

Many comments highlighted the desire to see more extensive analysis of the social impacts of the alternatives. The specific types of social impacts proposed for analysis include the impacts on community participation in fisheries, community stability, and community vulnerability to management changes. Comments suggested utilizing the *Community Profiles for North Pacific fisheries* to forecast the impact of a new bycatch management program on communities within a larger Social Impact Assessment. Another comment proposed using a social impact assessment for the Aleutians East Borough (*Western Gulf of Alaska Trawl Bycatch Management Social Impact Assessment*) to provide information on the trawl fleet in Sand Point and King Cove and the impact of fishery management actions on the region.

Other comments proposed analyzing the potential impacts to small, independent vessels in the fishery and the creation of barriers to entry under the alternatives.

Social and community impacts proposed for analysis included:

- Analyze mechanisms to maintain the existing composition of the fleet and anchor fishing quota in communities.
- Analyze foreseeable impacts on future generations of fishermen and fishing-dependent communities in addition to the immediate and near-term impacts of any new management program.
- Update and improve previous methodologies for measuring impacts to directed fishery users and consider and utilize multi-use fisheries models that are available. Utilize and/or develop a methodology that provides a reasonable evaluation of economic impacts to recreational fisheries.
- Analyze the non-economic value of halibut taken as PSC in the GOA groundfish fisheries.

Allocation impacts

Comments also suggested an analysis of how the allocation methods under Alternatives 2 and 3 may affect ownership and participation in the fishery, the geographic distribution of the fleet, fleet diversity, employment opportunities in the fleet, new entry into the processing sector, and the possibility for expansion of value-added processing in the GOA groundfish fishery. Some comments also suggested analyzing allocation methods under Alternatives 2 and 3 with respect to historical dependence and social and economic impacts. An additional area of analysis

proposed by commenters was to look at resource allocation impacts on non-trawl users, including: recreational, commercial, subsistence, and conservation interests.

Impacts on harvesting sector

Comments submitted spoke to a desire to see an analysis of the effects of Alternatives 2 and 3 on the historical dependency of harvesters on the GOA groundfish trawl fisheries and how harvesters could benefit from stability created by a new bycatch management program.

Impacts on processing sector

Some comments proposed that the Council and NMFS should explore how Alternatives 2 and 3 would affect the processing sector, specifically impacts on the value of investments made over the years prior to the implementation of a new program.

Review of existing cooperative catch share programs

Many comments recommended an analysis of existing catch share programs with a cooperative structure to determine how successfully or unsuccessfully these programs have met program goals such as: achievement of optimum yield, improved business planning, reduction of bycatch, improvement of safety, achievement of conservation goals, increased operational flexibility, and protection of community interests.

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