

Motion for Emergency Rule

The Council requests the Secretary promulgate emergency regulations under the authority of Section 305(c) of the Magnuson-Stevens Act to allocate an additional 1,600 Chinook salmon to the prohibited species catch (PSC) limit established for the non-Rockfish Program catcher vessel sector for the remainder of 2015.

An emergency exists... I would like to walk the Council through each of the three Emergency Rule criteria.

The closure of the trawl catcher vessel fishery is due to recent and unforeseen events. While we know that PSC limits can result in closures, what is new to us is the increase in PSC use in this sector relative to the rates we examined when we took action. We had testimony and staff reports that PSC use in the Western GOA this year was substantially different, and higher than anticipated or analyzed by the Council at the time we adopted Amendment 97. We also should note that although the Council took action in June 2013, we did not foresee the interaction between the new observer program and the PSC limit. When the Council took action in 2013, we did so based on data from the old observer program, not the new restructured program. We did not know, and could not foresee how the collection of data under the new program would compare to the old observer program, particularly in the Western GOA, where we had extremely limited observer coverage, and observer coverage from vessels that were only over 60' in length. Our action could not foresee the impact of new data collection or patterns of PSC use that we now observe under our new program. We are also gaining data from new times of the year and in different fisheries in the Central GOA than we did in the years we used to select these PSC limits. The impact of that new estimation process was unforeseen when we selected the PSC limits we did.

The closure in the fishery presents serious management problems. The closure is preventing the harvest of millions of dollars of fish and is having serious socioeconomic impacts on the community of Kodiak in particular. The Emergency Rule criteria state that economic and social criteria can be used to justify an emergency action. In this case, we clearly have those conditions. We have had extensive testimony and input on this point.

Finally, it is not possible to address this issue without emergency regulation. And the benefits of doing so clearly outweigh our normal notice-and-comment rule making.

I have selected 1,600 salmon based on an analysis of the average Chinook salmon PSC by the non-pollock/non-Rockfish Program sector.