Gulf of Alaska Groundfish Fishery Management Plan

Amendment Action Summaries

April 2019

The fishery management program in the North Pacific is widely considered to be among the best in the world, and has resulted in over 40 years of sustainable and profitable fisheries off Alaska. Program policies and measures are developed by the North Pacific Fishery Management Council through the preparation and maintenance of fishery management plans (FMPs) for groundfish, crab, and scallop fisheries in the Bering Sea and Gulf of Alaska, as well as for all future fisheries in the Arctic Ocean. The FMPs are frequently amended by the Council to respond to new scientific information, changes in the environment, changes in policy, and operational changes in the fisheries. The plan amendments, together with regulatory amendments, are developed through the Council's open and transparent regulatory process and implemented by the NMFS Alaska Regional Office.

The existing management program has evolved greatly over time, with the FMPs being built and modified meeting by meeting, amendment by amendment. To fully appreciate and understand this evolution, Council staff has prepared summaries of each amendment to the FMPs. These summaries provide an overview of the purpose and need, analysis, regulation, and results of each action, and are meant as a resource for anyone interested in understanding the development of a successful federal fishery management program in the North Pacific. The first volume of amendment summaries was completed for the Bering Sea and Aleutian Islands in May 2016. In this volume, we provide summaries of amendments to the Gulf of Alaska (GOA) Groundfish FMP. Other volumes containing amendment action summaries for other FMPs are forthcoming. We hope you find them useful.

For more information about the GOA Groundfish FMP or the Council process, I encourage you to visit the NPFMC website at www.npfmc.org.

Sara Cleaver
Fishery Analyst, NPFMC

Diana Evans
Deputy Director, NPFMC

This report was prepared by Sara Cleaver and Diana Evans, with contributions from other Council staff including David Witherell, Jim Armstrong, Sam Cunningham, Elizabeth Figus, Steve MacLean, Sarah Marrinan, Jon McCracken, and Diana Stram. Maria Davis and Sarah LaBelle assisted with the layout and design. Printed April 2019.

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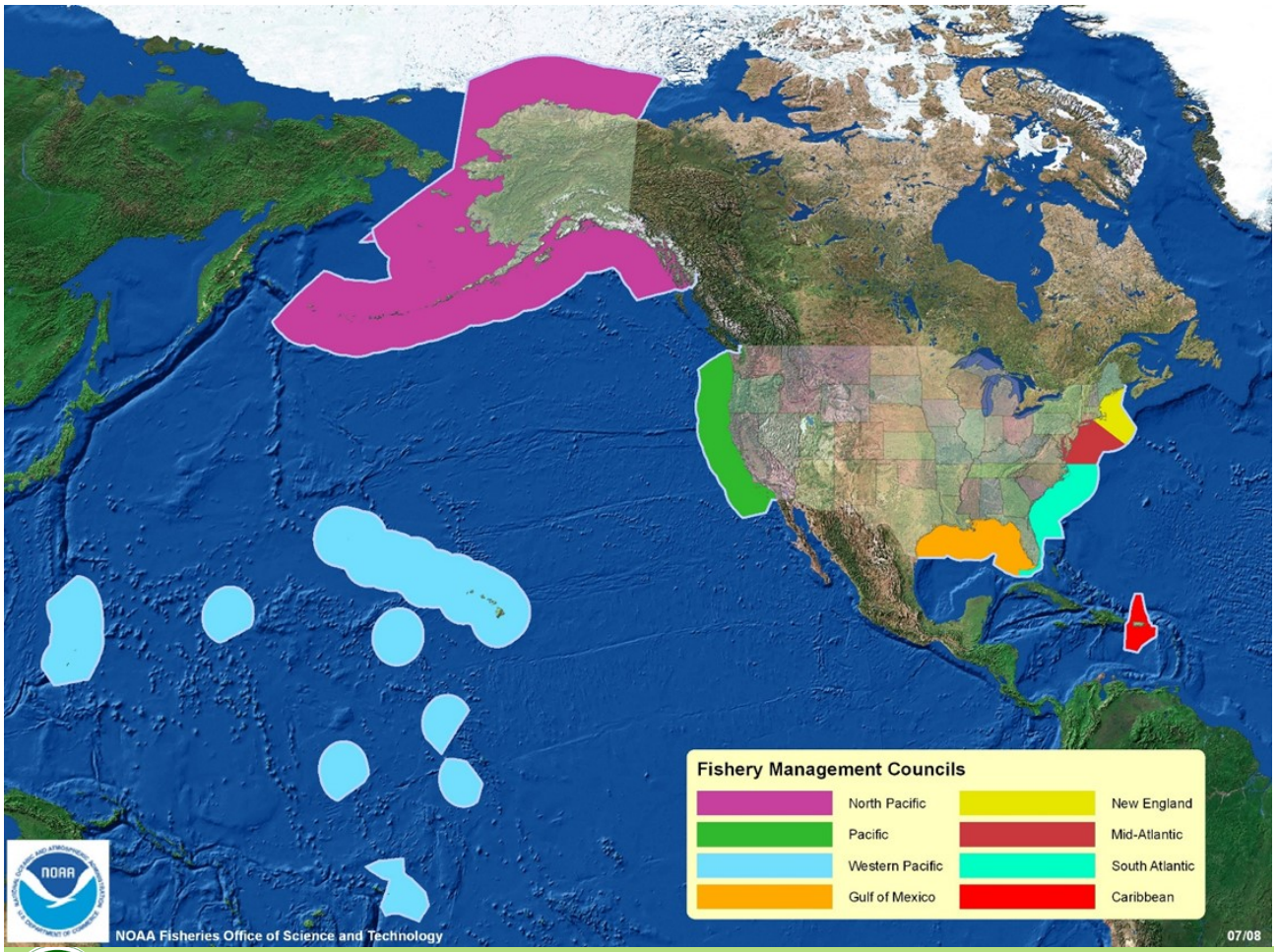
Introduction

Fishery Management Councils and the Management Process

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA) assigned Federal fisheries management authority to eight regional councils: North Pacific, Western Pacific, Pacific, Gulf of Mexico, New England, Mid-Atlantic, South Atlantic, and Caribbean.

Each council was charged with preparing and maintaining Fishery Management Plans (FMPs) that reflect both the National Standards and determine the management and conservation objectives and specifications for each region. FMPs delineate regional management priorities and are responsive to unique challenges and concerns of each region while fulfilling the goals defined in the MSA. Under the Magnuson-Stevens Act, the councils are authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery.



Regional Fishery Management Councils as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

Fishery Management Plans

The FMPs are amended to respond to changes in fishery participation and ecological concerns, and are continuously updated to reflect the best available science. FMPs are also amended to ensure consistency with changes in federal policy such as the Sustainable Fisheries Act in 1996 and the Magnuson-Stevens Reauthorization Act of 2007. To fulfill the intent of regional fishery management plans, Councils may further refine regions into smaller management areas which represent unique geographical areas within the region. Management areas are characterized by unique biodiversity, physical characteristics, and fishery participation and dependence.

Within the North Pacific there are three distinct Management Areas: Bering Sea/ Aleutian Islands (BSAI), Gulf of Alaska (GOA), and Arctic, and the North Pacific Fishery Management Council (NPFMC) manages fisheries relative to the specific management area. While there are similar management objectives, different FMPs for given management areas provide the NPFMC the flexibility to tailor fishery management and conservation strategies to address area-specific challenges. As such, the FMPs prepared and maintained by the NPFMC include BSAI and GOA groundfish, BSAI king and tanner crab, and an Arctic FMP. Additionally, joint management authority with the State of Alaska is provided through an Alaska Salmon FMP and Scallop FMP.

Gulf of Alaska Groundfish Fishery Management Plan

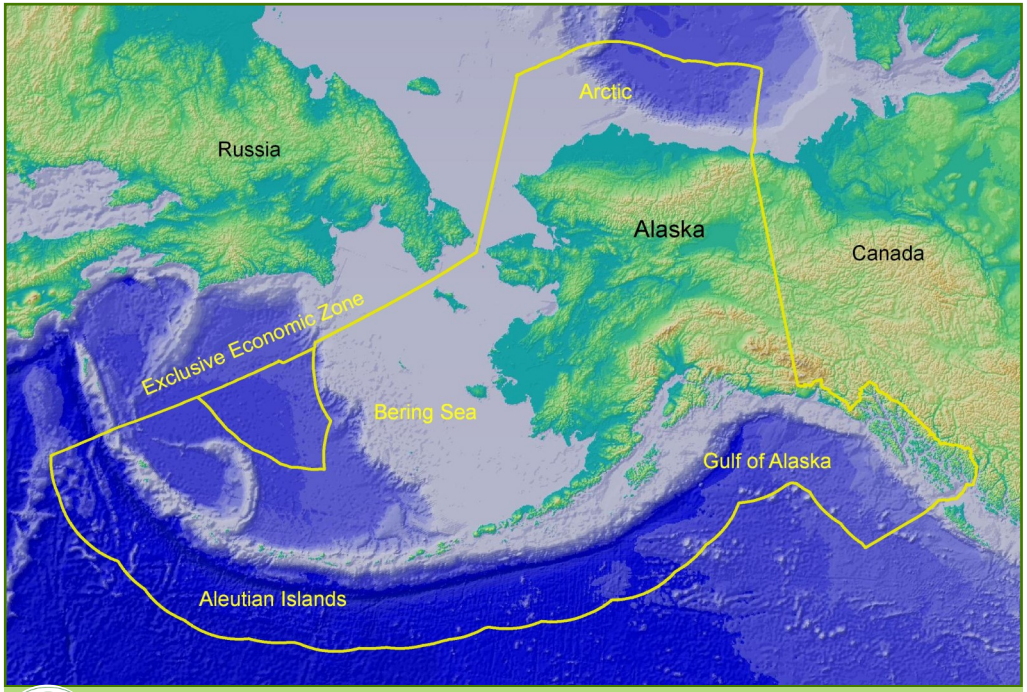
The GOA Groundfish FMP was adopted by the Council in and implemented in 1978. The FMP management area is the United States (U.S.) exclusive economic zone (EEZ) of the North Pacific Ocean, exclusive of the Bering Sea, between the eastern Aleutian Islands at 170° W longitude and Dixon Entrance at 132° W 40' longitude. The FMP covers fisheries for all stocks of finfish except salmon, steelhead, Pacific halibut, Pacific herring, and tuna.

Over time, the FMP has been amended many times to meet the changing fishery management needs. The first several amendments implemented in the GOA Groundfish FMP specifically dealt with foreign fishing fleet participation in the fishery. After the foreign fleet was adequately addressed, the Council's focus changed from the regulation of mainly foreign fisheries to the management of fully domestic groundfish fisheries. In more recent years, the Council has adopted amendments to streamline catch share programs and address other science and management challenges.

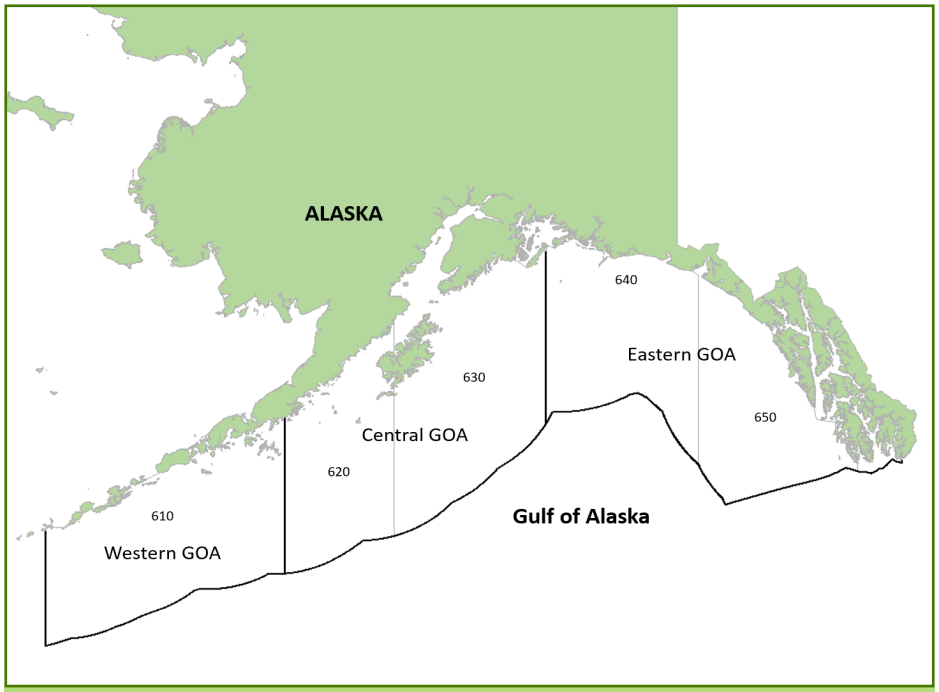
To illustrate the evolution of the GOA Groundfish FMP, summaries of each amendment were prepared and compiled into a comprehensive reference document. This volume is meant to serve as a research tool for a general audience and to illustrate how fisheries management adapts and changes over time. Each amendment summary serves as a guide for understanding the GOA Groundfish FMP. Each summary can also be used as a stand-alone document to understand a particular issue, or the development of a subject over the course of multiple FMP amendments.

The GOA Groundfish FMP amendment summaries consist of five main parts: 1) the date when the action was adopted by the Council, the proposed rule, final rule, and effective date(s) of implementation; 2) purpose and need, a brief background of the reason the action was initiated; 3) regulation summary, which summarizes the regulation as it appears in the FMP; 4) analysis summary; and 5) results, which describes quantified changes that resulted from the amendment, and later FMP amendments that resulted from the action.

The GOA Amendments are presented sequentially to show how the FMP has changed over time. While these summaries are meant to be informative at the amendment level, they are also compiled to demonstrate the prominent role the FMPs play in the national fisheries policy discussion. Each amendment to the GOA FMP, while addressing a seemingly isolated problem, has national – sometimes international – implications; each serves as a case study to inform policy change at the macro level. The amendments should not be interpreted as linear change over time, but a complex web of management action. Each amendment influenced, and was influenced by, a number of other amendments within the FMP. No change happened in isolation, and drawing those connections is critical to understanding the complexity of fisheries management.



Alaska EEZ has management areas in two oceans: the Pacific and the Arctic.



Gulf of Alaska Management Area

Amendments by Council Action Date

Amendments by Council Action Date

Amendments by Council Action Date

Amendments by Issue

Amendments by Issue

Acronyms

ABC	Acceptable Biological Catch
ADF&G	Alaska Department of Fish and Game
AFA	American Fisheries Act
AFSC	Alaska Fisheries Science Center
AI	Aleutian Islands
BSAI	Bering Sea and Aleutian Islands
CAS	Catch Accounting System
CDQ	Community Development Quota
CFR	Code of Federal Regulations
CP	Catcher/Processor
CQE	Community Quota Entity
CV	Catcher Vessel
E	East
E.O.	Executive Order
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	essential fish habitat
EIS	Environmental Impact Statement
EM	Electronic Monitoring
ESA	Endangered Species Act
FMP	fishery management plan
FONSI	Finding of No Significant Impact
FR	Federal Register
FRFA	Final Regulatory Flexibility Analysis
ft	Foot or Feet
GOA	Gulf of Alaska
HAPC	Habitat Area of Particular Concern
HCR	Harvest control rule
IFQ	Individual Fishing Quota
IRFA	Initial Regulatory Flexibility Analysis
lb(s)	pound(s)
LLP	License Limitation Program
LOA	Length Overall
m	Meter or Meters
MRA	Maximum Retainable Amount
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
mt or t	Metric Ton
NEPA	National Environmental Policy Act
NMFS	National Marine Fishery Service
NOAA	National Oceanographic and Atmospheric Administration
NPFMC	North Pacific Fishery Management Council
OY	Optimum Yield
PSC	Prohibited Species Catch
PSEIS	Programmatic Supplemental Environmental Impact Statement
QS	Quota Share
RIR	Regulatory Impact Review
RPA	Reasonable and Prudent Alternative
SAFE	Stock Assessment and Fishery Evaluation
SSL	Steller sea lion
TAC	Total Allowable Catch
TALFF	Total Allowable Level of Foreign Fishing
U.S.	United States
VMS	vessel monitoring system
W	West

1 Catch Limits

Extend OY, TALFF, and U.S. Capacity Estimates through 1979

Council Action	Proposed Rule	Final Regulations	Effective
August 7, 1978	*August 7, 1978* *43 FR 34825*	*November 14, 1978* *43 FR 52709*	*December 31, 1978*

Purpose and Need

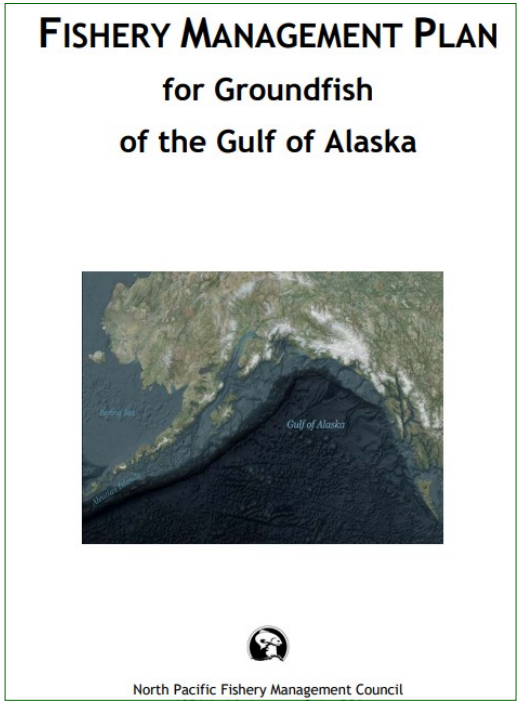
On April 21, 1978, a Fishery Management Plan (FMP) prepared by the North Pacific Fishery Management Council (Council) was published by the Secretary of Commerce. That FMP established conservation and management measures for both the foreign and domestic groundfish fisheries in the Gulf of Alaska (GOA) under the authority of the Fishery Conservation and Management Act. Proposed regulations to implement the plan were also published on April 21, 1978 (43 FR 17242).

At the July 1978 Council meeting, the National Marine Fisheries Service (NMFS) had drafted a letter to the Council asking them to consider an amendment that extended optimum yield (OY), total allowable level of foreign fishing (TALFF), and U.S. capacity estimates through 1979.

The FMP was designed to conserve and manage groundfish resources. The purpose of Amendment 1 was to extend the already-established management strategies described in the FMP with some slight language modification.

Analysis

The Assistant Administrator for Fisheries determined that this action did not constitute a major Federal action requiring the preparation of an Environmental Impact Statement (EIS). However, a 3-page environmental assessment (EA) was prepared for this amendment.



Regulation Summary

In addition to extending the OY, TALFF, and U.S. capacity, the language in the FMP was modified to reflect November as the start of the fishing year. As such, the extension went until October 31, 1979, instead of December 31, 1979.

Specifically, the amended implementation regulations were to:

1) Extend the time frame of the FMP so that conservation and management measures would be in effect through October 31, 1979.
2) Conform the phrasing of the regulations to be consistent with a fishing year beginning on November 1.

Results

The OY, statement of U.S. capacity, and TALFF were extended from December 31, 1978 to October 31, 1979.

A later amendment, Amendment 7, extended the FMP through 1980. In 1980, Amendment 8 changed the plan management year to January 1- December 31 and removed the plan expiration date.

2 Catch Limits

Joint Venture Reserve: Increase Pollock Reserve to 133,800 Metric Tons; TALFF Adjustment

Council Action	Proposed Rule	Final Regulations	Effective
August 28, 1978	*October 6, 1978* *43 FR 46349*	*December 1, 1978* *43 FR 56238*	*December 1, 1978*

Purpose and Need

The original FMP for the Gulf of Alaska (GOA) was prepared by the Council and published by the Secretary on April 21, 1978 (43 FR 17242). Among other things, the FMP established the amount of fish set aside as reserve, to ensure that an adequate supply of fish was available for potential harvest by U.S. vessels in joint venture operations (the sale of U.S. caught fish to foreign processors). The original FMP also established a procedure for apportioning amounts of fish from the reserve to the total allowable levels for foreign fishing (TALFFs) during the fishing year.

Amendment 2 was proposed to:

1) Increase the amount of pollock held in reserve to 133,800 mt, with appropriate increases in the reserves of species taken incidental to fishing for pollock.

2) Modify the method used to determine the portion of each species' optimum yield (OY) set aside as reserve. The action established a special joint venture reserve wherein: TALFF = (0.8 OY) - domestic annual harvest - special joint venture reserve. The intent was to re-evaluate the remaining 20% of the OY and the joint venture reserves beginning January 2, 1979 and reallocate to the domestic or foreign fisheries following reassessment of U.S. development, both in terms of joint venture operations and delivery to U.S. shore-based processors.

With such a large piece of the fishery held in reserve, the Council also wanted to ensure that the fishery was apportioned effectively so that optimum yield (OY) could be reached and the fishery fully utilized. Amendment 2 provided that 25% of the initial reserve would be allocated to the TALFF every two months, unless it was determined by NMFS that the U.S. fleet could harvest all of the remaining reserve in the fishing year. This amendment stemmed from the difficulty of accurately predicting U.S. harvesting capacity when new joint ventures continued to be initiated. By establishing reserve amounts of fish for domestic harvest that could eventually be available to the foreign fleet, the possibility of overfishing or disrupting the foreign fisheries mid-season would be diminished, providing greater assurance that optimum yield would be achieved.

Analysis

A 2-page environmental assessment (dated September 13, 1978) was prepared for this amendment. Two alternative solutions to the 25% bimonthly apportionment of the reserve to the TALFF were considered: 1) establishing a high, initial U.S. capacity estimate with lower TALFFs; or 2) establishing a low U.S. capacity with higher TALFFs. The first alternative was rejected on the basis that if the initial U.S. harvest capacity was greatly overestimated, there would not be adequate time to amend the FMP to increase the TALFF in order to achieve optimum yield. The second alternative was rejected on the basis that if the initial U.S. harvest capacity was underestimated, a relatively high TALFF could result in overfishing or disruption of the foreign fishery if an abrupt closure was deemed necessary. The preferred alternative allowed more flexibility to reach the optimum yield and prevent overfishing, depending on anticipated and reported U.S. harvest levels.

Regulation Summary

The regulation increased the amount of pollock held in reserve to 133,800 mt, with appropriate increases in the reserves of species taken incidental to fishing for pollock, and established the special joint reserve and stipulated the method for calculating the foreign allowance, wherein: TALFF = (0.8 OY) - domestic annual harvest - special joint venture reserve. The regulation also provided for 25% of the initial reserve to be allocated to the TALFF every two months, unless it was determined that the U.S. fleet could harvest all of the remaining reserve in the fishing year. That determination would be based on: 1) reported U.S. catch and effort by species and area; 2) projected U.S. catch and effort by species and area; and 3) projected and utilized processing capacity of U.S. fish processors. The regulation also stipulated that if part of the scheduled 25% apportionment to the TALFFs was withheld and the U.S. fleet failed to achieve the anticipated harvest levels in the next period, the amount of fish previously withheld would be made available to the TALFFs on the next bimonthly date.

Results

The amendment allowed for sufficient flexibility to apportion the reserve and maintain a TALFF that would achieve the OY, prevent overfishing, allow for joint ventures to continue, and provide for an expanding domestic fleet.

Over the next several years, multiple amendments adjusted the domestic annual harvest (DAH) and the TALFF. Amendment 6 adjusted the domestic annual harvest and corresponding TALFF to reflect the best information available from the observers and domestic processors; Amendment 7 established a mechanism to periodically review and reassess the domestic annual harvest and the reserve to TALFF; Amendment 8 allowed the transfer of domestic allocations to foreign TALFF; Amendment 11 increased the flexibility of the Regional Administrator to reapportion reserves and surplus DAH to foreign fishing. Lastly, Amendment 17 required all vessels receiving groundfish harvested in the EEZ to hold a federal permit and comply with federal reporting requirements. Ultimately, some of these amendments led to the complete Americanization of Gulf of Alaska fisheries; no foreign vessels caught or processed fish in the Gulf of Alaska after 1988.

3

Catch Limits | Spatial Management

Foreign Apportionment of Pacific Cod in Chirikof Area

Council Action	Proposed Rule	Final Rule	Effective
June 29, 1978	*October 13, 1978* *43 FR 47222*	*December 1, 1978* *43 FR 56238*	*January 1, 1979*

Purpose and Need

The original FMP subdivided the Chirikof statistical area into two segments at 157° W. The total allowable level for foreign fishing (TALFF) for Pacific cod in the entire Chirikof area was established at 1,500 mt, which was further split to 600 mt and 900 mt for the western and eastern subdivisions, respectively. The foreign quota split between segments of the Chirikof area was based on the proportion of the area in each segment. For example, 40% of the total Chirikof area is west of the subdividing line, therefore 40% of the total quota for the area was allocated to that segment (40% of 1,500 mt = 600 mt). The division was originally established to limit the amount of Pacific cod taken by foreign longliners, since longline fishing was not allowed in the eastern segment of the Chirikof area. Amendment 3 was proposed to remove the subdivision quotas but maintain the 1,500 mt total quota, thereby allowing the foreign longline fleet to take the entire Chirikof TALFF for Pacific cod west of 157° W longitude.

Amendment 3 was intended to allow an increase in the amount of Pacific cod taken by foreign longliners, within the confines of the overall quota for Chirikof. Since longline gear is more selective than trawl gear, allowing an increase in longline harvest was expected to reduce the amount taken by trawlers, and thus reduce the incidental catch of other species including halibut and shellfish.

Analysis

A 3-page environmental assessment was prepared (dated August 25, 1978) for this amendment. Three alternative actions to the preferred alternative were considered, including no action. The other two alternatives not chosen entailed:

1) Moving the subdividing line east of 157° W to enlarge the western segment.

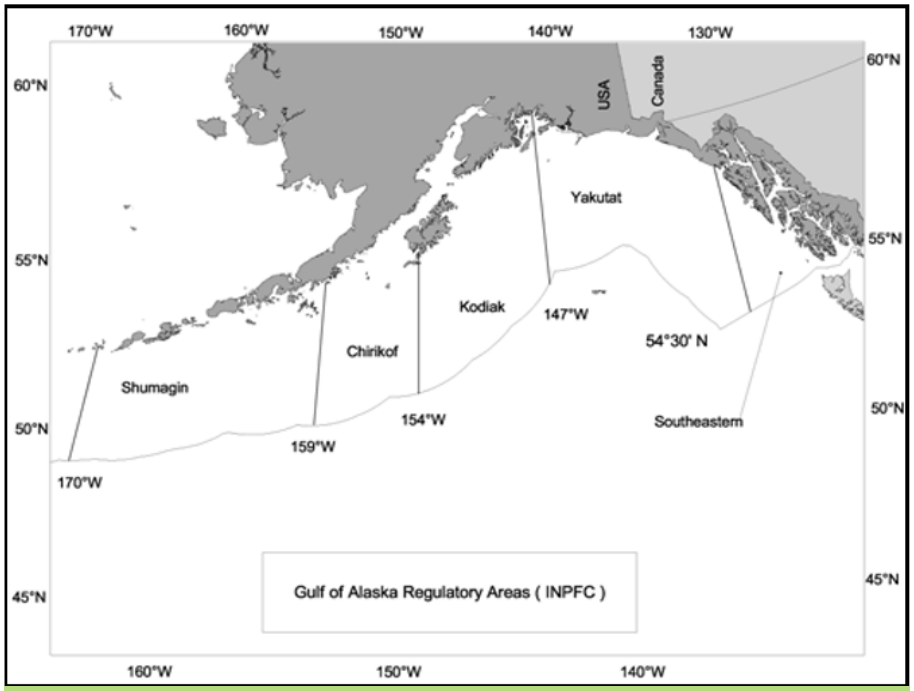
2) Allocating allowable catches and percentage of reserves to the eastern and western segments of the Chirikof area on other than a proportional basis. Moving the subdividing line was rejected because it would increase the longline quota and produce potential gear conflicts with domestic and foreign trawlers. Changing the allowable catch percentages was rejected because there was no supporting evidence to refute an assumption of a uniform distribution of Pacific cod throughout the Chirikof area. The preferred alternative was chosen because it decreased bycatch of other species and because no information existed to indicate that the Pacific cod distribution was so localized that this action would deplete the stock west of 157° W longitude.

Regulation Summary

The implementing regulations allowed for the foreign longline fleet to take the entire Chirikof TALFF for Pacific cod (1,500 mt), and any apportioned reserves in that fishing area, in the Chirikof fishing area west of 157° W. longitude.

Results

The amendment allowed for a greater portion of the foreign Chirikof Pacific cod quota to be taken by the foreign longline fleet.



Gulf of Alaska Regulatory Areas

4

Administrative | Catch Limits | Gear Restrictions | PSC/Bycatch | Reporting | Spatial Management

Removal of Gear and Area Restrictions, Adjust Optimum Yield, Reduce Regulatory Areas

Council Action	Proposed Rule	Final Rule	Effective
April 4, 1979	*July 9, 1979* *44 FR 40099*	*August 27, 1979* *44 FR 50042*	*August 22, 1979*

Purpose and Need

The original FMP for the Gulf of Alaska was effective April 21, 1978 (43 FR 17242). After a year of practical experience implementing the management measures in the plan, the Council identified several omissions and superfluous provisions in the plan. The purpose of Amendment 4 was to fix these small omissions and to correct excessive or redundant provisions that were originally included to protect the halibut fishery but were later found to be unnecessary.

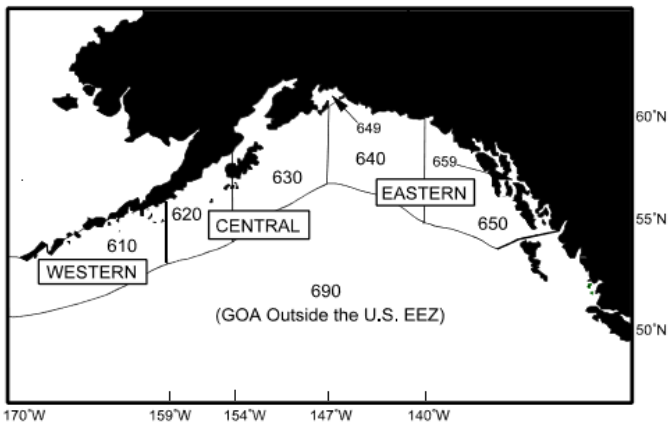
Analysis

An 8-page environmental assessment was prepared for this amendment. Two alternative actions to the preferred alternative were considered, including no action. The other alternative not chosen would have imposed more restrictions on the foreign and domestic fleets and retained regulations that were unnecessary. Based on revised stock assessments, new observer information, and new foreign and domestic fishery data, the proposed actions were considered the best overall balance between biological considerations and social and economic impacts.

Regulation Summary

The regulations implemented the following provisions:

1) Reduce the number of fishing areas in the GOA from five to three (Western, Central, Eastern), to reduce the regulatory burden on the fisheries while still preventing localized depletion.



Reporting areas of the Gulf of Alaska

2) Allow foreign fishing within the 3-12-mile zone between 169° and 170° W longitude to correct an omission in the FMP.

3) Remove the restriction which allowed only 25% of the total allowable level of foreign fishing (TALFF) to be taken from December 1 to May 31. The restriction was proved unnecessary since foreign trawl operations use pelagic trawls in the winter.

4) Allow foreign longlining for sablefish seaward of 400 meters (instead of 500 meters) from May 1 to September 30 in the area between 140° and 170° W longitude. Because incidental halibut catch by longliners is low during the summer, this change increased areas for foreign nations to catch sablefish while adequately protecting halibut stocks.

5) Permit a directed longline fishery for Pacific cod between 140° and 157° W longitude seaward of 12 miles, except during the U.S. halibut season. By encouraging longlining instead of trawling for Pacific cod, the incidental mortality of halibut would be reduced.

6) Exempt foreign vessels from the requirement that fishing by all vessels of a nation in a fishing area cease when the allocation for any species has been taken. The exemption does not apply if the allocation reached is for a target species of the longliners. This was to prevent the foreign longline fishery from being closed by the foreign trawl fishery.

7) Increase the squid optimum yield to 5,000 mt (from 2,000 mt) to allow a sufficient incidental catch for foreign nations.

8) Increase the Atka mackerel optimum yield to 26,800 mt (from 24,800 mt), based on new data indicating higher historical catches.

9) Remove the domestic one-hour tow restriction. This was deemed unnecessary protection for halibut given the separate incidental catch quota on halibut for domestic fisheries.

10) Remove the domestic requirement for the use of off-bottom trawls from December 1- May 1. This measure was also considered unnecessary for halibut protection.

11) Require domestic permits to be renewed annually and domestic reporting (fish tickets) to be submitted within 7 days (instead of 3 days). This would make the Federal and State regulations consistent.

Results

Many of the management measures provided for in the original FMP were designed to protect the halibut resource and fishery. After experiencing how the fisheries operated under the plan for a year, it was evident that several provisions could be removed without compromising halibut conservation goals. New data and practical experience indicated that instituting the above changes would allow for a less burdensome regulatory environment for fishermen.

5 FMP Species Categories

Establish Species Category for Grenadiers

Council Action	Proposed Rule	Final Rule	Effective
June 1979	*July 20, 1979* *44 FR 42738*	*September 18, 1979* *44 FR 54064*	*September 12,1979*

Purpose and Need

Amendment 5 was prompted by a previously unrealized bycatch of grenadiers in the longline fishery for sablefish. Grenadiers, otherwise known as rattails for their slim, pointed appearance, are an abundant, deepwater fish caught incidental to other deepwater roundfish. Although grenadiers are not a commercially valuable species, by 1979 they had comprised as high as 66% of the total foreign sablefish catch in the Gulf of Alaska and were recognized as a significant bycatch problem.

The original FMP identified three separate species categories: 1) prohibited; 2) specific species or species complexes; and 3) other species. The FMP would place grenadiers in the "other species" category, which had a Maximum Sustainable Yield/Optimum Yield (MSY/OY) of 16,200 mt as a whole. Including the grenadier catch in the total catch assessed for "other species" that are also taken incidentally in the longline and trawl fisheries would cause the fisheries to quickly exceed the "other species" MSY/OY and potentially close the directed fisheries before the allocation for the target species was reached. Amendment 5 would establish a new, distinct category for grenadiers with a separate MSY/OY.

The Council, noting the need for a long-term solution, also began developing a fourth FMP species category that would include all fish caught incidental to other species and not used commercially for any purpose. Eventually this category would include grenadiers, as well as about 20 other vertebrate and invertebrate species of no commercial value. However, because the viability of the foreign fisheries was immediately threatened, the Council viewed Amendment 5 as a timely, short-term solution that could be implemented while a fourth category was being developed.

Analysis

A 5-page environmental assessment (dated 1979) was prepared for this amendment. Three alternatives were considered, including no action. The action alternative not chosen would have created a new species category comprised of fish for which there is no commercial value, and which are discarded at sea. This alternative was rejected primarily because of the time constraints imposed; the foreign fisheries demanded immediate relief were they to continue to prosecute the target fisheries without the threat of an early closure due to incidental grenadier catch. This alternative remained favorable as a long-term solution, while the preferred action would remedy the current situation.

Regulation Summary

Amendment 5 created a new species category specifically for grenadiers with a separate domestic annual harvest, total allowable level of foreign fishing, and MSY/OY of 13,200 mt. The MSY/OY was based on the recorded average grenadier catch for the previous twelve years. Since the grenadier population was not considered in the development of the OY for the "other species" category, that category's OY remained the same. The deletion of grenadiers from the "other species" category was published in a separate rule on June 29, 1979 (44 FR 37937).

Results

Amendment 5 removed grenadier catches from the accumulated total of "other species" to a separate category of 'rattails, grenadiers' with a separate MSY/OY, thus allowing a reasonable effort on allocations of sablefish and other valuable target species with the threat of a premature closure by exceeding the allocation for "other species". This reduced the threat of an early closure in the foreign longline and trawl fisheries.

In 1980, grenadiers were placed in the "non-specified species" category under Amendment 8. Amendment 87 (effective in 2010) eliminated the "non-specified species" category and removed grenadiers from the FMP. In 2015 grenadiers were included in the "ecosystem component" category under Amendment 91 (BSAI Amendment 100).

Grenadier tow. Photo courtesy of Sarah Gaichas.

6 Catch Limits

Reduction of Domestic Annual Harvest

Council Action	Proposed Rule	Final Rule	Effective
June 28, 1979	*August 9, 1979* *44 FR 46904*	*November 7, 1979* *44 FR 64410*	*November 1, 1979*

Purpose and Need

The original FMP for the Gulf of Alaska (43 FR 17242; April 21, 1978) set domestic annual harvest (DAH) estimates, optimum yields (OY), and the total allowable level of foreign fishing (TALFF) in order to balance fishing effort between domestic and foreign fleets, including joint venture operations. After the FMP had been in place a full year, new data was available from NMFS on 1) the total domestic harvest through April 1979, and 2) the processors' intentions to process during the remainder of the fishing year. This information made it possible to adjust downward the domestic annual harvests, by species and regulatory area in the GOA, and commensurately increase the TALFFs for all groundfish species, so that the fishery could be fully utilized.

Analysis

The FMP and implementing regulations would expire on November 1, 1979, and it was necessary to prepare a Secretarial amendment to the FMP to avoid social and economic disruption which would result from cessation of foreign fishing and joint venture operations; and to help assure full utilization of available fishery resources.

A negative assessment of environmental impact for this action went on file with the Environmental Protection Agency. A preliminary determination of non-significance under Executive Order 12044 had been made by the Assistant Administrator for Fisheries.

Regulation Summary

The regulations lowered the estimates of domestic annual harvest and reallocated the surplus to the TALFF, increasing the 1978 TALFF by 27,700 mt for all species of groundfish combined. Specifications by species are provided in the table below.

Total Allowable Level of Foreign Fishing in GOA Groundfish (mt)	
Pacific cod	29,300
Flounders	32,025
Atka mackerel	26,775
Pacific ocean perch	22,750
Pollock	157,200
Rockfishes	6,675
Grenadiers	11,868
Sablefish	8,805
Squid	4,975
Other species	15,570

Results

The regulations adjusted the domestic annual harvest and corresponding TALFF to reflect the best information available from the observers and domestic processors, and allowed for a fully utilized groundfish fishery in the Gulf of Alaska.

7

Catch Limits | FMP Species Categories | Reporting Requirements

Extend the FMP, Adjust Optimum Yield for Pacific Cod, Establish Species Category for Thornyhead Rockfish, Domestic Reporting Requirements

Council Action	Proposed Rule	Final Rule	Effective
August 1979	*September 7, 1979* *44 FR 52284*	*November 7, 1979* *44 FR 64410*	*November 1, 1979*

Purpose and Need

The original GOA FMP (43 FR 17242; April 21, 1978) set domestic annual harvest (DAH) estimates, optimum yields (OY), and the total allowable level of foreign fishing (TALFF) in order to balance fishing effort between domestic and foreign fleets. During the first year of implementation, reporting accuracy improved and new catch data was available from NMFS on the total domestic harvest and processing capabilities. Because implementing regulations for Amendment 1 stipulated that the FMP was only effective through November 1979, another amendment was needed to extend the FMP for the next fishing year. Certain stock assessment data was not available prior to the expiration of the current plan, so the amendment would simply rollover the optimum yields in the original plan (as amended), with a few minor exceptions.

New data from the 1977 and 1978 trawl surveys and 1979 Soviet surveys indicated increasingly abundant stocks of Pacific cod, much higher than the estimates used to set the 1978 OY. The domestic trawl surveys estimated maximum sustainable yield (MSY) at 88,000 mt, and the Soviet surveys estimated 67,600 mt. On that basis, the Council recommended an increase in the Pacific cod OY from the current 34,800 mt. Previous estimates for Atka mackerel, based on Soviet hydroacoustic surveys, were also low compared to new data from Soviet trawl surveys. Thus, the Council recommended that the Atka mackerel OY also be increased.

Industry had recommended the Council establish a Gulf-wide OY for thornyhead rockfish (genus Sebastolobus), a species historically taken incidental to the foreign sablefish longline fishery. The species was not previously reported as thornyhead rockfish (a.k.a. “idiot” rockfish) or assessed against the “other rockfish” category, so new reporting of the substantial bycatch of idiot rockfish meant foreign harvesters were quickly meeting the relatively small “other rockfish” quota and were threatened with early closure. The final concern addressed in Amendment 7 dealt with joint venture operations and the need to improve the equitable distribution of the catch between foreign and domestic processors.

Analysis

An 11-page environmental assessment (final draft dated September 19, 1979) was prepared. Four alternatives were considered, including no action. Taking no action would have ceased all fishing, as the current plan expired October 31, 1979. The second alternative (the status quo) would have maintained the current optimum yields, an option deemed unacceptable in light of new biological information. The third alternative not chosen would have imposed more restrictive regulations on the foreign and domestic fleets, without appreciable benefit to the resource or the U.S. fishery. The preferred actions would remove unnecessary regulations while maintaining a conservative management regime and providing for both domestic expansion and the needs of foreign fisheries.

Regulation Summary

The regulations implemented the following provisions:

1) Extend the FMP through October 31, 1980;

2) Implement the provisions of the Processor Preference Amendment (PL 95-354), which would establish a mechanism to periodically review and reassess the domestic annual harvest and the reserve to TALFF;

3) Increase the Pacific cod OY from 34,800 mt to 60,000 mt and increase the Atka mackerel OY from 26,800 mt to 28,700 mt;

4) Create a new category and a Gulf-wide OY of 3,750 mt for thornyhead rockfish; and

5) Create new domestic reporting requirements to facilitate better estimates of domestic annual harvesting and processing capabilities.

A sixth measure would have established that the Council would consider, on a case-by-case basis, the possibility of time and area closures to joint venture operations to allow a domestic processor to process the catch. This provision was disapproved by the Secretary.

Results

The amendment extended the management actions in the FMP and increased the optimum yields for two species, allowing for a larger harvest but also remaining biologically conservative. The Council also adopted provisions that would better safeguard the expanding domestic harvesters and processors, and started considering additional closures to joint ventures so that new domestic processors could be fully utilized. These were incremental changes that would begin to replace foreign effort with domestic effort.

Thornyhead rockfish (genus Sebastolobus)

8

Administrative | Bycatch | Catch Limits | FMP Species Categories | Gear Restrictions | Spatial Management

Establish OY and Species Categories, Sablefish Areas, and Biodegradable Panels

Council Action	Proposed Rule	Final Rule	Effective
May 1980	*September 11, 1980* *45 FR 59114*	*November 5, 1980* *45 FR 73486*	*November 1, 1980*

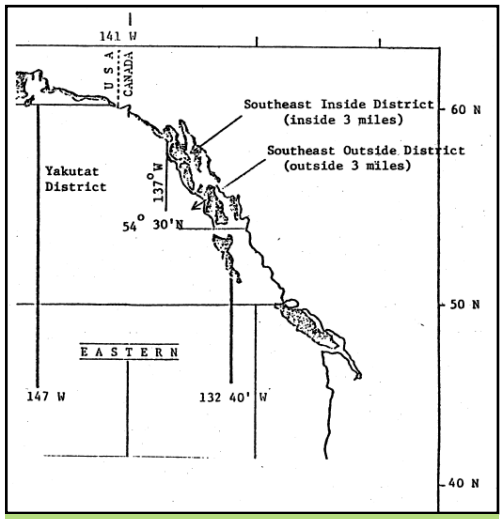
Purpose and Need

This omnibus amendment was designed to conform the Gulf of Alaska groundfish plan to the newly adopted Bering Sea plan, enhance management, and protect incidentally caught species. The establishment of four species categories was designed to allow more flexible treatment of species caught incidentally to the target species. Information on squid, rockfish, and several other species was found insufficient to warrant optimum yields for the three main regulatory areas in the Gulf, so their management was changed to Gulf-wide. Sablefish management also needed changes because the growing U.S. fishery tended to fish in too localized an area off Southeast. The Eastern area thus was divided into three smaller areas to spread the fishery out. Requiring biodegradable panels was intended to reduce ghost fishing by lost sablefish pots.

The purpose of modifying the timing of reserve releases was to allow for increased catches by domestic fisheries. The 20% of OY reserve for each species of groundfish enabled managers to provide fish to domestic fishermen if they needed it, or release it to the foreigners if the domestic fisheries did not need it. The new schedule of releases was designed to give domestic fishermen more time to demonstrate their needs.

Analysis

An 8-page environmental assessment (undated) was prepared for this plan amendment. Each of the alternatives was briefly compared to the status quo at the time. Very little was done in the way of economic analysis of the alternatives.



Districts of the Eastern Regulatory Area

Regulation Summary

The amendment included six measures:

1) Change plan management year to January 1- December 31 and remove plan expiration date;

2) Set Gulf-wide OY for squid, thornyhead rockfish, other rockfish, and other species;

3) Establish four species categories: target species, other species, unallocated species, and non-specified species;

4) Establish three regulatory districts for sablefish management: Yakutat, Southeast Outside, and Southeast Inside;

5) Adjust reserve release schedule to 40% in April, 40% in June, 20% in August; allow transfer of domestic allocations to foreign Total Allowable Level of Foreign Fishing (TALFF); and

6) Require biodegradable panels on sablefish pots.

A seventh measure which would have authorized the Regional Director to issue field orders to resolve gear conflicts between foreign and domestic fishermen, was disapproved by NMFS for lack of specificity on January 11, 1982.

Results

Parts 1 and 2 mainly were administrative changes that facilitated management of the fisheries. Part 3 replaced three categories with four to alleviate operational problems with fishermen having to report non-target species in the “other species” category. Under that system, there was a threat of closure of the groundfish fishery when one of those species of no commercial value was present in high abundance. This replaced Amendment 5, which had created a new species category of ‘rattails, grenadiers’. The term “unallocated species” replaced the term “prohibited species”. In 1988, this category was changed back to “prohibited species’ under Amendment 16, and included crab, herring, salmon and other species that must be avoided, and if caught, must be returned to the sea immediately.

The sablefish management areas subsequently were revised to further divide the Yakutat area, but other than that remain mostly intact. The schedule for the release of the 20% reserve was used until the mid-1980s. With the withdrawal of foreign fleets from 1986 on, the reserves were released mainly at the first of the season when the final groundfish specifications are set. The Council banned the use of sablefish pots in the GOA in 1985. In 2017, under Amendment 101, sablefish longline pots were reauthorized in the GOA. At present, biodegradable panels are required in all groundfish and crab pot gear.

9

Gear Restrictions | Spatial Management

Close Kodiak Gear Area to Foreign Trawl

Council Action	Proposed Rule	Final Rule	Effective
July 1980	*July 9, 1981* *46 FR 35536*	*October 6, 1981* *46 FR 49128*	*October 2, 1981*

Purpose and Need

Although there were six small areas around Kodiak Island (the “Kodiak Gear Areas”) closed to foreign trawling from August 10 to June 1, domestic crab fishermen testified at numerous hearings that the loss of gear to foreign trawlers and the fear of future losses on the crab fishing grounds outside the small closed areas were still problems. These were problems only with the foreign fleets because the domestic trawlers avoided domestic crab gear by coordinating their activities with the crab fleet.

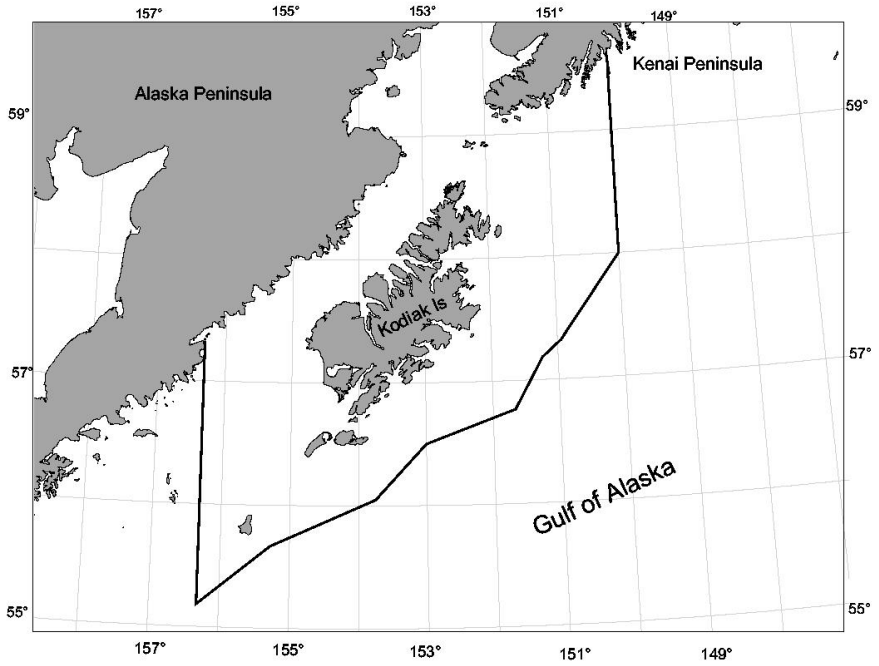
Analysis

A 6-page environmental assessment was prepared for this plan amendment. Two alternatives to the status quo were considered. A modification of the Kodiak Gear Area to permit unrestricted foreign trawling in two areas east and south of Trinity Island was rejected because the area contained significant numbers of king crab.

Regulation Summary

The amendment replaced six small fixed gear areas around Kodiak with a larger, single closed area to prevent gear conflicts between foreign trawlers and U.S. crab fishermen and to prevent preemption of crab grounds during the crab season by foreign trawlers. It remained closed from 2 days ahead of the Kodiak king crab season, normally September 15th through February 15th.

The Kodiak Gear Area (a.k.a. Lechener Line) is bounded as indicated below.



The Kodiak Gear Area (a.k.a. Lechener Line)

Results

This closure, also known as the “Lechner Line” for the biologist that proposed its boundary, remained in place while foreign trawlers still worked the grounds off Kodiak. Foreign trawling ceased in the Gulf of Alaska after 1985.

New amendments imposed trawl closures around Kodiak to protect crab habitat. Amendment 15 created special bottom trawl restrictions to protect king crab, which were renewed by Amendment 18. Amendment 26 permanently closed these areas. Amendment 60, effective in 2002, prohibit the use of non-pelagic trawl gear in the EEZ of Cook Inlet. In 2014, a Tanner crab protection area was created in Marmot Bay under Amendment 89.

10

Catch Limits | Gear Restrictions | PSC | Spatial Management

Reduce Pacific Ocean Perch Catch, Foreign Trawl Closures in Southeast Alaska

Council Action	Proposed Rule	Final Rule	Effective
February 26, 1981	*December 7, 1981* *46 FR 59565*	*June 2, 1982* *47 FR 23936*	*June 1, 1982*

Purpose and Need

Pacific ocean perch (POP) stocks were subject to intense foreign fishing that began in 1962 and 1963, peaking with harvests of over 340,000 mt in 1965. In the late 1970s, foreign harvests of POP were under 15,000 mt and the stocks remained severely overfished. Foreign trawlers fishing in Southeast Alaska waters were also taking incidental catches of halibut, a prohibited species for trawlers, but a major target fishery for domestic longline fishermen. The 1978-79 average incidental halibut catch by foreign fleets was 967 mt, or about 24% of the domestic directed harvest, with an ex-vessel value of nearly $4 million in the Eastern Regulatory Area.

There were also recorded incidents of conflicts between foreign trawlers and domestic longline fishermen that needed to be resolved. The Alaska Longline Fishermen's Association estimated that in 1980 alone, gear conflicts with foreign trawlers resulted in losses between $2,500 and $20,000 each.

The purpose of Amendment 10 was to rebuild the POP stock and protect domestic halibut fisheries in southeast Alaska by reducing the incidental catch of unallocated species in the Eastern Regulatory Area. Additionally, this action sought to prevent gear conflicts between foreign trawlers and domestic fishermen by closing certain areas to foreign fishing.

Analysis

A 10-page environmental assessment (undated) was prepared for this plan amendment. The analysis included four alternatives, including the no action alternative. One alternative was to adopt only one of the two changes proposed in Amendment 10, but this alternative would have failed to address all of the purposes described. Another alternative included several associated options which would have modified the proposed changes in a number of ways, however each of these options was considered unacceptable.

Catch of Pacific ocean perch (*Sebastes alutus)*. Photo courtesy of AFSC.

Regulation Summary

The amendment included two main parts. First, it reduced the acceptable biological catch for POP from 29,000 mt in the Eastern Regulatory Area, to 875 mt, the OY from 14,400 mt to 875 mt, and allowed domestic and foreign fisheries 500 mt and 200 mt, respectively, for bycatch purposes. Second, Federal waters east of 140° W were closed to all foreign fishing, and only pelagic trawling with recording netsonde devices was allowed in waters between 140° and 147° W all year. All domestic fishing sanctuaries east of 140°W were consequently deleted as they were no longer necessary.

Results

These closures and adjustments to the POP harvest specifications reduced incidental bycatch of halibut and helped set the stage for later rebuilding of the POP stock. The rebuilding plan was established under Amendment 32 in 1994, and the stock was considered rebuilt in 1996. The trawling restrictions on foreign vessels off Southeast were very significant at the time and represented one more step along the way to complete Americanization of Gulf of Alaska fisheries. No foreign vessels caught or processed fish in the Gulf of Alaska after 1988. Amendment 41 banned domestic trawling in Southeast Alaska, starting in the year 2000.

11

Spatial Management | Catch Limits | Reporting Requirements

Adjust Pollock and Sablefish Optimum Yield, Create Sablefish Management Districts in Eastern Gulf of Alaska, DAP/JVP Framework Adjustments

Council Action	Proposed Rule	Final Rule	Effective
July 22, 1982	*July 1, 1983* *48 FR 30409*	*September 21, 1983* *48 FR 43044*	*October 16, 1983*

Purpose and Need

Domestic fisheries for pollock were expanding rapidly in the Gulf of Alaska because of foreign joint venture opportunities. Domestic harvest expanded from only 1,900 mt in 1980 to 17,000 mt in 1981, to more than 75,000 mt in 1982. Lengthy plan amendments were needed at the time to make changes in allocations of fish to domestic and joint venture fishermen, and flexibility was needed for the Regional Administrator to reapportion reserves and domestic allocations to foreign fishermen if it was projected that domestic fishermen could not harvest it. The Regional Administrator also needed some flexibility to impose closures for conservation reasons on foreign fleets as had already been done for domestic fisheries. And finally, agencies needed to have accurate catch reporting, particularly from large factory trawlers that were capable of leaving the state to deliver their processed product elsewhere.

Alaska (walleye) pollock (*Gadus chalcogrammus*). Photo courtesy of AFSC.

Analysis

A 21-page environmental assessment (EA) (dated May 1983) and 33-page regulatory impact review (RIR)/ initial regulatory flexibility analysis (IRFA) (dated April 1983) were completed for this amendment. The OY for pollock was increased to 143,000 mt, the midpoint of the MSY range of 95,200 mt to 191,000 mt for the Central Regulatory area. The sablefish OY was reduced and apportioned by smaller area to respond to conservation concerns and hasten rebuilding of the stocks. The introduction of the framework mechanism for changing DAP (Domestic Annual Processed Catch) and JVP (Joint Venture Processing) responded directly to the rapid pace of development in those domestic fisheries. The use of plan amendments was too slow a process. Bait and personal consumption were not being monitored and were better included in DAP rather than remaining a separate category. Authority for the Regional Administrator to reapportion unused domestic set-asides to foreign fisheries would ensure fuller use of OY. The Regional Administrator had authority to impose conservation closures on domestic fishermen. This amendment established similar consistent authority for the foreign fisheries. This amendment ensured that all catches were reported, even those bound to leave the state for landings elsewhere.

Regulation Summary

The amendment made the following changes:

1) Increased OY for pollock in the Central Area of the Gulf from 95,200 mt to 143,000 mt;
2) Divided the Yakutat district into east Yakutat (137°-140° W) and West Yakutat (140°-147° W) for sablefish management;
3) Reduced OY for sablefish from 12,300 mt to a range of 7,730-8,900 mt and apportioned it among the regulatory areas and districts;
4) Established a framework procedure for the Regional Administrator to annually determine domestic (DAP) and joint venture (JVP) components of domestic annual harvest (DAH) for each species' OY;
5) Eliminated the domestic non-processed (bait and personal consumption) component of DAH, combining it within the purely domestic component, DAP;
6) Increased flexibility of Regional Administrator to reapportion reserves and surplus DAH to foreign fishing (TALFF);
7) Authorized Regional Administrator to impose time-area closures on foreign nations to conserve resources; and
8) Imposed radio/telephone catch reporting requirements on domestic vessels leaving State waters to land fish outside Alaska.

Results

This omnibus amendment provided for increased pollock catch to match the needs of the growing domestic industry, and reduced sablefish harvests for conservation purposes. It increased the ability of the Regional Administrator to respond to needs of the domestic fisheries, while promoting fuller use of OY. Additionally, it enhanced the agency's ability to monitor catch.

12 Gear Restrictions

Pot Gear Prohibition for Sablefish (withdrawn)

Council Action	Proposed Rule
July 1982	*Withdrawn– with adoption of Amendment 14*

Purpose and Need

Amendment 12 addressed two potential problems in the Southeast sablefish fishery: 1) conservation and restoration of the depressed sablefish fishery; and 2) fishing grounds preemption and wastage of the existing sablefish resource.

Analysis

A 21-page RIR (draft dated April 1983) analyzed three alternatives:

1) The status quo;
2) Make sablefish an exclusive hook and line fishery between 140°W longitude and Cape Addington (preferred action); or
3) Do not include trawl gear in the proposed management measure. Pot gear was identified as less suitable for the area, given the bottom topography. Lost pot gear entangles hook and line gear, making both irretrievable and leading to ghost fishing. Pot longline gear was used extensively in the mid-1970s but was used to harvest less than one percent of sablefish between 1980-82. Since there was no existing or anticipated trawl fishery for sablefish in this area, a restriction on the use of trawl gear for sablefish was not adopted. However, later, trawl gear was limited to sablefish bycatch in other directed groundfish trawl fisheries (Amendment 14).

Regulation Summary

Amendment 12 was withdrawn.

Sablefish pot gear on vessel.
Photo courtesy of David Witherell.

Results

Significant new information in a report on the quality of pot-caught sablefish cast doubt on the argument that pot-caught sablefish are of inferior quality. For this reason, additional information needed to be included into the documentation for Amendment 12, and the amendment was withdrawn and reconsidered as part of Amendment 14. Amendment 14 prohibited the use of all pot gear in this fishery. Hook and line became the only allowed gear in the directed sablefish fishery for the next 20 years. An individual fishing quota (IFQ) program for sablefish was approved in 1988 and implemented in 1995 in both the GOA (Amendment 20) and BSAI (Amendment 15). Pot longline was never prohibited for sablefish in the Bering Sea and Aleutian Islands, and (with the adoption of GOA Amendment 101, effective 2017), is now once again permitted in the Gulf of Alaska.

13

Catch Limits | Spatial Management

Increase Pollock Optimum Yield, Adjust Pollock Management

Council Action	Emergency Interim Rule	Extended	Proposed Rule	Final Rule	Effective
December 1983	*March 23, 1984*	*June 12, 1984*	*April 27, 1984*	*July 17, 1984*	*August 13, 1984*

Purpose and Need

Amendment 13 was proposed to combine the Western and Central GOA regulatory areas into one unit for pollock management and increase the pollock optimum yield (OY) for the combined area. The amendment was based on new scientific information and analysis which indicated that: 1) the pollock resource would be managed more effectively and the possibility of over- or under-harvest would be minimized if the Western and Central areas were combined, and 2) the exploitable biomass of pollock and therefore the amount available for harvest have increased substantially for those areas and supports an increase in OY.

The amendment was necessary to allow the pollock resource in the Western and Central Gulf to be managed as one stock. It was intended to provide optimum harvest of the pollock resource and to prevent undue restriction and economic hardship to the domestic groundfish fishery, by allowing both the harvest of the increased surplus production of the pollock resource and the distribution of fishing effort according to pollock availability.

Analysis

An emergency interim rule to implement Amendment 13 and a 30-page supplemental EA/Initial Regulatory Flexibility Analysis (IRFA) (draft dated January 1984) were written. The emergency interim rule went into effect on March 23, 1984 (49 FR 10931) and was extended through September 18, 1984 (49 FR 24142). In addition to the status quo, the analysis evaluated the impacts of increasing the pollock OY. Projections of exploitable biomass of pollock in the Western and Central Gulf were made for 1984-1986 for five different levels of OY and four different recruitment scenarios.

Pollock being hauled on deck. Photo courtesy of Karla Bush.

Regulation Summary

The final regulations contained the following two actions:

1) Adjusted the management of the pollock resource by combining the Western and Central Regulatory Areas of the Gulf of Alaska for managing the pollock fisheries only; and

2) Increased the optimum yield for the combined area from 200,000 mt to 400,000 mt.

Results

The pollock OY was increased to 400,000 mt for the Western/Central Gulf. Since the amendment was passed, the Western and Central regulatory areas have been separated and an allowable biological catch (ABC) and total allowable catch (TAC) is set for each area (Amendment 25). Exploitable biomass and catches of Gulf pollock have varied over the years, and major exploitable concentrations are found primarily in the Western and Central areas. In 2019, the Gulf-wide TAC was 141,227 mt with the Western and Central areas apportioned 24,875 and 101,831 mt, respectively.

Through Amendments 25, 45, and 49, management of pollock has considered the importance of pollock as a significant prey source for Steller sea lions. Amendment 70 established a modified harvest control rule that prohibited directed fishing if pollock falls below 20% of the unfished level.

14

Allocation | Catch Limits | FMP Species Categories | Habitat Conservation | PSC | Reporting | Spatial Management

Sablefish Gear, Area and Seasonal Allocation, Demersal Shelf Rockfish Management, OY Reductions, Halibut PSC Framework, Habitat Policy, CP Reporting Requirements

Council Action	Proposed Rule	Final Rule	Partial Implementation
May 1985	*July 26, 1985* *50 FR 30481*	*October 24, 1985* *50 FR 43193*	*November 18, 1985* Full Implementation *April 21, 1986*

Purpose and Need

The sablefish fishery traditionally had been a foreign longline fishery off Alaska, but in the eastern Gulf of Alaska in the early 1980s, domestic longliners had increased their harvests rapidly as markets developed. With improvements in the market for sablefish, two new gear types, pots and sunken gillnets, entered the fishery in 1984. In addition, trawling by foreign joint ventures in the Central and Western Gulf also took sablefish. All these gears created an overcapacity problem in the domestic sablefish fishery, as well as gear conflicts between longliners and pot fishermen. During the development of Amendment 12, additional information needed to be included, and the amendment was withdrawn and reconsidered as part of Amendment 14. Amendment 14 was designed to address these excess capacity and grounds preemption problems. The Council decided that gear and area restrictions and apportionments to gear types would be most effective.

In the early 1980s, all Sebastes species other than Pacific Ocean perch and four associated slope rockfish species were managed as "other rockfish" on a Gulf-wide basis, and yet a domestic fishery harvesting demersal shelf rockfish in the southeastern area was expanding very rapidly by 1984. Yelloweye and quillback rockfish were the primary targets of this longline fishery.

Other parts of Amendment 14 were designed to address several different issues. These other parts of the amendment were developed to do the following: 1) establish revised optimum yields for several species of groundfish; 2) establish a mechanism for timely reporting of catches by domestic catcher-processors which could stay at sea for long periods, and thus did not report as frequently as catcher vessels that landed their catch ashore and submitted fish tickets; 3) give more flexibility to managers in controlling halibut bycatch in the timely manner in the face of rapidly changing joint venture and domestic fisheries; 4) respond to a new NMFS habitat conservation policy which required more emphasis on habitat concerns in developing fishery management plans and amendments; and lastly, 5) delay the sablefish season opening to address resource allocation, fishermen safety and fish quality concerns.

Analysis

A 48-page EA, 75-page RIR for sablefish management measures, and 65-page RIR for the remaining measures (drafts dated June 1985) were completed for this amendment. The most contentious issue was the allocation of sablefish to the longline fleet, one of the most heated decisions the Council had up until then. Longliners had taken the vast majority of the sablefish harvest of all gear types, particularly in the Eastern Gulf. The OY for sablefish was expected to increase in coming years, and prices and markets were good, so considerable additional capacity was expected to enter the fishery. The alternative chosen slowed the growth in capacity and diminished the possibility of gear conflicts and grounds preemption more than the other alternatives analyzed. The other measures in the amendment allowed for more flexibility in managing the groundfish fishery which was undergoing tremendous growth in domestic fisheries and displacement of foreign fleets in the Gulf of Alaska.

Regulation Summary

The amendment made the following changes:

1) Established gear/area restrictions and OY apportionments to gear types for sablefish;
2) Established a Central Southeast Outside District with 600 mt OY for demersal shelf rockfish;
3) Changed OYs for pollock, Pacific Ocean perch, other rockfish, Atka mackerel, and other species;
4) Revised the reporting system for catcher/processors;
5) Implemented framework procedure for setting and revising halibut PSC limits;
6) Implemented NMFS habitat policy; and
7) Set seasons for hook and longline and pot sablefish fisheries.
8) Defined directed fishing

Also approved was language to be incorporated into the FMP that recognizes the State of Alaska's management regime for demersal shelf rockfish which is directed at managing rockfish stocks within smaller management units than are provided for by the FMP. This language separated demersal shelf rockfish from the more general "other rockfish" category in the FMP.

Results

This omnibus amendment provided for the first allocations of a species among domestic fishermen, a management approach that would be used for other major species later on. Longliners were allocated 95% of the sablefish in the Eastern Area and trawlers received 5% for bycatch purposes. Pots were excluded the first year. In the Central Gulf, longliners were phased into an 80% allocation over two years, pots were phased out by the second year, and trawlers ended up with 20%. In the Western Gulf, pots were phased out over four years, and longliners and trawlers split the harvest 80/20 after a 4-year phase-in. Years later, GOA Amendment 101 reauthorized the use of sablefish pot gear in the GOA in response to whale depredation issues.

In approving the sablefish allocations, NMFS offered to publish a control date of September 26, 1985, the day of final approval, announcing that anyone entering the fishery after that date would not be guaranteed future participation should the Council develop an effort control regime. As it turned out, it took the Council and NMFS another ten years to develop and implement the individual fishing quota system by which the sablefish and halibut longline fisheries were managed starting in 1995. The sablefish season start was changed from January 1 to April 1. The sablefish IFQ season is now tied to the start of the halibut IFQ season, which, since implementation in 1995, has been March 15- November.

Rockfish management was changed with the separation of the demersal shelf rockfish (DSR) species from other rockfish. Additionally, a new Central Southeast District was established for managing DSR and the State of Alaska was placed in charge of managing the area. The State regulations applied only to vessels registered under the laws of the State.

Prohibited species catch limits for halibut in the Gulf were placed in a framework procedure for setting limits for domestic and joint venture trawl fisheries. Plan amendments would no longer be needed to change PSC limits and the limits would be by area and by specific trawl group (domestic, joint venture, and foreign), rather than domestic and joint venture trawlers combined, so each fishery, not all, would suffer the consequences of taking too much bycatch. When the PSC limit is reached, there would be a closure just to on-bottom trawling, not all trawling as under previous regulations. The limits would apply all year, not just from December 1 through May 31.

The new reporting requirements were applied to catcher/processors and motherships that keep their catch or fish received for 14 days or more. Those vessels were required to report every week, and also to report their position 24 hours before starting or stopping fishing in a regulatory area. A definition of "directed fishing" also was established.

15

Administrative | Catch Limits | Habitat | PSC | Reporting | Spatial Management

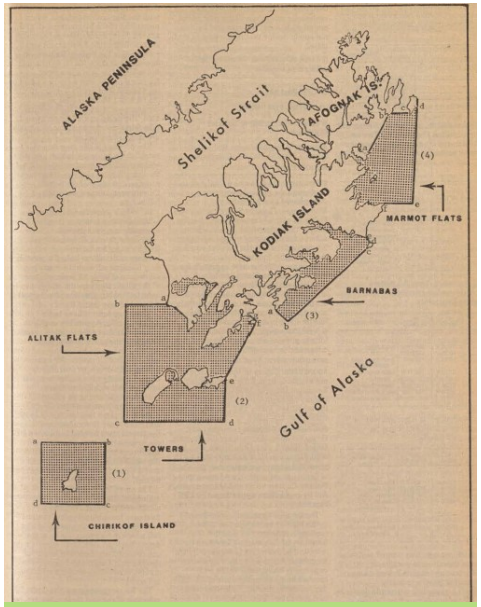
Revise FMP Policy, Kodiak Bottom Trawl Closures, Optimum Yield and Total Allowable Catch/ PSC Framework, Catcher/ Processor Reporting Requirements

Council Action	Emergency Interim Rule	Extended	Proposed Rule	Final Rule
September 1986	*March 12, 1986* *50 FR 8502*	*June 9, 1986* *51 FR 20832*	*December 12, 1986* *51 FR 44812*	*March 13, 1987* *52 FR 7868* *Corrected: April 15, 1987* *52 FR 12183*

Purpose and Need

Four problems were identified in the GOA groundfish fisheries:

1) Inability to efficiently adjust harvest guidelines;
2) Inadequate reporting requirements;
3) Inadequate protection of king crab near Kodiak Island; and
4) Inadequate in-season management authority.



Areas closed to nonpelagic trawling under Amendment 15

Analysis

A 44-page EA/RIR/IRFA (final draft dated October 1986) was prepared for this amendment. Two alternatives (in addition to the status quo) were examined for actions 1, 3 and 4. One alternative to the status quo was examined for action 2.

Regulation Summary

The Secretary of Commerce sent out an emergency rule for immediate implementation of certain parts of the proposed amendment prior to implementation of this final rule.

Regulations designated the following:

1) A multispecies OY, as a Gulf-wide range of 116,000-800,000 mt, set a framework procedure to set target quotas for each species category, and set administrative procedures for setting PSC limits in the Gulf fishery;
2) Revised recordkeeping and reporting requirements such that at-sea catcher/ processor and mothership vessels must submit weekly catch reports regardless of how long their catch was retained before landing;
3) Type I, Type II and Type III areas for special bottom trawl restrictions to protect king crab. Type I areas have very high king crab concentrations and, to promote rebuilding of the crab stocks, are closed all year to all trawling except with pelagic gear. Type II areas have lower crab concentrations and are only closed to non-pelagic gear from February 15 through June 15. Type III areas are adjacent to Type I and II areas and have been identified as important juvenile king crab rearing or migratory areas. Type III areas become operational following a determination that a "recruitment event" has occurred. The Regional Administrator will classify the expanded Type III area as either Type I or II, depending on the information available. A "recruitment event" is defined as the appearance of female king crab in substantially increased numbers (when the total number of females estimated for a given district equals the number of females established as a threshold criterion for opening that district to commercial crab fishing). A recruitment event closure will continue until a commercial crab fishery opens for that district or the number of crabs drops below the threshold level for that district.

   The Alitak Flats/Towers and Marmot Flats areas are Type I areas, closed to non-pelagic trawls all year. Chirikof Island and Barnabas are Type II areas, closed to non-pelagic trawls from February 15 to June 15. These areas encompass 80% to 90% of the known female king crab stocks. When necessary, Type III areas will be closed by regulatory amendment; the Regional Administrator will specify which of the Type III areas are closed and whether the closure is for an entire year or only a portion of a year;
4) Authority to the Secretary of Commerce to make certain inseason changes to gear regulations, seasons, and harvest quotas.

Results

The OY for the Gulf has remained unchanged, but the TACs are adjusted annually based on updated information. In the last several years, the sum of the GOA groundfish TACs were 427,512 t (2018), 535,863 t (2017), and 590,809 t (2016).

Recordkeeping and reporting requirements have been further modified via GOA Amendments 17 and 18, as well as regulatory amendments, however, weekly reporting by at-sea vessels is still required.

When the Kodiak red king crab trawl closure areas were first implemented, they included a three-year sunset. These closure areas were renewed in Amendment 18, which was in effect for 1990-92. Amendment 26 extended the closures permanently, and Amendment 89 added other closures intended to protect Tanner crabs and benthic habitat in Marmot Bay. Nonetheless, king crab stocks in the vicinity of Kodiak Island remain depressed.

16

Administrative | Catch Limits | FMP Species Categories | PSC | Reporting Requirements

Catcher/Processor Reporting Requirements, Redefine Species Management Categories

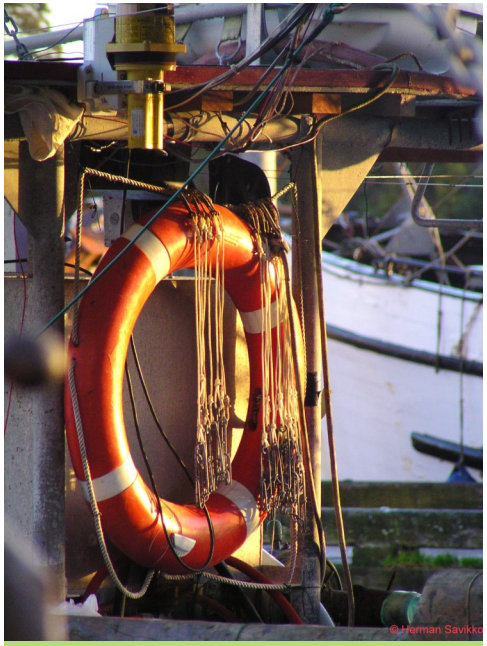
Council Action	Proposed Rule	Final Rule	Effective
September 1987	*December 21, 1987* *52 FR 48303*	*March 10, 1988* *53 FR 7756*	*April 7, 1988*

Purpose and Need

Amendments 16 for the GOA and 11a for the BSAI were proposed in response to a need for better information from catcher/processors and mothership processor vessels in order to sufficiently address fishery management problems, enforce current regulations, and meet the conservation goals identified in the FMPs. The amendment intended to add the following to the currently required weekly catch reports by catcher/processors and motherships: information on the number of cartons and unit net weight of a carton of processed fish by species; a Product Transfer Report; and a Cargo Transfer/Offloading Log.

Analysis

A 50-page EA/RIR/IRFA was prepared for Amendment 16, which determined there was no significant environmental impact as a result of this action, but small entities may be affected.



Life ring. Photo courtesy of Herman Savikko.

Regulation Summary

The regulations implemented the following provisions to both the GOA and BSAI FMPs:

1) Revised the definition of prohibited species to include Pacific salmonids, Pacific herring, Pacific halibut, king crab, Tanner crab, and steelhead trout. Re-specified the other three categories: a) Target species–pollock, Pacific cod, flounders, rockfish, and sablefish b) Other species–Atka mackerel, squid, sculpins, sharks, skates, eulachon, smelts, capelin, and octopus c) Non-specified species–those species taken incidentally in the groundfish fisheries but are not managed by the FMP. No catch records are required.

2) Required the public comment period for proposed annual specifications and PSC limits to be 30 days following the date of filing of the notice for public inspection with the Office of the Federal Register

3) Augmented the current catcher/processor and mothership reporting requirements with at-sea transfer information, specifically, a Cargo Transfer/Off-Loading Log and Product Transfer Report.

In addition, several minor regulatory changes were included that apply only to the GOA FMP:

- the term “target quotas” for groundfish was changed to “total allowable catches”;
- general reorganization and editing;
- the addition of a vessel safety section; and
- removal of the reserve category for some species of groundfish.

Results

In 2010, Amendment 87 eliminated the “other species” category and allowed for squids, sculpins, sharks, and octopus in the GOA to be managed separately in the “target species” category, and as such, are considered “in the fishery”. Prohibited species and forage fish were moved to the “ecosystem component” category. Non-specified species were removed from the FMPs. Annual Catch Limits (ACLs) were established for all stocks ‘in the fishery’ and set equal to ABC levels that are already annually specified under both FMPs.

17 Reporting Requirements

Federal Permit and Reporting Requirements

Council Action	Proposed Rule	Final Rule	Effective
June 1988	*September 6, 1988* *53 FR 34322*	*May 1, 1989* *54 FR 18519*	*May 26, 1989*

Purpose and Need

Under regulations implementing the FMPs for the BSAI and GOA, vessels that are harvesting or processing in the EEZ are required to have Federal permits and are subject to Federal regulations. One of the regulations states that catcher/processor and mothership processor vessels must submit weekly weight reports of groundfish caught and processed at sea. Regulations also require all catcher vessels, including catcher/processors, to submit fish ticket reports of groundfish catches to the Alaska Dept. of Fish & Game. NMFS was using these reports to determine the ongoing reapportionments of surplus groundfish to joint venture processors and to the total allowable level of foreign fishing (TALFF). Vessels not fishing in the EEZ (but may have been fishing in State waters or beyond the 200-mile limit), were not required to have a Federal permit and are thus not subject to the Federal reporting requirements. The regulatory loophole inherent in the language of the regulations is that vessels outside the EEZ could receive and process fish that were caught in the EEZ and would not be required to report them to NMFS.

The intent of the weekly reporting regulation was to receive information from all vessels harvesting or processing fish from the EEZ so that inseason management actions, such as time/area closures and reapportionments of surplus groundfish, could be done efficiently and effectively without surpassing the quota for each species. The Council recognized this loophole and approved Amendment 17 (BSAI Amendment 12), which re-worded the weekly reporting requirement to capture all vessels harvesting and receiving EEZ-caught fish.

Analysis

A 133-page EA/RIR/IRFA (dated May 18, 1988) analyzed the proposal and the status quo for both the BSAI and GOA FMPs. A draft assessment specific to GOA Amendment 17 also analyzed an action that would both change the date of or establish an additional sablefish longline season. This action was eventually separated into GOA Amendment 17a and not approved by the Council.

Regulation Summary

Amendment 17 required all vessels receiving groundfish harvested in the EEZ to hold a federal permit and comply with federal reporting requirements;

Results

Weekly reporting from the offshore processors enhanced monitoring of quotas and overall fishery performance.

Photo courtesy of Sea Alliance.

18

Catch Limits | Habitat | Monitoring | PSC | Reporting | Spatial Management

Domestic Observer Program, Renew Kodiak Bottom Trawl Closures, Establish Shelikof District, Reporting Requirements

Council Action	Proposed Rule	Final Rule	Effective
June 1989	**September 1, 1989* *54 FR 36333* *Corrected: September 22, 1989* *54 FR 39022*	*December 6, 1989* *54 FR 50386*	*January 1, 1990* *February 7,1990*

Purpose and Need

Since foreign fishing had been curtailed, Amendment 18 for the GOA (Amendment 13 for the BSAI) were proposed because NMFS needed to augment the foreign fisheries observer program to cover the domestic fishery. The purpose of a comprehensive data collection program for the domestic groundfish fishery is to provide adequate and reliable data on which to:

1) Base in-season and inter-season management decisions;
2) Efficiently carry out resource management; and
3) Measure fishery performance against existing and proposed management measures.

Additionally, the Shelikof Strait was identified to contain spawning populations of pollock, and the Kodiak crab trawl closure areas established in Amendment 15 were scheduled to sunset on December 31, 1989. Pacific halibut PSC limits were also set to expire in 1989.

Analysis

A 193-page EA/RIR/IRFA (final draft dated July 21, 1989) included six actions that affected GOA groundfish management. In approving its action to delete fishing seasons from the FMPs, the Council also considered a framework procedure for annually setting fishing seasons.

Regulation Summary

Amendment 18 to the GOA groundfish FMP authorized a comprehensive domestic fishery observer program. The 1990 and 1991 Observer Plans required specific levels of observer coverage which varied with size of fishing vessel and quantity of fish processed.

The Observer Plans required that owners and operators of vessels and shoreside processing facilities participating in the groundfish fishery arrange for and pay for the cost of placing observers aboard their vessels and at their shoreside processing facilities beginning in January 1990. Each vessel or processor required to have observer coverage is responsible for the cost of obtaining the required observers from a certified contractor. The cost averaged between $5,800 and $7,100 per observer month in 1991.

Amendment 18 also:

1) Established Shelikof Strait area as a management district;
2) Closed areas around Kodiak Island to bottom trawl gear;
3) Established for one year, interim Pacific halibut PSC limits for fixed gear (750 mt) and trawl gear (2,000 mt);
4) Deleted fishing season dates from the FMPs but retained them in regulation; and
5) Clarified authority to recommend TACs for additional or fewer target species within the “target species” category.

*At the time the proposed regulations were published, the Observer Plan was still being developed and the dates of corresponding rules were different: The proposed rule (54 FR 51042) was published on December 12, 1989. The final rule (55 FR 4839) implementing the Observer Program was published on February 12, 1990, effective on February 7, 1990.

Results

The domestic observer program provides information for stock assessment and in-season management, including the ability to accurately assess catch and bycatch in the fisheries. Three problems were later identified with the system of payment for observer coverage. It was not an equitable system in that some operations paid for 100% coverage and others did not pay anything; it limited the ability of NMFS to effectively manage the observer program; and it could result in a conflict of interest that could reduce the credibility of observer data. The research plan, under Amendment 30, was designed to address these problems, which were eventually resolved when the restructured Observer Program was implemented in the GOA under Amendment 76 (which superseded the interim North Pacific Groundfish Observer Program under Amendment 47).

The Kodiak closures became permanent with the implementation of Amendment 26, and were additionally revised under Amendment 89. Fixed and trawl gear halibut PSC limits were reduced most recently under Amendment 95. The Shelikof Strait management district was rescinded in GOA Amendment 25, when pollock management in the Western/Central Area was divided into three districts.

19 Catch Limits | Discards

Prohibit Pollock Roe Stripping, Seasonal Allowance Schedule for Pollock

Council Action	Proposed Rule	Final Rule	Effective
June 1990	*September 14, 1990* *55 FR 37907*	*January 7, 1991* *56 FR 492*	*January 1, 1991*

Purpose and Need

Growth of the domestic harvesting and processing capacity in the pollock fishery had created competition for the pollock TAC by 1990. Amendment 19 for the GOA and BSAI Amendment 14 were developed in response. Competition for pollock during the roe season is intensified due to the high value of the roe relative to other products. In addition, extraction of roe can be done faster than production of other pollock products. By roe stripping, fishermen can increase their share of the pollock TAC by quickly producing the most valuable product at the least cost. This amendment was intended to address the following problems identified as being associated with roe stripping:

- wasteful use of the pollock resource;
- caused unintended allocation of pollock TAC among seasons and industry sectors;
- adversely affected the ecosystem;
- adversely affected the future productivity of the stock; and
- increased the difficulty of accurately monitoring the pollock TAC for inseason management.

Regarding impacts on Steller sea lions (SSL), the Final Rule noted that "a hypothesis that pollock roe fisheries and other pollock fisheries may be contributing to these declines has not been tested, and current data are insufficient to link sea lion population declines with declines in prey availability." However, it also noted that "shifting fishing effort to later quarters may reduce competition for pollock between the fishery and SSL whose populations have been declining in recent years", and that limiting the amount of pollock that may be harvested during the roe season is a conservative, and prudent course of action.

Analysis

A 138-page EA/RIR/IRFA (final draft dated July 20, 1990) was prepared for this amendment. Five primary alternatives including the status quo were considered. The other alternatives that were not chosen would have just prohibited pollock roe-stripping, required full utilization of all pollock in pollock fisheries, or implemented seasonal allowances for pollock to reduce the amount harvested in the winter-early spring. Options for these alternatives included applying the regulations only to certain areas, and restricting the GOA pollock fishery to midwater gear only. The alternative adopted combined the elements of roe-stripping and seasonal allowances for all areas.

Regulation Summary

The amendment implemented rules that regulated the practice of stripping roe (eggs) from female pollock and discarding female and male pollock carcasses without further processing, and seasonally allocated the TAC of pollock. Season opening dates were established as follows for the GOA: January 1, April, July, and October, and for the BSAI: January 1 and June 1. To get at the issue of roe stripping, product recovery rate standards were established, which, if exceeded, would constitute a violation. The recovery rate standard established was 10% of the total round-weight equivalent of pollock and other pollock products onboard a vessel at any time during a fishing trip. To extrapolate round weight equivalents, the rule established product recovery rates as follows: fillet (18%), surimi (15%), mince (17%), meal (17%), and head & gut (50%).

Results

Since the amendment was approved, the practice of roe stripping has stopped. In 1993, regulations were further tightened to close loopholes that could have potentially undermined the intent of the roe stripping regulations (58 FR 57752). 'Fishing trip' and 'pollock roe' were better defined as were pollock products that could be used to calculate retainable amounts of pollock roe. Full retention and utilization of pollock was required under Amendment 49, and Amendment 72 addressed requirements for revisions to the IR/IU program.

Several additional amendments focused on protections for Steller sea lions relating to pollock as a significant prey source. Amendment 25 afforded SSLs additional protections by modifying the pollock management districts. Amendment 45 and further regulatory amendments subdivided and modified these management areas. Amendment 70, which was implemented as a regulatory amendment, established a modified harvest control rule that prohibited directed fishing if pollock falls below 20% of the unfished level.

20 IFQ Program

Establish Sablefish Individual Fishing Quotas

Council Action	Proposed Rule	Final Rule	Effective
December 1991	*December 3, 1992* *57 FR 57130* *December 29, 1992* *57 FR 61870*	*November 9, 1993* *58 FR 59375*	*March 15, 1995*

Purpose and Need

By the late 1980s, the Council recognized a need to take management action with regard to the sablefish fishery in both the GOA and the BSAI (Amendment 15) because it was exhibiting significant problems created by a short-season, derby-style fishery. Over time, with the constant increase of new entrants in the fishery, the sablefish fixed-gear fishing seasons had degenerated to several short seasons each year. Typical problems included allocation conflicts, gear conflict, deadloss from lost gear, increased bycatch and discard mortality, excess harvesting capacity, decrease in product wholesomeness, safety concerns, and economic instability in the fisheries and fishing communities. In December 1988, the Council evaluated alternative limited access options of license limitation, Individual Fishing Quotas (IFQs), and annual fishing allotments in a draft EIS. After review, the Council decided that the IFQ approach was preferable in that it addressed the problems created by a derby-style fishery. In addition, in early 1991, the Council found that the management problems in the fixed-gear sablefish fishery also afflicted the halibut fishery, and therefore decided to consider a similar IFQ system for the halibut fishery. The intent was that a single IFQ program would apply to both fisheries.

The IFQ Program essentially assigns the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. The rights given to each person are proportional to their fixed-gear halibut and sablefish landings during the qualifying period determined by the Council and are represented as quota shares. Under this program, only persons holding quota shares are allowed to make fixed-gear landings of halibut and sablefish in the regulatory areas identified. Despite different regulatory authorities (Magnuson-Stevens Act/GOA Groundfish FMP for sablefish and Halibut Act for halibut), the IFQ Program manages sablefish and halibut together.

Analysis

A SEIS/EIS (final draft dated September 1992) and several appendices were prepared for the initial review of GOA Amendment 20 (BSAI Amendment 15). Two alternatives were considered: 1) the status quo open access system characterized by fixed quotas for each regulatory area, and 2) IFQs. The Council rejected license limitation on the basis that it may not be possible to reduce the fleet size in an equitable manner, and because of the significant potential for the reduction in vessel number to be offset by an increase in fishing power per vessel. Annual fishing allotments that were also considered previously were deemed a more complicated management program that would not solve the race for fish. With the preferred IFQ alternative, the Council intended to acknowledge and reward long-term and consistent participation in the fisheries; those whose catch histories showed less dependence on and participation in the fisheries were supposed to receive relatively small amounts of quota share.

Regulation Summary

The IFQ Program was approved for the Pacific halibut and sablefish fixed-gear fisheries in the Federal waters of the BSAI and GOA, and these fisheries have been managed under the program since 1995. The regulations outline several key provisions of the program: initial allocation of quota shares; vessel categories; transfer provisions; use and ownership provisions; the annual process for allocating quota shares (QS); and the establishment of Community Development Quotas. The regulations state that legal landings of halibut or sablefish harvested with fixed-gear had to occur at any time during 1988-1990 to qualify for an initial allocation of quota share. Generally, if a vessel owner or leasee is qualified, their initial quota share would be based on their highest total landing of halibut for any 5 years of the 7-year base period 1984-1990. For sablefish, the initial quota share would be based on the highest total landing of sablefish for any 5 years of the 6-year base period 1985-1990. Each person eligible to receive quota share would have it assigned to one of four vessel categories: “A”-freezer vessels of any length; “B”- catcher vessels greater than 60’; “C”- catcher vessels less than or equal to 60’ for sablefish, or between 35'-60' for halibut; “D”- catcher vessels less than or equal to 35’ for halibut. Initial quota share would be assigned to a vessel category based on the vessel used for a person’s most recent fixed-gear landings of groundfish or halibut. Various restrictions on transfer and ownership are designed to maintain the owner/operator characteristics of the fleet, and to prevent consolidation of QS in the hands of a few participants.

Results

The fixed-gear halibut and sablefish IFQ programs are considered successful market-based management programs to address overcapitalization. The number of quota shareholders has decreased over time. The fishing season was converted from several 24-hour period openers each year to an eight-month season from mid-March to November 15. This has improved safety of fishermen; instead of having to fish intensely under any weather conditions, fishermen can choose when and where they fish considering the seasons, grounds, and size and sea worthiness of their vessel. The longer season also increased product quality and price, as fishermen have more time to cater to the fresh fish market.

Subsequent changes to the program since implementation have added new provisions designed to make the program more effective. The program continues to be modified over time, and the 20-year comprehensive review of the IFQ program was completed in December 2016.

21

Catch Limits | Gear Restrictions | Prohibited Species Catch

Interim Harvest Levels, Fishing Gear Restrictions, Apportion Halibut PSC by Gear and Season, Modify Demersal Shelf Rockfish Authorization Language, Define Overfishing

Council Action	Proposed Rule	Final Rule	Effective
June 1990	*September 18, 1990* *55 FR 38347* *Corrected: October 25, 1990* *55 FR 43063*	*January 24, 1991* *56 FR 2700*	*January 18, 1991*

Purpose and Need

A number of management measures were compiled together in Amendment 21 (BSAI Amendment 16), including PSC bycatch management, procedures for specifying TAC, and gear restrictions. The main purpose of this amendment was to better manage PSC bycatch in non-directed fisheries.

Because of insufficient time to modify regulations between the end of the December Council meeting and January 1 of a new fishing year, this amendment was developed to establish interim TACs so that the fishery would open on January 1. Prior to this amendment, changes to gear definitions or other restrictions required an FMP amendment to change. The purpose of this action was to allow gear restrictions to be accomplished through a regulatory amendment, in order to respond more rapidly to changes in the fishery. An overfished definition was added to the FMP because revised “Guidelines for Fishery Management Plans” (the "602 Guidelines") required each FMP to include an objective and measurable definition of overfishing for each stock or stock complex under management.

Analysis

A 213-page EA/RIR/IRFA (final draft dated July 31, 1990) was prepared for this amendment. In the original draft, two measures were specific to the GOA: One to modify language for demersal shelf rockfish management (two alternatives considered) and one to expand halibut bycatch management measures (three alternatives considered). The analysis was revised several times to address other issues, including the vessel incentive program.

Yelloweye rockfish.
Photo courtesy of David Witherell.

Regulation Summary

The amendment contained the following management measures pertaining to the GOA:

1) Allow separate apportionment of halibut PSC to hook and line and pot gear in the GOA
2) Allow seasonal allocation of halibut
3) Establish procedures for interim TAC specifications
4) Establish fishing gear restrictions (definition of pelagic trawl, biodegradable panels & halibut excluders on pot gear)
5) Modify authorization language that allows demersal shelf rockfish in SE Alaska to be managed by the State
6) Establish definitions of overfishing.

Later revisions to the amendment included addition of a vessel incentive program, which would issue civil penalties (fines) to vessels that exceeded seasonal fixed bycatch rate standards for halibut and crab taken in specified target fisheries.

Results

Halibut PSC apportionment was revised under Amendment 95, which reduced the halibut PSC limit in the groundfish CV hook and line gear sector.

Interim harvest levels were used to start the fishery in January while rulemaking proceeded for implementing the new December- approved TACs. These were superseded by the procedure outlined in Amendment 48.

In 2018, 71% of all trawl groundfish catch (retained and discarded) in the GOA was caught using pelagic trawls.

Under Amendment 53 (implemented as a regulatory amendment in 2004), full retention of demersal shelf rockfish was required.

The overfishing definition changed under Amendment 44, which provided for more conservative definitions of ABC and OFL. The maximum allowable fishing rates were prescribed through a tier system, which corresponding to availability of information on the stock. In 1999, Amendment 56 revised the ABC and overfishing definitions set under Amendment 44 to be more precautionary. To further minimize the possibility of catches jeopardizing a stock’s long-term productivity, a buffer between ABC and OFL was established. The definitions under Amendment 56 are currently used in the annual catch limit specifications process.

A proposed vessel incentive program to address halibut bycatch rates in all trawl fisheries was disapproved by the Secretary. In response, revisions to this amendment were made in GOA Amendment 24.

22

Administrative | Gear Restrictions | Spatial Management

Authorize Experimental Fishing Permits, Rescind GOA Statistical Area 68, Define Groundfish Pot

Council Action	Proposed Rule	Final Rule	Effective
August 1991	*December 4, 1991* *56 FR 63487*	*March 26, 1992* *57 FR 10430*	*April 24, 1992*

Purpose and Need

The purpose of GOA Amendment 22 (BSAI Amendment 17) was to address several conservation issues in one package:

1) Authorize experimental fishing permits (BSAI and GOA): A FMP amendment is proposed whereby the Regional Director, in consultation with the Council and Alaska Fishery Science Center (AFSC), may issue experimental fishing permits to persons for purposes of obtaining information necessary to promote fishery conservation and management of the fisheries.

2) Rescind GOA Statistical Area 68: A FMP amendment is proposed to delete Statistical Area 68 (East Yakutat District), because it is not needed for fishery conservation and management and is therefore imposing unnecessary recordkeeping and reporting costs.

3) Define a groundfish pot (BSAI and GOA): A regulatory amendment is proposed that would define a groundfish pot to differentiate it from king crab and Tanner crab pots. The intent of this action was to address potential enforcement problems of potential crab fishing under the guise of groundfish fishing.

Analysis

A 71-page EA/RIR/IRFA (draft dated May 14, 1991) was prepared for this amendment. The five management actions were evaluated under this amendment package. One action alternative was analyzed for each the EFP action and the GOA statistical area. Regarding the groundfish pot gear restrictions, the three alternatives not chosen would have conflicted with State regulations or would have required fishermen to have separate pots for groundfish and crabs.

Regulation Summary

This amendment allows the NMFS Regional Director, after consulting with the Director of the AFSC and with the Council, to authorize for limited experimental purposes, the target or incidental harvest of groundfish that would otherwise be prohibited. The amendment also combined Statistical Area 68 (East Yakutat District) with Statistical Area 65 (Southeast Outside District).

Results

Since the amendment was approved, numerous experimental fishing permits (now called “exempted fishing permits”) have been issued to test gear modifications, observer sampling, methodology, bycatch mortality reduction techniques, etc. Links to recent EFPs can be found at: https://alaskafisheries.noaa.gov/fisheries/efp .

Salmon excluder net on pollock vessel.
Photo courtesy of John Gauvin.

23 Allocation

Inshore/Offshore Allocations for Pollock

Council Action	Proposed Rule	Final Rule	Effective
June 1991	*December 20, 1991* *56 FR 66009*	*June 3, 1992* *57 FR 23321*	*June 1, 1992*

Purpose and Need

Amendment 23 (BSAI Amendment 18) developed out of a concern to prevent preemption of resources by one industry sector over another. Substantial processing of pollock by several catcher/processor vessels contributed to an early closure of the pollock fishery in the Shelikof Strait area in 1989, effectively preventing inshore components from realizing their anticipated economic benefit from processing pollock. Upon industry request, the Council considered the issues of coastal community development and shoreside preference at its June 1989 meeting and adopted the Fishery Planning Committee's suggested management alternatives for analysis. The problem statement adopted by the Council identified the issue as a resource allocation problem and stated that specific processing allocations for the inshore and offshore sectors established at the beginning of a fishing year would resolve the preemption problem and allow operators to better plan their harvesting and processing activities for the year.

To address this problem, the Council determined the need to establish inshore/offshore allocations of pollock and Pacific cod in the GOA, and pollock in the BSAI. The primary purpose of GOA Amendment 23 was to protect the inshore component of the fishery from preemption by the offshore fleet. The amendments provided an interim solution for the inshore component, which includes small coastal communities that are highly dependent on fishing to maintain economic stability. While the amendments did not directly address overcapitalization in the fisheries, the approval by the Council specifically expressed intent to develop and implement a more comprehensive, long-term limited access program.

Analysis

An extensive final EIS, EA/RIR/IRFA and a 265-page appendix containing community profiles were prepared for these amendments (Secretarial review draft dated September 1992). Eight alternatives including the status quo were considered. The alternatives not chosen would have implemented traditional management tools or formed an allocation system with a different basis, such as vessel class, species, or at the individual vessel level. The alternative chosen was broadened to include development of a Comprehensive Fishery Rationalization Program, of which inshore/offshore allocations would be a part.

Regulation Summary

The preferred alternative, when it was approved, defined the inshore and offshore components of the fisheries. The GOA inshore component was allocated 90% of the Pacific cod TAC and 100% of the pollock TAC for each fishing year. While catcher/processors from the offshore component would not be able to conduct directed pollock fishing in the GOA, they would be allowed appropriate bycatch amounts.

Results

GOA Amendment 23 resulted in 100% of the pollock quota and 90% of the Pacific cod quota (less bycatch amounts in other fisheries) being reserved for harvest by vessels delivering to onshore processors. This amendment was approved for a three-year period, through the end of 1995 (see Amendments 40, 51, and 61 which extended these measures). The allocation implemented by this amendment provided protection and operational stability for harvesters and processors and the coastal communities in which they operated.

24

Delay Fisheries Start Date, Expand Vessel Incentive Program

Council Action	Proposed Rule	Final Rule	Effective
December 1991	*May 29, 1992* *57 FR 22695*	*September 23, 1992* *57 FR 43926*	*September 30, 1992*

Purpose and Need

Amendment 24 (BSAI Amendment 19) was initiated to further address bycatch issues that were raised under Amendments 21 to the GOA FMP and 16 to the BSAI FMP. The purpose of this amendment was to control and reduce halibut bycatch mortality in the Alaska groundfish fisheries in response to the international, social, and economic conflicts between U.S. and Canadian halibut fishermen and U.S. groundfish fishermen that take halibut as bycatch.

Analysis

A 111-page EA/RIR/IRFA (final draft dated April 10, 1992) was prepared for this amendment. The analysis was broken down into different management actions, and alternatives for each were evaluated separately. The number of alternatives (including the status quo) considered varied for each management measure.

Regulation Summary

Amendments 24/19 established three management measures. The one pertaining to the GOA FMP was to establish FMP authority to develop and implement regulatory amendments that allow for time/area closures to reduce prohibited species bycatch rates (revised "hotspot authority").

In addition to the above FMP amendment, the following amendments to existing regulations were adopted:

1) Delay the season opening date of the groundfish trawl fisheries to January 20 of each fishing year to reduce salmon and halibut bycatch rates;

2) Further delay the season opening date of the GOA trawl rockfish fishery to the Monday closest to July 1 to reduce halibut and chinook salmon bycatch rates;

3) Change directed fishing standards to further limit halibut bycatch associated with bottom trawl fisheries; and

4) Expand the vessel incentive program to address halibut bycatch rates in all trawl fisheries.

Results

Since the amendment was approved, halibut bycatch has been controlled to stay within the PSC limits. Catch of groundfish (particularly flatfish) has been foregone due to these restrictions. Few vessels have been cited for violations of the vessel incentive program. PSC management was most recently revisited in Amendment 95 in 2014, and halibut PSC limits for the trawl and hook-and-line sectors have not been exceeded since implementation.

In 2006, the implementation of the Central GOA Rockfish Program under Amendment 68 changed the management of that fishery, which was further revised by Amendment 88 in 2011.

Pacific halibut (*Hippoglossus stenolepis*). Photo courtesy of A. Hitschfeld

25

Catch Limits | Marine Mammals | Spatial Management

Establish Sea Lion Buffer Zones, Modify Pollock Management Districts

Council Action	Proposed Rule	Final Rule	Effective
September 1991	*November 18, 1991* *56 FR 58214*	*January 23, 1992* *57 FR 2683*	*January 20, 1992*

Purpose and Need

Amendment 25 (BSAI Amendment 20) was proposed to allow regulations to be implemented to afford marine mammals, particularly Steller sea lions (SSL), additional protection. Steller sea lions were listed as threatened under the Endangered Species Act on November 26, 1990 (55 FR 49204). Although the ultimate cause of the SSL decline remains unknown, SSL had been incidentally taken in fishing gear, intentionally killed and harassed by fishermen, and may have competed with commercial fisheries for food resources. The purpose of this amendment was to reduce the likelihood that commercial groundfish removals would deplete SSL prey abundance in key habitats, as well as to reduce incidental take of SSL.

Steller sea lions diving off a rock haulout. Photo taken by Vladimir Burkanov, NOAA.

Analysis

A 29-page EA/RIR/IRFA was prepared for the trawl closure area section and a 10-page EA/RIR/IRFA was prepared for the section revising GOA districts (final drafts undated, but near October 30, 1991). Five alternatives including the status quo were considered for the trawl closure section and two alternatives were considered for the GOA districts section of the Amendment. The alternatives not chosen would have established larger time/area closures (20 nm year-round, 10 nm in summer with 20 nm winter extensions, 20 nm summer with 60 nm winter extensions). The preferred alternative (10 nm year-round rookery closures) represented an approximation of the average summer foraging range (average was 8 miles; maximum of 21 miles) for the six female SSL with pups tagged and tracked.

Regulation Summary

Regulations authorized by Amendment 25/20 implemented the following measures:

1) Areas are closed year-round to fishing by vessels using trawl gear within 10 nautical miles of key SSL rookeries located in the GOA and BSAI management areas.

2) Areas are closed within 20 nm of five sea lion rookeries to directed pollock fisheries during the “A” season. These rookeries are Sea Lion Rocks, Akun Island, Akutan Island, Seguam Island, and Agligadak Island.

3) In the GOA, the specified total allowable catch for pollock in the combined western/central area is further divided among three pollock management districts: Area 61 (170°-159° W. longitudes), Area 62 (159°-154° W. longitudes), and Area 63 (154°-147° W. longitudes). The Shelikof Strait district was eliminated. To prevent excessive accumulation of unharvested portions in any quarterly allowance of the pollock TAC, a limit of 150% of the initial quarterly allowance in each pollock management district was established.

Results

Many subsequent actions have been taken to minimize the impacts of fisheries on SSL in the GOA and the AI. On March 12, 1993, NMFS extended the no-trawl zone around Ugamak Island (GOA) out to 20 nm during the pollock roe fishery (58 FR 13561). Critical habitat for SSL was designated on August 27, 1993 (58 FR 45269). GOA Amendment 45 further subdivided the areas for pollock fishing; these were further modified by regulatory amendment in June 1998 (63 FR 31939).

In 1997, the western population (west of 144° longitude) of SSL was listed as endangered under the Endangered Species Act. In April 1998, plaintiffs (Greenpeace, the American Oceans Campaign, and the Sierra Club) filed suit against NMFS challenging the FMPs under both the Endangered Species Act and the National Environmental Protection Act. In December 1998, NMFS issued a Biological Opinion that the Alaska pollock fisheries proposed for the years 1999 to 2002 were likely to jeopardize the continued existence of SSL and likely to modify critical habitat. As a result, numerous management actions were taken via emergency rule and standard rulemaking to temporally and spatially disperse the pollock fisheries, and establish numerous no-trawl zones around rookeries and haulouts. Amendment 70 implemented a package of protection measures specific to SSL, including establishing critical habitat areas where fishing for pollock (and Pacific cod and Atka mackerel) is prohibited.

26

Habitat Conservation | Prohibited Species Catch | Spatial Management

Permanent Kodiak Crab Protection Zones

Council Action	Proposed Rule	Final Rule	Effective
June 1992	*October 15, 1992* *57 FR 47321*	*January 6, 1993* *58 FR 503*	*January 1, 1993*

Purpose and Need

The red king crab stock around Kodiak Island peaked in 1965, with landings of 94 million pounds, and then declined and remained at moderately low levels though the 1970's. No fishery has been allowed since 1982 in an attempt to rebuild the stock. While the cause for the decline of red king crab is not known, most researchers believe the decline can be attributed to a variety factors including overfishing, fish predation on king crab, and a warmer ocean environment. Fishery managers have enacted measures to provide an environment conducive to the recovery of the red king crab stock by minimizing impacts from other fisheries.

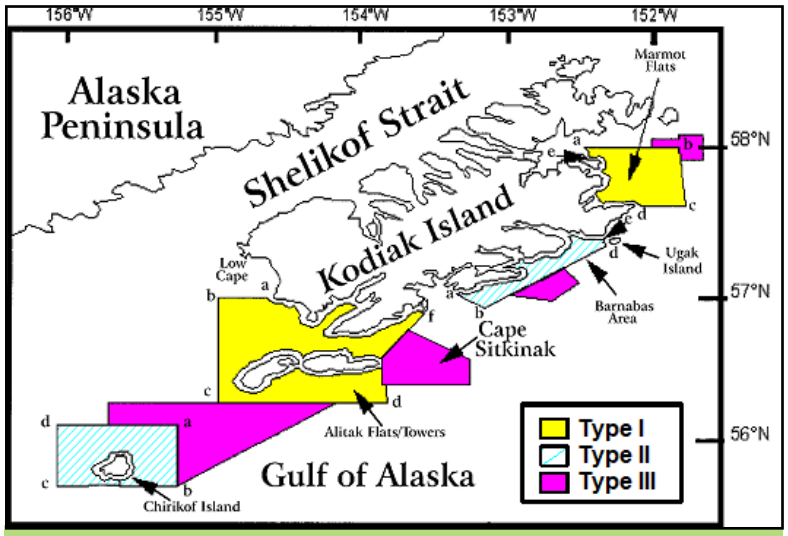
Designed to protect Kodiak red king crab, trawl closure areas were implemented as Amendment 15 in 1997 with a 3-year sunset. These closure areas were renewed as Amendment 18, which became effective in 1990. These restrictions were considered necessary because of the poor condition of the king crab resource off Kodiak and because trawl bycatch and mortality rates are highest during the spring months when king crab migrate inshore for reproduction. The molting period off Kodiak begins around February 15 and ends by June 15. Because Amendment 18 also had a 3-year sunset, the management measure was scheduled to expire at the end of 1992. The purpose of this amendment was to renew these closure areas to protect red king crab.

Analysis

An 18-page EA/RIR (final draft dated September 14, 1992) was prepared for this amendment. Three alternatives including the status quo were considered. Under the status quo alternative, the time/area closures would have expired at the end of 1992. The other alternative not chosen would have extended the closures for another three years. The alternative adopted made these closures permanent.

Regulation Summary

The regulation made the provisions of Amendment 18 permanent. The Council designated Type I, Type II and Type III areas for special bottom trawl restrictions to protect king crab. Type I areas have very high king crab concentrations and, to promote rebuilding of the crab stocks, are closed all year to all trawling except with pelagic gear. Type II areas have lower crab concentrations and are only closed to non-pelagic gear from February 15 through June 15. Type III areas are adjacent to Type I and II areas and have been identified as important juvenile king crab rearing or migratory areas. Type III areas become operational following a determination that a "recruitment event" has occurred. The Regional Administrator will classify the expanded Type III area as either Type I or II, depending on the information available. A "recruitment event" is defined as the appearance of female king crab in substantially increased numbers (when the total number of females estimated for a given district equals the number of females established as a threshold criterion for opening that district to commercial crab fishing). A recruitment event closure will continue until a commercial crab fishery opens for that district or the number of crabs drops below the threshold level for that district.



Map of special bottom trawl restriction areas by type.

The Alitak Flats/ Towers and Marmot Flats areas are Type I areas, closed to non-pelagic trawls all year. Chirikof Island and Barnabas are Type II areas, closed to non-pelagic trawls from February 15 to June 15. These areas encompass 80% to 90% of the known female king crab stocks.

When Type III areas are closed by regulatory amendment, the Regional Administrator will specify which of the Type III areas are closed and whether the closure is for an entire year or only a portion of a year.

Results

Since the amendment was approved, GOA king crab stocks in the vicinity of Kodiak Island remain depressed. The last strong year class produced was in 1973-74. Recent surveys have failed to detect signs of rebuilding. In 2002, Amendment 60 implemented bottom trawl closures to protect red king and Tanner crab stocks in Cook Inlet, and in 2014, Amendment 89 implemented a bottom trawl closure to provide additional protection to Tanner crab and benthic habitat around Kodiak Island.

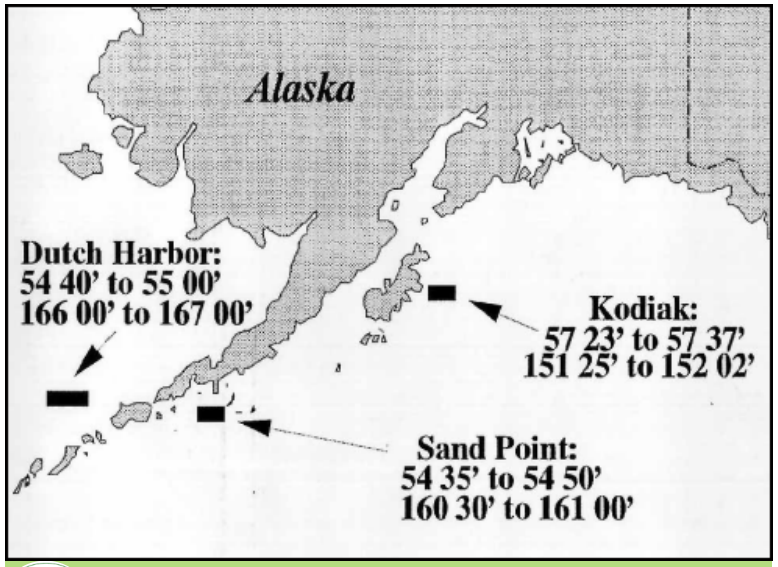
27 Spatial Management

Establish Trawl Gear Test Zones

Council Action	Proposed Rule	Final Rule	Effective
January 1992	*December 14, 1992* *57 FR 59702*	*January 23, 1993* *58 FR 5660*	*January 15, 1993*

Purpose and Need

The purpose of the Amendment 27 (BSAI Amendment 22) was to provide trawl fishermen an opportunity to test their trawl fishing gear when the GOA or BSAI is otherwise closed to trawling. Until 1992, the GOA and BSAI were open to trawling for most of the year, and fishermen were able to test gear in preparation for a season opening. However, in 1992, new regulations delayed the opening of the trawl season from January 1 to January 20 to reduce the bycatch rates of Chinook salmon and Pacific halibut. The purpose of this amendment was to allow fishermen to test their gear and begin fishing efficiently at the beginning of a season, reducing lost fishing time that might result from gear problems.



Location of trawl test zones in the Alaska EEZ.

Analysis

A 13-page EA/RIR/IRFA (final draft dated September 1, 1992) was prepared for this amendment. The status quo and one action alternative were analyzed. The analysis noted that the action alternative would have some physical and biological impacts due to the establishment of trawl test areas. The physical effects would be primarily due to increased bottom trawl activity in the trawl test areas when they are in use. Trawl testing would disturb the sea floor sediment, creating some turbidity. Biological effects included disruption of benthic communities and incidental catch.

Regulation Summary

Amendment 27 allows the Secretary to promulgate regulations establishing areas where specific types of fishing gear may be tested, to be available for use when the fishing grounds are closed to that gear type. Specific gear test areas contained in regulations that implement the FMP were allowed by regulatory amendment. These gear test areas would be established in order to provide fishermen the opportunity to ensure that their gear is in proper working order prior to a directed fishery opening. The test areas must conform to the following conditions:

1) depth and bottom type must be suitable for testing the particular gear type;
2) must be outside State waters;
3) must be in areas not normally closed to fishing with that gear type;
4) must be in areas that are not usually fished heavily by that gear type; and
5) must not be within a designated Steller sea lion protection area at any time of the year.

The rule implementing this amendment established three trawl test areas: Dutch Harbor (54° 40' to 55° 00'N; 166° 00' to 167° 00'W), Sand Point (54° 35' to 54° 50'N; 160° 30' to 161° 00'W), and Kodiak (57° 23' to 57° 37'N; 151° 25' to 152° 02'W). The regulation further required that the trawl cod end must be left unzipped so as not to retain fish, that groundfish may not be onboard, and that the time used to test gear would not contribute to observer coverage requirements.

Results

Since the amendment was approved, fishermen have been able to test their gear when trawl fishing is otherwise prohibited and no subsequent changes to the areas have been made.

28 Limited Entry

Vessel Moratorium

Council Action	Proposed Rule	Final Rule	Effective
December 1994	*June 3 1994* *60 FR 28827*	*August 10, 1995* *60 FR 40763*	*September 11, 1995*

Purpose and Need

In 1987, concerned with excess harvesting capacity in the groundfish, crab, and halibut fisheries of the BSAI and GOA, the Council established a committee to examine the problem of overcapitalization. Upon concluding that allocation conflicts and overcapitalization would worsen under the current open access system, the committee recommended a limited access management approach for these three fisheries. Concerned with the potential for speculative entry into the fisheries during discussions of management alternatives, NMFS published a control date notice of February 9, 1992. Anyone not having previously participated in the fisheries before that date would not be assured future access to the fisheries should a limited access system be adopted.

The purpose of Amendment 28 (BSAI Amendment 23) was to provide for an interim measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until a Comprehensive Rationalization Plan (CRP) could be implemented. The CRP was intended to resolve the overall issue of overcapitalization on a long-term basis and transition the fisheries from an open access management system to a more market-based, limited access system. Without the regulatory ability to institute a moratorium, the Council feared that potentially unlimited new entry into the fishery would exacerbate overcapitalization and hinder the ultimate development of a successful CRP. The anticipated short-term effects of the amendment included increasing economic benefits to fishermen and reducing the risk of overfishing.

Analysis

A 22-page supplemental analysis (final draft dated February 1995) was prepared for the final resubmittal of the proposed moratorium for these amendments, which were originally approved by the Council in 1992. The supplemental analysis outlined the changes from the original moratorium proposal: revision of the qualification period, halibut and sablefish qualification, consideration of current participation, crossovers, and the appeals process. The analysis also indicated that the revised moratorium would allow 4,144 unique vessels in the crab and groundfish fisheries, about 1,800 more than the current participant fleet at the time, but significantly less than the 15,709 unique vessels that participated in the fisheries since 1978 that had the potential to re-enter if no action was taken.

Regulation Summary

After several proposed moratoriums, the final rule required a moratorium permit for vessels within specific vessel categories that harvest groundfish and BSAI crab resources off Alaska. Generally, a vessel qualified for a moratorium permit if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988 through February 9, 1992. In addition, a vessel that made a legal landing during the qualifying period, in either a groundfish or crab fishery, but not both, can cross over as a new vessel in the fishery in which it did not made a legal landing in the qualifying period provided:

1) it uses the same gear type in the new fishery as it used to qualify for the moratorium in the other fishery; or

2) it made a legal landing in the crossover fishery during the qualifying period and it uses only the same gear type it used in that period.

Results

Since the amendment was approved, the Council has implemented the License Limitation Program (LLP) to limit entry into the groundfish and crab fisheries off of Alaska. As anticipated, the LLP (Amendment 60 to the BSAI FMP/ Amendment 58 to the GOA FMP/ Amendment 10 to the BSAI Crab FMP) replaced the vessel moratorium established in these amendments starting in the 2000 fishing season. For general licenses, the base qualifying period established was January 1, 1988, through June 27, 1992, approximately four months longer than the moratorium qualification period, in order to be consistent with the Council's published cutoff date for qualification under the Comprehensive Rationalization Plan. The LLP also required an area endorsement for the BSAI or the GOA, to provide for present participation in the fisheries (the qualifying period being January 1, 1992 through June 17, 1995). The moratorium established by GOA Amendments 28 and BSAI Amendment 23 limited speculative entry into the fisheries while the LLP was being developed and approved, and kept the overcapitalization situation from worsening during development of the long-term Comprehensive Rationalization Plan. In addition, the moratorium qualifications could be transferred to other vessels (provided that the length of the new vessel was the same or less than the original), and thus helped provide a basis for the LLP transfer process.

29

Discards | Prohibited Species Catch

Salmon Retention for Food Banks

Council Action	Proposed Rule	Final Rule	Effective
September 1994	*May 16, 1996* *61 FR 24750*	*July 24, 1996* *61 FR 38358*	*July 19, 1996*

Purpose and Need

Amendment 29 (BSAI Amendment 26) was adopted in response to the incidental fishing mortality of Pacific salmon in groundfish fisheries. Vessel operators participating in these fisheries typically use trawl, hook-and-line, or pot gear. Trawl gear operations account for most of the groundfish catch, harvesting 92% and 94% of the groundfish catch during 1992 and 1993, respectively. Trawl gear fisheries for Alaska groundfish also account for more than 99% of the salmon bycatch by the Alaska groundfish fisheries. These fish are dead when brought on board a vessel and must be returned to Federal waters as prohibited species once a NMFS-certified observer has determined the number of salmon and completed the collection of any biological or scientific data.

The incidental salmon mortality experienced in the groundfish fisheries is one of several competing uses of the fully utilized salmon resource. Salmon also are used as catch and bycatch in directed commercial, subsistence, and sport salmon fisheries and as bycatch in other non-salmon and non-groundfish fisheries. Salmon used as bycatch in the groundfish fisheries and in other fisheries can exacerbate the management problem associated with the allocation of salmon among escapement goals set by Alaska State management policy and the terminal salmon fisheries. The groundfish fisheries may result in reduced escapement or harvest in the salmon fisheries, thereby imposing a cost on other salmon users.

Amendment 29 authorized the voluntary retention and processing of salmon taken as bycatch in the Alaska trawl fisheries for donation to needy individuals. The intent of this action was to reduce bycatch and waste and potentially provide the opportunity to collect additional data that would support a more long-term solution to the salmon bycatch problem.

Analysis

A 24-page EA/RIR (final draft dated March 1996) was prepared for this amendment. Three alternatives including the status quo were considered. Under the status quo alternative, all salmon bycatch would be retained until a NMFS-certified observer has determined the number of salmon and collected any biological or scientific data. Salmon could not be retained for reasons other than the collection of biological or scientific data and ultimately must be discarded in Federal waters as a prohibited species. The other alternative not chosen would have mandated that every salmon taken in the Alaska groundfish trawl fisheries be retained, processed for human consumption, and donated to a nonprofit foodbank organization. Because NMFS's authority under the Magnuson - Stevens Act to directly regulate harvesting and processing fishery resources is limited to the EEZ, this alternative was not developed further but instead provided a qualitative comparison with the other alternatives.

Chinook salmon caught as bycatch. Photo courtesy of NMFS.

Regulation Summary

The Salmon Donation Program authorizes the distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries in the groundfish fisheries off Alaska to economically disadvantaged individuals through NMFS authorized distributor selected by the Regional Director in accordance with federal regulations implemented under the FMP.

Results

The Salmon Donation Program was implemented in 1996 after two years of assessment under several experimental fishing permits. Most of the donations come from the BSAI, as the salmon intercepted as bycatch in GOA fisheries tend to be small and unfit for human consumption. In 2017, 324,459 pounds of PSC salmon and 39,037 pounds of PSC halibut were distributed. Of that, 63,601 pounds were donated to Alaska. Between 2013-2018 SeaShare donated just under 1 million pounds (4 million servings) of PSC and other seafood products in Alaska. Currently, SeaShare is the only organization authorized by NMFS to retain and distribute PSC fish for hunger relief. Under Amendment 50, the donation program was expanded to include halibut.

30 Monitoring

Development of an Observer Program Research Plan (Not Fully Implemented)

Council Action	Proposed Rule	Final Rule	Effective
June 1992	*May 6, 1994* *59 FR 23664*	*September 6, 1994* *59 FR 46126*	*October 6, 1994*

Purpose and Need

Amendments 18 (GOA) and Amendment 13 (BSAI) to the groundfish FMPs authorized a comprehensive domestic fishery observer program. The 1990 and 1991 observer program required specific levels of observer coverage which varied with size of fishing vessel and quantity of fish processed by floating and shoreside processors. These requirements were established because it was recognized that living marine resources could not be effectively managed without the types of information that were either available only or most efficiently through an observer program.

The observer program required that owners and operators of vessels and shoreside processing facilities participating in the groundfish fishery arrange for and pay for the cost of placing observers aboard their vessels and at their shoreside processing facilities beginning in January 1990. Each vessel or processor required to have observer coverage is responsible for the cost of obtaining the required observers from a certified contractor. The cost averaged between $5,800 and $7,100 per observer month in 1991. There were three problems identified for this method of paying for observer coverage. It was not an equitable system in that some operations payed for 100% coverage and others did not pay anything, it limited the ability of the NMFS to effectively manage the observer program, and it may have resulted in a conflict of interest that could reduce the credibility of observer data. It also based observer coverage levels on a simple vessel length criterion, which likely does not result in the most efficient, appropriate coverage across all fisheries. The Research Plan was designed to address these problems. Industry support for such a change is demonstrated by the willingness and ability of the industry to convince Congress to amend the Act to allow the North Pacific Fisheries Research Plan to be established and paid for by a broad-based system of user fees. The proposed plan was to be applicable to the groundfish, halibut, and BSAI crab fisheries.

Analysis

A 39-page EA/RIR (Secretarial review draft August 3, 1994), together with a lengthy (100+ pp.) appendix section, was prepared for this amendment (and BSAI Amendment 27). Three alternatives including the status quo were considered. Under the status quo alternative, the authority to establish a research plan would not be used, existing observer coverage requirements and contracting arrangements would be used, and no observer program would be implemented for the halibut fishery. The alternative adopted provided for a research plan and attendant fee on landings, to address problems identified with the existing observer program.

Regulation Summary

The Magnuson-Stevens Act authorized the Council and the Secretary to establish a North Pacific Fisheries Research Plan which:

1) Requires that observers be stationed on fishing vessels and at fish processing facilities, and

2) Establishes a system of fees to pay for the cost of implementing the research plan. The Research Plan, as adopted under this amendment, contained four objectives and elements that included observer employment and contracts, observer duties, data collection and transmission, annual determination of coverage levels by fishery, in-season changes to coverage levels, establishment of an observer oversight committee, coordination between the NMFS groundfish and ADF&G shellfish observer programs, a fee assessment (up to 2% of ex-vessel value of harvested fish), and details on fee collection and contingency plans in case of funding shortfalls.

Results

Though the amendment was approved, it was never fully implemented. Instead, implementation was delayed one year, and then replaced with a modified pay-as-you-go system adopted under Amendment 47 in both the GOA and BSAI FMPs. Start-up fees were collected by NMFS in the first year of implementation, but the Council repealed the Research Plan due to various concerns, including the possibility that the fee would not cover all necessary coverage levels. Fees were refunded following the repeal of the Plan. A restructured Observer Program was implemented in 2013 by GOA Amendment 76/ BSAI Amendment 86, which addressed the problems identified in

Observer collecting data on rockfish catch. Photo courtesy of Mark Fina.

31 FMP Species Categories

Establish Separate Target Category for Atka Mackerel

Council Action	Notice of Availability	Notice of Approval	Effective
June 1993	*July 26, 1993* *58 FR 39794* *Corrected: August 11, 1993* *58 FR 42758*	*October 22, 1993* *58 FR 54553*	*October 18, 1993*

Purpose and Need

Atka mackerel was an important target species of the foreign fishery in the Gulf of Alaska. The directed fishery for this species waned and through lack of interest by the domestic fishery, was combined with "other species" in 1988. The "other species" category was intended to allow for bycatch of species of minor commercial importance such as sculpins, skates, squid, smelts, etc. The "other species" category has been generally available as a Gulf-wide TAC equal to 5% of the sum of TACs for all target fisheries.

In 1990, a directed fishery resumed when a closure of the Atka mackerel fishery in the BSAI resulted in vessels moving into the Western GOA to continue targeting this species. The fishery expanded significantly in 1992 (13,835 mt) and accounted for almost the entire TAC of “other species” in the GOA. As a result, “other species” became non-retainable early in the year (May) in the entire GOA. This closure preempted fishing for “other species” and caused discarding of minor species such as octopus. In 1993, Atka mackerel were again targeted in the GOA, accounting for almost the entire TAC of other species in the Western GOA. As a result, “other species” was closed to directed fishing early in the year (April 2) in the Western GOA.

The GOA FMP defined “other species” as groundfish species and/or species groups, which are only of slight economic importance or contain economically valuable species, but insufficient data exist to allow separate management. Atka mackerel no longer met this definition. The purpose for the proposed amendment was to improve management of the Atka mackerel resource in the Gulf of Alaska. By establishing Atka mackerel as a target species, harvest levels would be based on biological stock assessments. The proposed amendment would not only reduce the potential for overfishing Atka mackerel, but also allow for increased harvesting of the "other species" complex, and reduce user conflicts within the Western GOA.

Analysis

A 45-page EA (final draft dated July 3, 1993) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative in establishing a biologically based acceptable biological catch level for this species in the GOA, rather than allowing for relatively unrestricted catch.

Regulation Summary

Amendment 31 created a separate target category for Atka mackerel in the GOA groundfish FMP. This meant that harvest levels of Atka mackerel would be based on biological stock assessments. Although the catch would primarily occur in the Western Gulf, TAC's for Atka mackerel would be set Gulf-wide to avoid waste and discarding of the small amount caught in the other subareas. The species composition of the other species category would remain the same, with the exception of Atka mackerel. TACs for other species in the GOA would increase to include 5% of the TAC for Atka mackerel.

Results

In the late 1980s, an Atka mackerel population existed in the GOA, primarily in the Shumagin Islands area. By the late 1990s, the TAC was set at bycatch levels (600 mt) because there is no reliable estimate of current biomass and the species had exhibited vulnerability to fishing pressure in a foreign trawl fishery in the 1970s and early 1980s. Because Atka mackerel is thought to be a common prey item for Steller sea lions, all directed fishing for Atka mackerel was prohibited in the GOA beginning in 1996. Data from 2003 to 2011 indicated that most of the Atka mackerel bycatch in the GOA, which was coming out of the Shumagin and Chirikof areas, was taken in the rockfish fisheries. There appears to have been some limited targeted fishing on Atka mackerel since 2003. In 2003, the flatfish and Pacific cod fisheries retained significant amounts of Atka mackerel. For the most part, there has been very little Atka mackerel retained by fisheries, other than rockfish, since 2003. In 2007, the pollock and flatfish fisheries retained Atka mackerel. The amount of Atka mackerel caught by the rockfish fisheries has declined since 2011, dropping significantly in 2014. However, catches of Atka mackerel nearly doubled in the 2015 rockfish fishery. Reports of the fleet encountering more Atka mackerel on the fishing grounds in 2016 led the Council to increase the 2017 TAC from 2,000 to 3,000 t. Catches of Atka mackerel in the rockfish fishery declined in 2016, but retained catches of Atka mackerel in the shallow water flatfish fishery increased. Total catches of Atka mackerel have not increased since 2012, and have remained at about 1,100-1,200 t.

Atka mackerel (*Pleurogrammus monopterygius*).
Photo courtesy of AFSC.

32 Catch Limits

Pacific Ocean Perch Rebuilding Plan

Council Action	Notice of Availability	Notice of Approval	Effective
September 1993	*January 4, 1994* *59 FR 295*	*April 15, 1994* *59 FR 18103*	*March 31, 1994*

Purpose and Need

The purpose of this amendment was to establish a plan to rebuild stocks of Pacific ocean perch (POP) (*Sebastes alutus*), a type of rockfish, in the GOA. POP is a highly -valued groundfish. It was heavily exploited by a foreign trawl fleet from the early 1960's until the mid-1970's. Thereafter, a domestic at-sea processing fleet harvested POP at a substantially lower rate. Catches of POP peaked in 1965 when an estimated 350,000 metric tons (mt) were harvested by the foreign fleet; catches declined sharply in the late 1960's. From 1961-1977, annual POP landings averaged over 40,000 mt; after 1977, landings averaged 6,000 mt. In the domestic fishery, POP was managed as part of a larger slope rockfish assemblage of about 20 species until 1991, when POP was established as a separate target species category to prevent possible overfishing. Prior to Amendment 32, overfishing levels had been defined GOA-wide. As a result of increased concern about the status of POP stocks, biomass assessment methodology has been improved and domestic harvest levels have been reduced. The 1993 total allowable catch (TAC) of 2,560 mt was available only as incidental bycatch in other groundfish fisheries. In recent years, POP has been managed as a single species, harvest levels have been reduced, and directed fisheries have been restricted or eliminated. The intent of this amendment was to minimize POP mortality necessary to maximize the probability of rebuilding success in a realistic time period.

Analysis

An 86-page EA/RIR/IRFA (Secretarial review draft dated November 8, 1993) was prepared for this amendment. Four alternatives including the status quo were considered. The other alternatives would have established a slower rebuilding schedule (11 years) via an optimal fishing mortality rate or a faster schedule (18 years) by prohibiting a directed fishery for POP. The alternative chosen was a fishing mortality rate that was intermediate between the optimal rate and a bycatch only rate.

Regulation Summary

Amendment 32 established a rebuilding plan for POP. The alternative chosen was projected in modeling simulations to rebuild POP biomass to a target level (BMSY) in about 14 years by harvesting POP at a fishing mortality rate lower than the optimum rate. The amendment stated that “stocks will be considered to be rebuilt when the total biomass of mature females is equal to or greater than BMSY”. Under Amendment 32, the overfishing level would be distributed among the eastern, central, and western areas in the same proportions as POP biomass occurs in those areas. This measure would avoid localized depletion of POP and would rebuild POP at equal rates in all regulatory areas of the GOA. The optimal fishing mortality rate is the rate that maximizes expected biological and economic yields over a range of plausible stock-recruitment relationships.

Amendment 32 established the procedure for deriving the annual GOA TACs for POP. Annual TACs will be established as follows:

1) Determine the current biomass, BMSY, and the optimal fishing mortality rate;
2) Determine the fishing mortality rate halfway between the optimal fishing mortality rate and the fishing mortality rate estimated to be sufficient to supply unavoidable bycatch of POP based on 1992 bycatch rates;
3) When the current biomass of mature females is less than BMSY, adjust the resultant fishing mortality rate in (b) by the ratio of current biomass to BMSY. When BMSY is attained, the fishing mortality rate will be the optimal fishing mortality rate;
4) The GOA TAC of POP is the amount of fish resulting from the adjusted fishing mortality rate in (c); and
5) The TAC is apportioned among regulatory areas in proportion to POP biomass distribution.

Results

In 1996, two years after the rebuilding plan was established, Amendment 38 was implemented to allow the POP TAC to be set at or below the amount dictated by the rebuilding plan’s algorithm. Amendment 41, which took effect in 2000, prohibited trawling in the Eastern area east of 140 degrees W. longitude. Since 1994, the spawning stock biomass has increased due to good recruitment and low fishing mortality. The rebuilding plan required that female spawning biomass be greater than Bmsy, and the stock was considered rebuilt in 1996. Amendment 68, which was implemented in 2006, implemented the Central GOA Rockfish Pilot Program (RPP). The intention of this program was to enhance resource conservation and improve economic efficiency for harvesters and processors in the rockfish fishery. The RPP was renewed in 2011 under Amendment 88.

According to the 2017 stock assessment, the original rationale for area-specific OFLs from the rebuilding plan no longer exists because the overall population is above target levels and is less vulnerable to occasional overages. Therefore, in terms of rebuilding the stock, management area OFLs are no longer a necessity for the GOA POP stock. The projected female spawning biomass for 2019 = 176,934 mt, well above B35% (102,767 mt).

33

Prohibited Species Catch | Spatial Management

Kodiak Pelagic Trawl Closures (Withdrawn)

Council Action	Proposed Rule
April 1993	*Withdrawn*

Purpose and Need

Under GOA Amendment 26, time/area closures and crab protection zones around Kodiak became permanent. These restrictions afforded protection to king crab in some areas during their molting or soft-shell period while in other areas it protected crabs from trawls year-round. The closures applied to bottom trawling operations only. In January 1993, the NOAA Office of Enforcement expressed concern about the effectiveness of the amendment as adopted by the Council. Most trawl vessels that operate around Kodiak do not have full-time observer coverage, and the only way NOAA can enforce closures is by aerial surveillance. Air surveillance can rarely distinguish between a pelagic and bottom trawl operation. The Council asked staff to analyze a closure to all trawling in light of the enforcement difficulties. The purpose of this amendment was to fully meet the Council's intent to protect crab habitat under Amendment 26.

Analysis

A 25-page EA/RIR/IRFA (final draft dated April 1993) was prepared for this amendment. Two alternatives were considered:

1) Status quo

2) Closing the time/area crab protection zones around Kodiak Island as specified under Amendment 26 to all trawling, including pelagic trawling. The analysis indicated that the proposed alternative would make enforcement of crab closures by aerial surveillance more effective and less costly, as all vessels observed fishing with trawls in the closed areas would be in violation. The analysis also noted that bycatch rates of pelagic trawls in the Gulf of Alaska are very low.

Regulation Summary

The amendment was withdrawn.

Results

The Council noted that the analysis indicated that closing these areas to pelagic trawling could reduce some important nearshore pollock fishing grounds, and that the existing closures have been closely monitored by the Kodiak fishing industry for several years. On the basis of effective self-enforcement, the Council moved not to send the analysis out for public review and the amendment was effectively withdrawn from further consideration.

Kodiak trawler. Photo courtesy of Herman Savikko.

34

Administrative

Remove Reference to CDQ Program

Council Action	Proposed Rule	Final Rule	Effective
April 1994	*May 31, 1994* *59 FR 28048*	*August 24, 1994* *59 FR 43502*	*September 23, 1994*

Purpose and Need

Amendment 34 to the FMP for the GOA corrected the inadvertent inclusion of the CDQ program in the FMP by removing and reserving section 4.4.1.1.8. It was adopted along with BSAI Amendment 30, which raised the sablefish CDQ allocation limit.

Analysis

No analysis was necessary for the preparation of Amendment 34. The amendment simply removed an inadvertent reference to the Community Development Quota Program from the FMP for the Gulf of Alaska.

Regulation Summary

The alternative adopted removed the inadvertent inclusion of the CDQ program in the FMP for the GOA.

Results

The result of the amendment was to correct the FMP for the Groundfish of the Gulf of Alaska so that it does not include a section on the CDQ program.

Juneau harbor. Photo courtesy of Herman Savikko.

35 IFQ Program

Sablefish Individual Fishing Quota Share Blocks

Council Action	Proposed Rule	Final Rule	Effective
September 1993	*June 28, 1994* *59 FR 33272*	*October 7, 1994* *59 FR 51135*	*November 7, 1994*

Purpose and Need

The IFQ program, implemented in 1995 under GOA Amendment 20 (BSAI 15), assigned the privilege of harvesting a percentage of the sablefish and halibut quota (in the form of quota shares) to specific individuals with a history of harvest in the fisheries. Quota shares (QS) could be transferred, allowing people who did not receive an initial allocation to buy into the fishery. Concern over the potential for excessive consolidation of quota shares, the projected reduction of the longline fleet, and the social and economic effects on coastal communities, shore-based processors, and fishermen, was the impetus for Amendment 35 (BSAI Amendment 31). Amendment 35 implemented the Modified Block Proposal, which was intended to reduce the maximum potential consolidation relative to the IFQ program by significantly increasing the theoretical minimum number of quota shareholders and thereby easing the transition from open access to IFQs.

As halibut and sablefish fall under two different management authority, (sablefish under the Magnuson-Stevens Act and halibut under the authority of the Halibut Act), only sablefish are included in the Groundfish FMP. The purpose of this amendment was to provide for the long-term productivity of the sablefish (and halibut) fisheries. In addition to sustaining the health of the fisheries, the Council needed to address the issue of protecting small producers, part-time participants, and entry-level participants who tend to disappear because of potential excessive consolidation under an IFQ program. The amendment is intended to protect the viability of these small entities without interfering with the opportunities currently available under the IFQ program for larger operations.

Analysis

A 283-page EA/RIR/IRFA (final draft dated May 25, 1994) was prepared for this amendment and adjoining BSAI Amendment 31. The analysis reported that without a block amendment (no action), the IFQ program could potentially reduce the number of halibut and sablefish quota share fishermen to 200 and 100, respectively. Three separate block proposals were considered to ameliorate this problem. The two alternatives that were not chosen would have created unique, variable size blocks or partial blocks that could be transferred across catcher vessel classes, resulting in increased search and transaction costs of persons who want to sell or buy additional quota share. The alternative chosen also allows persons to purchase relatively small amounts of unblocked quota share, but lowers the transaction costs associated with blocked quota share.

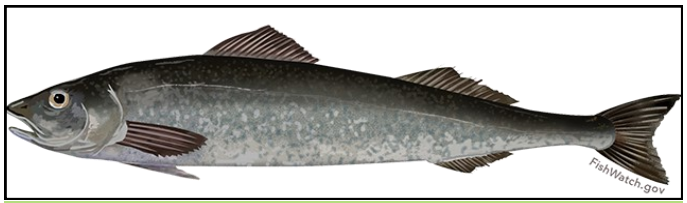
Regulation Summary

The Modified Block Proposal provided that initial allocations of QS that represent less than 20,000 lbs of IFQ in the implementation year will be issued as a block, 2) QS that represents 20,000 lbs or more of IFQ in the implementation year will be “unblocked”, and 3) QS in a block cannot be separated and must be transferred as a block. Fishermen can own up to two blocks of halibut and two blocks of sablefish QS in each area, but persons holding any amount of unblocked QS are limited to one block of QS per area. A sweep-up provision allowed fishermen to combine small amounts into fishable amounts: halibut blocks can be combined to a sum of less than 1,000 lbs and sablefish blocks can be combined until the sum reaches 3,000 lbs. The amendment also clarified that blocked and unblocked quota share would be transferable subject to the approval of the NMFS Regional Director. Because the Modified Block Proposal created the potential that some QS would become non-transferable because the size would exceed the quota share use limits established in prior regulations (50 CFR 676.22 (e)(f)), the alternative also allowed for the transfer of a quota share block exceeding the use limits by providing that one block could be divided into two blocks.

Results

Amendment 35 created both blocked and unblocked quota shares based on the 1994 quota. As anticipated, there has been some consolidation of quota share to fewer persons than received quota share by initial issuance, but significantly less so than if the block proposal had not been added. According to the 20-Year Review of the IFQ Program, the total number of initial issuees (unique number of people) in the halibut fishery in 1995 was 4,534, reduced to 2,522 by 2014. The total number of issuees in the sablefish fishery was 1,054, reduced to 836 by 2014. The number of unique vessels landing halibut and sablefish before the IFQ program was 3,450 and 1,139 in 1994, and by 2014 the number of vessels was reduced to 920 and 315, respectively.

In 1996, Amendment 43 increased the sweep-up levels for small QS blocks for Pacific halibut and sablefish to 3,000 lbs and 5,000 lbs, respectively. These management measures were raised again in 2007 under Amendment 67.



Sablefish (*Anoplopoma fimbria*). Image courtesy of NMFS.

36 IFQ Program

Transfer of Sablefish Community Development Quota Compensation Quota Shares

Council Action	Proposed Rule	Final Rule	Effective
January 1995	*October 13, 1995* *60 FR 53331*	*January 24, 1996* *61 FR 1844*	*February 23, 1996*

Purpose and Need

The BSAI Community Development Quota (CDQ) program was proposed in conjunction with the IFQ program for sablefish and halibut management. The CDQ program apportioned designated percentages of the annual fixed gear total allowable catch (TAC) of sablefish and halibut to eligible Western Alaska communities, intending to provide near-shore communities with long-term, stable employment and access to the fishery resource. Apportioning part of the fixed gear TAC to communities reduced the amount of that TAC available for harvest by persons receiving annual allocations of IFQ. As a result, CDQ compensation quota shares (QS) were issued as partial compensation to persons who received (reduced) quota shares in CDQ areas.

Two problems were identified that inhibited the current transfer of CDQ compensation quota shares. Firstly, most CDQ compensation QS would be issued in allocations of less than 20,000 lbs and therefore would be blocked under the non-severable block provision (see GOA Amendment 35/BSAI Amendment 31). The block provision was added to the IFQ program to prevent excessive consolidation of fishing privileges. Blocked quota share, especially small blocks such as the CDQ compensation QS, is difficult to market because of the two-block limit. The second problem is that the IFQ program allowed transfer of quota shares only within the same vessel category, to prevent significant consolidation into large vessel operations. However, residents of CDQ areas traditionally employed smaller vessels than non-residents who received initially issued QS in the CDQ areas, making it difficult for residents of CDQ areas to increase their holdings as they must purchase larger vessels as well as initially issued QS in the larger vessel categories.

GOA Amendment 36 and BSAI Amendment 32 were proposed to relieve the unintended consequences of the IFQ transfer restrictions, which are contrary to the original purpose of providing CDQ compensation quota shares. Relieving transfer restrictions on initial recipients of CDQ compensation QS effectively increases the remunerative value of those shares and facilitates the full utilization of the allocated resources managed under the IFQ program.

Analysis

A 21-page RIR (final draft dated January 1995) was prepared for this amendment. Including the status quo, two alternatives addressing the block provision and three alternatives addressing the transfer across vessel length classes were considered. The option that was not chosen would have allowed “pooling” of quota shares with other compensation shareholders, as opposed to exempting CDQ compensation QS from the block provision in perpetuity. With regard to transfer across vessel length classes, the other alternative not chosen would have allowed a one-time trade across vessel classes as defined by a transaction involving initially-issued large vessel QS in CDQ areas and small vessel CDQ compensation QS in non-CDQ areas. The alternative chosen is more flexible by not defining the type of transaction allowed.

Regulation Summary

The amendment exempted some CDQ compensation QS from the block provision and allowed for a one-year period of relief (one-time transfer) from the restriction against transferring CDQ compensation QS across vessel length categories. Regulations state that if a person is issued CDQ compensation QS for an area where the person already has regular QS, then their CDQ compensation QS is combined with their existing QS and is either “blocked” or “unblocked” depending on the sum total of their QS (this makes much of the CDQ compensation QS unidentifiable after issuance). If a person is issued CDQ compensation QS for an area in which the person doesn’t have other QS, the QS is left unblocked. The exemption does not include Category “A” vessels (vessels of any length authorized to process IFQ species).

Results

Since the amendment was approved, coastal communities that rely on the small vessel fleet have benefitted by having IFQ in more accessible areas. The action did not significantly change the overall character of the fleet because CDQ compensation quota share accounted for only 3.5% of the total amount of quota share issued in the non-CDQ areas of the Gulf of Alaska. A report examining the distribution of all QS by block status showed that 69.2% of the QS in the BSAI was blocked at the end of 1998. In the Gulf of Alaska, percentage of blocked QS ranged from 7.6% in the Central Gulf to 20.1% in the Western Gulf. In addition, the amount of swappable CDQ compensation QS–catcher vessel QS that can be fished on any size vessel until its first transfer–declined sharply by year-end 1998, even though there were very few actual swaps of this type of QS to other vessel categories. Most of the decline came from regular transfers, where CDQ compensation QS also loses its swappable status. Over the 1995-98 time period there were only five swaps in Southeast area, four in West Yakutat, and three each in the Central and Western Gulf.

37 IFQ Program

Limited Processing of Non-Individual Fishing Quota Species

Council Action	Proposed Rule	Final Rule	Effective
June 1994	*April 2, 1996* *61 FR 14547*	*June 27, 1996* *61 FR 33382*	*July 26, 1996*

Purpose and Need

The IFQ program was designed to promote the conservation and management objectives of the Magnuson-Stevens Act and Northern Pacific Halibut Act. The program was implemented in 1995 and assigned the privilege of harvesting a percentage of the sablefish and halibut quota to specific individuals with a history of harvest in the fisheries. Persons receive an annual allocation of IFQ and are authorized to harvest IFQ species.

Included in the IFQ program is a provision prohibiting the processing (freezing) of fish, other than IFQ halibut or sablefish, on board a harvesting freezer vessel if, along with that fish, IFQ sablefish were harvested by a person who has catcher vessel quota shares of sablefish. The Council's intent in allowing the use of catcher vessel quota share on freezer vessels was to increase the fishing opportunities of IFQs held by crew members. The prohibition on freezing non-IFQ species came out of a Council concern that, if the owners of large, industrial-type processing vessels could harvest IFQ species with IFQ assigned to vessel categories B, C, and D while processed fish are on board, these operators could acquire the majority of the "catcher vessel" quota share that would normally be harvested by smaller boats without processing capabilities. These smaller vessels usually use shoreside local processors in coastal communities. The Council did not want to dramatically change the character of the fisheries and deprive coastal communities of the revenue generated by small vessel deliveries of IFQ species.

The combination of allowing catcher vessel quota share to be used on freezer vessels with the prohibition on processing non-IFQ species resulted in unanticipated waste of non-IFQ species caught incidentally to sablefish. Persons are required to retain all Pacific cod and rockfish caught incidentally to IFQ sablefish. Pacific cod and rockfish have a shorter "shelf life" than sablefish, and a typical sablefish fishing trip is too long to maintain sufficient quality of incidentally caught non-IFQ fish. Without the ability to freeze the non-IFQ species, the fish was often landed in poor condition, decreasing the market value of the fish significantly.

The purpose of Amendment 37 (BSAI Amendment 33) was to address the lost revenue and waste that occurs because fish other than IFQ halibut and sablefish are discarded, or if not discarded, become a low-quality product, due to the prohibition on processing fish other than IFQ halibut and sablefish. The amendments were necessary to allow fuller use of the fishery resources in and off of Alaska.

Analysis

A 14-page EA/RIR (final draft dated March 8, 1996) was prepared for these amendments. The analysis determined that the proposal would not have a significant economic impact on a substantial number of small entities, and would not adversely affect shore-based plants because most of the bycatch of non-IFQ species would be discarded as the period of marketability of unprocessed product is typically exceeded. Two alternatives including the status quo were considered. The alternative chosen allows for the freezing of non-IFQ species when catcher vessel quota share is used on freezer vessels.

Regulation Summary

This amendment approved the processing of fish other than IFQ halibut or IFQ sablefish on board the harvesting vessel by persons authorized to harvest IFQ sablefish based on an annual allocation of IFQ assigned to vessel categories B or C. This authorization is not extended to persons authorized to harvest IFQ halibut, due to the fact that halibut is characteristically prosecuted by local vessels that do not have onboard processing capabilities. Several modifications were also made to the regulations implementing the IFQ program in order to accommodate the new provision. In addition, while non-IFQ species could be frozen onboard, the freezing of IFQ sablefish caught with catcher vessel quota share on a freezer vessel would continue to be prohibited.

Results

Allowing non-IFQ species caught incidentally to IFQ sablefish to be frozen onboard freezer longliners enhanced product quality and allowed for the recovery of revenue otherwise lost to discards.

38 Catch Limits

Revise Pacific Ocean Perch Rebuilding Plan

Council Action	Notice of Availability	Notice of Approval	Effective
December 1995	*July 5, 1996* *61 FR 35174*	*October 2, 1996* *61 FR 51374*	*September 25, 1996*

Purpose and Need

The continued decline of the Pacific Ocean perch (POP) stock prompted the Council to recommend a rebuilding plan for POP, established in GOA Amendment 32 (59 FR 18103; April 15, 1994). The POP Rebuilding Plan provides a specific strategy for POP stocks, based on available biological and economic information. The plan established an algorithm, or formula, to determine the annual POP total allowable catch (TAC), which is then apportioned among the regulatory areas in the Gulf of Alaska. However, the rebuilding plan neglected to allow for any flexibility to reduce the TAC below the amount specified by the formula.

Given this standard formula, it was possible for the TAC to be greater than the acceptable biological catch (ABC) determined by biological and survey data and published in the annual Stock Assessment and Fishery Evaluation (SAFE) reports. The TAC is determined using the formula in the Rebuilding Plan and is then apportioned to each regulatory area according to the percentage biomass distribution used for the ABC apportionment. Approving a TAC greater than the acceptable biological catch is a practice inconsistent with the current management practices for other groundfish stocks and the conservation and management objectives of the Magnuson-Stevens Act. The Council also expressed concern with the inability to lower the TAC to accommodate other potential resource conservation issues.

The purpose of this amendment is to improve conservation and management of POP and to further the goals and objectives of the fishery management plan by providing the flexibility to lower the calculated TAC for Pacific ocean perch based on biological or resource conservation concerns.

Analysis

An 18-page EA (final draft dated June 1996) was prepared and an Interim Report on the Status of the Pacific Ocean Perch Rebuilding Plan in the Gulf of Alaska (Heifetz et al. 1995) was submitted for this amendment. Three alternatives including the status quo were considered. The other alternative would have re-evaluated the entire POP Rebuilding Plan to reconsider the Council's intended harvest strategy. The alternative chosen would not change the general direction established by the earlier Rebuilding Plan except to allow the Council more flexibility in recommending the annual TAC if the Council identified specific biological or conservation issues that were not adequately addressed by the formula TAC level.

Regulation Summary

The alternative adopted and approved allowed the Council to recommend a POP total allowable catch at or below the amount dictated by the formula in the Rebuilding Plan. The regulations specify that any downward adjustments would be based on biological or resource conservation concerns about the POP stock or associated with the POP fishery that are not accounted for in the Rebuilding Plan or the annual stock assessment reports. The amendment only gives the Council the alternative of recommending a lower POP TAC based on resource conservation concerns, and not socioeconomic concerns. Under Amendment 38, the formula in the Rebuilding Plan would be considered the upper bound limit for the POP TAC.

Results

In the years immediately following the approval of the amendment, the Council continued to approve conservative TACs for the POP stock in the Gulf of Alaska as it rebuilt. In 1995, the TAC for POP as determined by the Rebuilding Plan was 5,630 mt, enough to support a directed fishery. The 1996 Stock Assessment and Fishery Evaluation report stated that the 1996 triennial trawl surveys indicated substantially increased biomass estimates since the 1993 survey. However, in order to ensure the stock was fully recovered, the 1997 TAC was set at 80% of the Western and Central Gulf ABC and the TAC from 1996 was rolled over for the Eastern Gulf. Since then, the stock status has continued to improve, yet the annual TACs had been set below the ABCs to remain precautionary. The TACs for 1997, 1998 and 1999 increased to 9,190 mt, 10,776 mt and 12,590 mt, respectively; while the TAC from 2000 to the present has been set equal to the ABC (for 2018, TAC was 29,236 mt). GOA Amendment 41 later banned domestic trawling in Southeast Alaska starting in the year 2000.

Pacific ocean perch and pollock. Photo courtesy of Jackie Patt.

39 FMP Species Categories

Establish Forage Fish Category

Council Action	Proposed Rule	Final Rule	Effective
April 1997	*December 12, 1997* *62 FR 65402*	*March 17, 1998* *63 FR 13009*	*April 16, 1998*

Purpose and Need

Prior to 1998, forage fishes in the GOA were either managed as part of the "Other Species" group (nontarget species caught incidentally in commercial fisheries) or were classified as "nonspecified" in the FMP, with no conservation measures. Forage fish are generally small, abundant fishes that are preyed upon by marine mammals, seabirds and commercially important groundfish species. Forage fish perform a critical role in the complex ecosystem functions of the BSAI and the GOA by providing the transfer of energy from the primary or secondary producers to higher trophic levels. Significant declines in marine mammals and seabirds in the BSAI and GOA have raised concerns that decreases in the forage fish biomass may contribute to the further decline of marine mammal, seabird and commercially important fish populations. Forage fish are the principal diet of more than two-thirds of Alaskan seabirds. In addition, many seabirds can subsist on a variety of invertebrates and fish during nonbreeding months but can only raise their nestlings on forage fish. Small forage fish such as capelin, herring, sand lance and eulachon also have been recognized as important prey items for a variety of marine mammal species including: Northern fur seal, Steller sea lion, harbor seal, spotted seal, bearded seal, humpback whale and fin whale.

Analysis

A 59-page EA/RIR (final draft dated January 1998) was prepared for this amendment. Two alternatives including the status quo were considered, along with four options for the non-status quo alternative. The options not chosen would have put forage fish in the "other species" category or the prohibited species category. The alternative chosen would protect forage fish by prohibiting a directed fishery and the sale and barter of forage fish. The preferred alternative would also reduce waste by allowing retention (up to a maximum retainable bycatch amount as set in regulations) and processing (into fishmeal) those forage fish caught incidentally in groundfish fisheries.

Regulation Summary

GOA Amendment 39 (BSAI Amendment 36) defined a forage fish species category and authorized that the management of this species category be specified in regulations in a manner that prevents the development of a commercial directed fishery for forage fish which are a critical food source for many marine mammal, seabird and fish species. Forage fish species are not included in a target species category. Management measures for the forage fish category will be specified in regulations and may include prohibitions on directed fishing, limitations on allowable bycatch retention amounts, or limitations on the sale, barter, trade or any other commercial exchange, as well as the processing of forage fish in a commercial processing facility.

The forage fish species category includes all species of the following families:

- Osmeridae (eulachon, capelin and other smelts)
- Myctophidae (lanternfishes)
- Bathylagidae (deep-sea smelts)
- Ammodytidae (Pacific sand lance)
- Trichodontidae (Pacific sand fish)
- Pholidae (gunnels)
- Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs and shannys)
- Gonostomatidae (bristlemouths, lightfishes, and anglemouths)
- and the Order Euphausiacea (krill)

Results

No commercial fishery has been allowed to develop on forage fish in the Exclusive Economic Zone off Alaska. Under Amendment 87, forage fish were moved to the "ecosystem component" category, which includes species which do not require conservation and management, yet are listed in an FMP in order to achieve ecosystem management objectives. A report on the status of forage fish in the GOA is prepared by the Alaska Fisheries Science Center every two years. The most recent assessment for forage fish was in 2018.

Top to bottom: sand lance (*Ammodytidae*), Pacific herring (*Clupea pallasii*), and capelin (*Mallotus villosus*). Photo courtesy of AFSC.

40 Allocation

Extend Inshore/Offshore Pollock and Pacific Cod Allocations

Council Action	Proposed Rule	Final Rule	Effective
June 1995	*September 18, 1995* *60 FR 48087*	*December 12, 1995* *60 FR 63654*	*January 1, 1996*

Purpose and Need

GOA Amendment 40 (BSAI Amendment 38) extended the provisions of GOA Amendment 23 and BSAI Amendment 18, which expired on December 31, 1995. Amendments 23 and 18 (57 FR 23321; June 3, 1992) set inshore and offshore processor allocations of pollock in the BSAI and pollock and Pacific cod in the GOA, respectively, as a response to an early closure in 1989 when several catcher/processors harvested substantial amounts of pollock in the BSAI and GOA and forced an early closure of the GOA pollock fishery.

GOA Amendment 23 provided for an allocation of 90% of the Pacific cod TAC and 100% of the pollock TAC in the GOA to the inshore sector.

Amendment 40 was necessary to extend the inshore/offshore allocations set in Amendment 23 through December 31, 1998. The purpose of the amendments was to keep the fishery from turning back into the "free-for-all" it represented previously. Since the original inshore/offshore allocation, the Council had been working toward developing a long-term, comprehensive plan for rationalizing all the groundfish and crab fisheries in and off of Alaska. By the end of 1995, when it was evident that the plan would not be ready for implementation before the inshore/offshore allocations expired, the Council determined it was necessary to extend the provisions of Amendments 23 and 18 for an additional three years in order to maintain stability in the industry, facilitate further development of the comprehensive management regime, and allow for the realization of the goals and objectives of the pollock CDQ program.

Analysis

A 268-page EA/RIR/IRFA (final draft dated August 1, 1995) and several appendices were prepared for this amendment. Two alternatives were considered: 1) no action, and 2) continuation of the current program for a period of three additional years (1996-1998), including the pollock CDQ program as an inseverable element of the overall package. The analysis reiterated the Council's intent not to consider alternative inshore/offshore allocation percentages, as that would likely require significant new and complex economic analyses, create unnecessary delays in implementing an allocation scheme, and be inconsistent with the overall intent to develop a more long-term solution through the Comprehensive Management Plan process.

Regulation Summary

The provisions of GOA Amendment 23 became the basis of Amendment 40. Thus, in the GOA, the apportionment of pollock would be allocated entirely for processing by the inshore sector, and the apportionment of Pacific cod would be allocated 90% for the inshore sector, 10% for the offshore sector.

Results

This amendment retained the existing inshore/offshore pollock processing allocations for an additional three-year period, through 1998. Stability within and among industry sectors, and associated communities and participants, was maintained by this amendment. In 1999, Amendment 51 extended the provisions of Amendment 40 through 2001.

GOA Amendment 62 replaced inshore/offshore language in the FMP. Amendment 62 removed references to BSAI inshore/offshore from the GOA FMP; and removed the December 31, 2004, sunset date for GOA inshore/offshore allocations from the GOA FMP.

Pacific cod (*Gadus macrocephalus*).
Photo courtesy of Elizabeth Figus.

41 Limited Entry

Establish License Limitation Program

Council Action	Proposed Rule	Final Rule	Effective
June 1995	*August 15, 1997* *62 FR 43866*	*October 1, 1998* *63 FR 52642*	*January 1, 2000*

Purpose and Need

In 1992, the Council committed to rationalize the groundfish and crab fisheries and begin development of a Comprehensive Rationalization Plan (CRP). The CRP was prompted by concerns that expansion of the domestic harvesting fleet, in excess of that needed to efficiently harvest the optimum yield, was burdening compliance with the Magnuson-Stevens Act and severely deteriorating the economic benefits derived from the crab and groundfish fisheries. The Council examined several management alternatives including license limitation programs, individual fishing quotas (IFQs), and more traditional measures, and determined that a limited entry program had the most potential to address the immediate overcapitalization problems of the industry. As a result, the Council approved the License Limitation Program (LLP) in 1995, recognizing the need for further rationalization in the future development of an IFQ system.

The overall purpose of the LLP is to help resolve the competing and oftentimes conflicting needs of the domestic fisheries that developed under open access and to close the gap between fishing capacity and the available fishery resource. The LLP limits the number, size, and specific operation of vessels fishing crab and groundfish in the BSAI and GOA based on historical participation. During the design and refinement of the LLP, the Vessel Moratorium Program (VMP) was implemented to provide industry stability and curtail interim increases in fishing capacity. The intent was for the LLP to replace the VMP upon implementation.

Analysis

A 98-page EA/RIR (final draft dated September 1997) with seven lengthy appendices and several supplemental analyses considered the status quo and a general license limitation alternative. Out of a comprehensive list of elements and options the Council considered during the debates on LLP, the analysis identified one option for each component of a license limitation program to create the preferred alternative described above in the final rule. A supporting document also analyzed the differences between the vessel moratorium program and the license limitation program passed by the Council. The vessel moratorium was more liberal in terms of qualification criteria and the areas a vessel could fish. Under the moratorium, a vessel was only required to make one landing of a qualifying species between 1/1/88 and 2/9/92, and having met that criteria the moratorium permit holders could fish groundfish in any federal waters off Alaska. Therefore, because the LLP had dual qualification criteria, many fewer vessels were expected to qualify than did for the moratorium.

Regulation Summary

The final rule for GOA Amendment 41 (BSAI Amendment 39, BSAI Crab Amendment 5) limited access to the commercial groundfish fisheries in the GOA and BSAI and commercial crab fisheries in the BSAI, except for demersal shelf rockfish east of 140° W. longitude, and sablefish managed under the IFQ program. The rule provided for the following: issuance of a single type of groundfish license; LLP is not applicable to waters of the State of Alaska; licenses would be issued to current owners (as of 6/17/95) of qualified vessels; licenses would be designated as catcher vessel or catcher/processor and with one of three vessel length classes; the crab and groundfish base qualifying period is 1/1/88-6/27/92 and the groundfish area endorsement qualifying period is 1/1/92-6/17/95; endorsement areas are defined as Aleutian Islands, Bering Sea, Western Gulf, Central Gulf, and Southeast Outside, or state waters shoreward of those endorsement areas; landing requirements for general license and area endorsement qualifications by vessel class; and additional provisions addressing crossover vessels, transfers, and vessel linkages. The rule also included in CDQ allocations 7.5% of the TAC of groundfish and crab in the BSAI that was not originally included in the CDQ programs for pollock, halibut, and sablefish.

Results

The LLP continues to be refined through subsequent amendments. In 2001, the Council approved GOA Amendment 58, BSAI Amendment 60, and BSAI Crab Amendment 10 which amended the LLP to reduce the number of vessels eligible to participate in the overcapitalized crab fisheries and provided further capacity restrictions in the groundfish fisheries. Additionally, in 2009 Amendment 82 rescinded latent trawl licenses, and in 2011 Amendment 86 added a Pacific cod endorsement on eligible licenses issued under the LLP. As of 2019, there were over 1,800 groundfish LLP licenses, and 347 crab LLP licenses across the BSAI/GOA areas.

42

IFQ Program

Individual Fishing Quota Vessel Fish Down

Council Action	Proposed Rule	Final Rule	Effective
January 1996	*June 25, 1996* *61 FR 32767*	*August 22, 1996* *61 FR 43312*	*August 16, 1996*

Purpose and Need

During the first year of fishing under the Individual Fishing Quota (IFQ) Program in 1995, IFQ fishermen reported that the prohibition against using or transferring QS across vessel categories limited their ability to improve the profitability of their operations. Many fishermen had received QS that represented far fewer pounds than their catch history prior to the IFQ program. Small boat fishermen reported the scarcity of medium- and large-size QS blocks (≥5,000 lb [2.3 mt]) available to smaller vessels and requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Also, category B vessel operators reported difficulties in using or marketing small category B blocks and requested the opportunity either to downsize operations or to sell smaller QS blocks to owners of smaller vessels.

Amendment 42 (for GOA and BSAI groundfish) was intended to relieve certain restrictions in the IFQ Program by increasing the flexibility of QS use and transfer while maintaining the management goals of the IFQ Program and to provide small boat fishermen with more opportunities to improve the profitability of their operations.

Analysis

A 15-page EA/RIR/IRFA (Secretarial review draft dated February 1996) and a supplemental Final Regulatory Flexibility Analysis (FRFA) examined two alternatives to the status quo. The Council ultimately recommended an alternative that included an exemption for Southeast Alaska. Allowing the "buy down" to occur only for category B blocks < 5,000 lb in Southeast still benefits crewmen and small vessel owners who would be able to use small category B blocks on smaller vessels without affecting the market price of category B medium and large blocks and unblocked QS.

Regulation Summary

Amendment 42 and a regulatory amendment to the IFQ Program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska allowed QS initially assigned to a larger vessel category to be used on smaller vessels, while continuing to prohibit the use of QS or its associated IFQ assigned to smaller vessel categories on larger vessels. QS will continue to be assigned to vessel categories by existing criteria at Sec. 679.40(a)(5) (I) through (vi) and will retain original vessel category assignments. However, halibut and sablefish QS and their associated IFQ assigned to vessel Category B, can be used on vessels of any size and halibut QS assigned to vessel Category C likewise can be used on vessels of categories C and D. The regulations continue to prohibit the use of QS and IFQ on vessels larger than the maximum length on average (LOA) of the category to which the QS was originally assigned. It does not apply to halibut in IFQ regulatory areas 2C or to sablefish east of 140°. W. long. Halibut QS assigned to vessel Category B in IFQ regulatory areas 2C and sablefish QS east of 140° W. long. are prohibited from use on vessels less than or equal to 60 feet (18.3 m) LOA except in QS blocks equivalent to less than 5,000 lb (2.3 mt) based on the 1996 Total Allowable Catch (TAC).

Results

Amendment 42 is assumed to have attained its goal of increasing the availability of QS to owners of smaller vessels. Amendment 42 was later amended by Amendment 67, which eliminated the exception that IFQ derived from Category B QS to be used on vessels greater than 60 ft for a) halibut in Area 2C, and b) sablefish in the Southeast Outside District.

Small-scale longliner halibut fishing in Southeast Alaska.
Photo courtesy of Joshua Roper, joshuaroperphotography.com.

43 IFQ Program

Individual Fishing Quota Vessel Sweep Up

Council Action	Proposed Rule	Final Rule	Effective
April 1996	*September 27, 1996* *61 FR 50797*	*December 26, 1996* *61 FR 67962*	*December 20, 1996*

Purpose and Need

This amendment, along with a regulatory amendment for halibut, was deemed necessary to increase the consolidation ("sweep-up") levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the IFQ program. Amendment 35, implemented in 1995, included a sweep-up provision that allowed halibut blocks to be combined until the sum reached 1,000 lbs and sablefish blocks to be combined until the sum reached 3,000 lbs. The IFQ longline industry reported that those sweep-up levels did not equal the harvest of a viable fishing trip, and proposed a moderate increase in these levels to allow greater amounts of QS to be swept-up into economically "fishable" amounts, without overly increasing consolidation or allowing the creation of large-sized blocks. This action was intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery), while increasing the program's flexibility by allowing a moderately greater amount of QS to be "swept-up" into larger amounts that can be fished more economically.

Analysis

A 32-page EA/RIR (Secretarial review draft dated November 27, 1996) included a range of alternatives of setting the sweep-up level at 1,000, 3,000, and 5,000 lb for halibut and 3,000, 5,000, and 7,000 lb for sablefish. The Council rejected the status quo levels (the lowest) and the highest levels. The analysis concluded that a moderate increase in the sweep-up levels would likely increase the transfer of very small, blocked QS to crew and small boat fishermen who seek to increase their holdings. While some price increases in small block shares might have occurred, a price differential was projected to remain between smaller and larger QS blocks. If the ability to transfer and consolidate small blocks would increase, then the number of unfished blocks would decrease.

Regulation Summary

Amendment 43 increased the sweep-up levels for small QS blocks for Pacific halibut and sablefish from a 1,000 lb (0.45 mt) maximum for Pacific halibut and 3,000 lb (1.4 mt) maximum for sablefish to a 3,000 lb (1.4 mt) maximum and a 5,000 lb (2.3 mt) maximum, respectively. Two other changes were recommended to accompany these increases:

1) The base year TAC for determining the pounds would be the 1996, rather than 1994, TAC which was used for the first sweep-up levels

2) Once QS levels are established for the appropriate regulatory areas based on the 1996 TAC, those QS levels would be fixed and codified. This would eliminate any confusion as to the appropriate sweep-up level in pounds, which would fluctuate with changes in the annual TAC.

The maximum number of QS units that may be consolidated into a single QS block in each IFQ regulatory area is shown in the above table.

Halibut fishing.
Photo courtesy of Rhonda Hubbard.

Results

Following implementation of Amendment 43, the number of sweep-up transactions increased substantially related to the higher sweep-up limits. The number of sweep-up transfers has decreased since the first four years of the IFQ Program across all IFQ areas, from an average of 40 sweep up transfers between 1995 and 1998 to an average of 13 transfers between 2011 and 2014 for halibut, and from an average of 8 sweep up transfers between 1995 and 1998 to an average of 3 transfers between 2011 and 2014 for sablefish.

This trend is aligned with intuition in that the easiest opportunities for coordinating sweep -up transfers would have likely occurred in the first several years following the IFQ Program, as some initial QS recipients were exiting and others were consolidating QS. However, this decrease in sweep up transfers may also be due to the manner in which the RAM database tracks sweep-up transfers by new entrants.

In 2007, Amendment 67 further amend the halibut quota share (QS) block program to increase the halibut sweep-up limits in Area 2C and Area 3A.

44 Catch Limits Marine Mammals

Overfishing Definitions

Council Action	Notice of Approval	Effective
June 1996	*January 17, 1997* *62 FR 2656*	*January 9, 1997*

Purpose and Need

In response to the national standards established in the Magnuson Act and advisory guidelines, the Council developed an objective and measurable definition of overfishing and, in 1991, implemented that definition under Amendments 16 (BSAI) and 21 (GOA) to the FMPs. In the years since implementation of that definition, fishery scientists had the opportunity to evaluate the efficacy of these definitions of ABC and overfishing. In light of that experience and with the increased understanding of the reference fishing mortality rates used to define ABCs and overfishing, fishery scientists had raised several concerns about the definitions and the extent to which they reflect and account for levels of uncertainty about fish populations. Consequently, NMFS's Overfishing Definitions Review Panel and the Council's Scientific and Statistical Committee recommended redefining ABC and overfishing to facilitate more conservative, risk-averse management measures when stock size and mortality rates are not fully known. The purpose of this Amendment was to revise the ABC and overfishing definitions to be consistent with these recommendations.

Analysis

A 60-page EA (final draft dated January 6, 1997) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative for several reasons.

First, the overfishing rate varies with biomass. Second, the ABC fishing rate is reduced when biomass is below levels that produce maximum sustainable yields. Lastly, more caution is incorporated into establishing fishing rates when less information is available; this is particularly true of tier 1.

Regulation Summary

Amendment 44 (in both the GOA and BSAI groundfish FMPs) provided for more conservative definitions of ABC and OFL. The fishing mortality rate used to calculate ABC was capped by the overfishing rate. The maximum allowable fishing rates were prescribed through a set of 6 tiers which are listed in descending order of preference, corresponding to descending information availability. These tiers are shown in the adjacent table. Harvest rates used to establish ABCs are reduced at low stock size levels, thereby allowing rebuilding of depleted stocks. If the biomass of any stock falls below Bmsy or B40% (the long-term average biomass that would be expected under average recruitment and F=F40%), the fishing mortality is reduced relative to stock status. This serves as an implicit rebuilding plan should a stock fall below a reasonable abundance level.

Results

The amendment resulted in lower (more conservative) ABCs; consequently, total allowable catch levels were reduced for many species. The definitions adopted under Amendment 44 were further revised under Amendment 56.

Tiers used to determine ABC and OFL for BSAI groundfish stocks under Amendment 44.

(1) Information available: Reliable point estimates of B and B_{MSY} and reliable pdf of F_{MSY} .

1a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = m_A$, the arithmetic mean of the pdf

$F_{ABC} \le m_H$, the harmonic mean of the pdf

1b) Stock status: $a < B/B_{MSY} \le 1$

$F_{OFL} = m_A \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

$F_{ABC} \le m_H \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

1c) Stock status: $B/B_{MSY} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(2) Information available: Reliable point estimates of B, B_{MSY}, F_{MSY}, $F_{30\%}$, and $F_{40\%}$.

2a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = F_{MSY}$

$F_{ABC} \le F_{MSY} \times (F_{40\%}/F_{30\%})$

2b) Stock status: $\alpha < B/B_{MSY} \le 1$

$F_{OFL} = F_{MSY} \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

$F_{ABC} \le F_{MSY} \times (F_{40\%}/F_{30\%}) \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

2c) Stock status: $B/B_{MSY} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(3) Information available: Reliable point estimates of B, $B_{40\%}$, $F_{30\%}$, and $F_{40\%}$.

3a) Stock status: $B/B_{40\%} > 1$

$F_{OFL} = F_{30\%}$

$F_{ABC} \le F_{40\%}$

3b) Stock status: $\alpha < B/B_{40\%} \le 1$

$F_{OFL} = F_{30\%} \times (B/B_{40\%} - \alpha)/(1 - \alpha)$

$F_{ABC} \le F_{40\%} \times (B/B_{40\%} - \alpha)/(1 - \alpha)$

3c) Stock status: $B/B_{40\%} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(4) Information available: Reliable point estimates of B, $F_{30\%}$, and $F_{40\%}$.

$F_{OFL} = F_{30\%}$

$F_{ABC} \le F_{40\%}$

(5) Information available: Reliable point estimates of B and natural mortality rate M.

$F_{OFL} = M$

$F_{ABC} \le 0.75 \times M$

(6) Information available: Reliable catch history from 1978 through 1995.

OFL= the average catch from 1978 through 1995, unless an alternative value is established by the SSC on the basis of the best available scientific information

ABC ≤ 0.75 × OFL

45 Catch Limits | Marine Mammals

Pollock Trimester Allowances

Council Action	Notice of Approval	Effective
January 1996	*May 31, 1996* *61 FR 27308*	*May 30, 1996*

Purpose and Need

Since 1990, the TACs specified for pollock in the Western and Central Regulatory Areas have been divided into four equal quarterly allowances, which became available on the 1st of January, June, July, and October. The quarterly allowance system was implemented as part of Amendment 19 to limit excessive harvests of roe-bearing pollock and provide a more stable year-round pollock fishery for GOA-based vessels and processors. In November 1990, NMFS listed the Steller sea lion (SSL) as threatened under the Endangered Species Act and subsequently approved Amendment 25, which further subdivided the annual TAC specified for pollock in the W/C Regulatory Area into three management districts (Statistical Areas 610, 620, and 630). This action was implemented to avoid a concentration of fishing effort in time and/or space that could cause localized depletions of SSL prey and exacerbate the decline of SSL. Its effect was to divide the pollock TACs in the W/C Regulatory Areas into 12 individual allowances (four quarterly openings in each of the three management districts).

In August 1995, GOA pollock industry members submitted a proposal to combine the third and fourth quarterly allowances of pollock TAC into a single seasonal allowance of 50% of the TAC released on September 1, rather than the current quarterly releases of 25% on July 1 and October 1. Representatives of the inshore sector of the Bering Sea pollock fishery requested that the opening date for the combined third and fourth quarter allowance be delayed until October 1 so that Bering Sea-based vessels would have time to finish the Bering Sea non-roe pollock fishery before the start of the final pollock season in the W/C Regulatory Areas.

Several problems were identified with the current quarterly allowance system for pollock in the W/C Regulatory Area:

1) Since 1991, chum salmon bycatch had been approximately 500% higher during the third quarter pollock opening than any other quarter.

2) The third quarter pollock fishery conflicted with summer salmon processing activities.

3) Declining pollock stocks and escalating fishing effort had made the GOA pollock fishery increasingly difficult to manage, especially during the fourth quarter.

4) Some GOA pollock fishery participants had requested the Council maintain concurrent GOA and Bering Sea pollock seasons to discourage the Bering Sea-based fleet from participating in GOA pollock openings.

Analysis

A 35-page EA/RIR (draft dated February 1996) considered three opening date options for a combined third and fourth quarter allowance; September 1, September 15, and October 1. A coalition of Bering Sea and central Gulf-based processors and vessels submitted a compromise proposal to the Council in January 1996 to establish an October 1 opening date for the Western Gulf Regulatory Area and a September 1 opening date for the Central Gulf Regulatory Area. Western Gulf-based processors and fishermen expressed dissatisfaction with the compromise proposal because an October 1 opening date in the Western Regulatory Area would facilitate entry by Bering Sea-based vessels. However, the Council subsequently recommended that NMFS implement this compromise proposal as the preferred option. The Council believed that an October 1 opening date for the Western Regulatory Area and a September 1 opening date for the Central Regulatory Area would achieve the objectives outlined above while causing the least amount of dislocation for current participants in the fishery. NMFS ultimately implemented a single opening of September 1 for both areas based on additional public comments on the proposed rule. The simultaneous opening was believed to disperse effort, resulting in more manageable fisheries and a more equitable distribution of fishing opportunity.

Regulation Summary

Amendment 45 authorized seasonal allowances of pollock total allowable catch (TAC) to be specified for the combined Western/Central (W/C) Regulatory Areas of the GOA. The third and fourth quarterly allowances of pollock TAC were combined in the W/C areas into a single seasonal allowance that would be available on September 1. Therefore, the pollock TACs were divided into three seasonal allowances: 25% of TAC available on January 1, 25% of TAC available on June 1, and 50% of TAC available on September 1. This action complemented a regulatory amendment to delay the start of the Bering Sea pollock “B” season from August 15 to September 1 starting in 1996.

Results

The three-season allocation of pollock under Amendment 45 was only in effect for the 1996-98 seasons, after which a regulatory amendment implementing reasonable and prudent alternatives (RPAs) for SSL under Amendment 25 returned the management regime to quarterly pollock allowances.

The Council has revisited seasonal pollock allocations on several occasions since the implementation of Amendment 45, largely in the context of minimizing Chinook salmon bycatch which is more prevalent in the fall. In October 2001, following a federal court order for NOAA and the Council to further justify the fishery management program’s impacts to SSLs, a comprehensive and stringent suite of fishery management measures (Amendment 70) was developed by the Council’s RPA Committee (later replaced by the SSL Mitigation Committee) to minimize potential competition for prey between fisheries and the endangered western stock of SSL.

SSL protection measures for the groundfish fishery currently include (1) global harvest controls for Steller sea lion prey species (pollock, Pacific cod, and Atka mackerel); (2) spatial harvest controls specific to prey species, gear type, and proximity to rookery, haul-out, or forage areas to limit prey species removal in an area; (3) temporal harvest controls for pollock, Pacific cod, and Atka mackerel, including seasonal apportionments to limit prey species removal during certain times of the year; and (4) a vessel monitoring system requirement for all vessels (except vessels using jig gear) fishing for pollock, Pacific cod, or Atka mackerel.

46 Administrative | FMP Species Categories

Remove Black and Blue Rockfish from Fishery Management Plan

Council Action	Proposed Rule	Final Rule	Effective
June 1997	*December 2, 1997* *62 FR 63691*	*March 6, 1998* *63 FR 11167*	*April 6, 1998*

Purpose and Need

Expansion of a fishery for these species in the central GOA in the mid-1990's was believed to possibly result in unsustainable black and blue rockfish catches. Two problems with Federal management of black and blue rockfish were identified:

1) The total allowable catch (TAC) for all pelagic shelf rockfish (PSR) species was based on a triennial trawl survey. Survey catches are dominated (93 – 99%) by the underexploited dusky rockfish. This led to acceptable harvest levels for the PSR assemblage as a whole, but may be inappropriate for lower black and blue rockfish stocks;

2) The trawl survey only samples fish on or near a smooth bottom. However, most black and blue rockfish occur in rocky nearshore reef habitats that are not sampled by this survey.

Amendment 46 was to implement more responsive, regionally-based, management of these species than is currently possible under the FMP. The intended effect of this action was to:

1) Prevent localized overfishing of black and blue rockfish stocks;

2) Provide for more responsive State management; and

3) Repeal duplicative Federal regulations.

Analysis

A 31-page analysis (Secretarial Review draft dated January 6, 1998) identified 1,416 catcher vessels that participated in the GOA groundfish fishery in 1996. Of those, 302 vessels, or 21%, were presumably affected by the proposed action. Those vessels landed 973,443 lb of black rockfish, most in the directed jig-gear fishery, at an estimated value of $344,000. Removing black and blue rockfish from the PSR TAC was predicted to encourage the development of a small vessel fishery targeting under-exploited black and blue rockfish stocks in the Western and Eastern GOA. At the same time, the State was predicted to more effectively manage potentially overexploited stocks in the Central GOA and increase their long-term yield.

Another alternative which was examined would have kept black and blue rockfishes in the FMP and assigned management authority for them to the State of Alaska. Similar management authority was granted to the State to address similar management problems for demersal shelf rockfish (DSR) in Southeast Alaska under Amendment 14 and clarified under GOA Amendment 21. This alternative was rejected because under delegated authority, the State would need to meet Federal requirements that were deemed unwieldy. Further, the State believed it could not meet the costly assessment needs required under a Federal plan for the nearshore complex in the near future; though conservation was assured through precautionary management.

Regulation Summary

Amendment 46 removed black and blue rockfishes from the FMP.

Results

Black and blue rockfishes are no longer federally managed. The State of Alaska (State) now regulates fishing for these species by vessels registered under Alaska law to provide for more responsive management and prevent localized overfishing of black and blue rockfish stocks.

Blue rockfish (*Sebastes mystinus*). Photo courtesy of AFSC.

47

Monitoring

Authorize an Interim North Pacific Groundfish and Halibut Observer Program

Council Action	Proposed Rule	Final Rule	Effective
April 1996	*August 2, 1996* *61 FR 40380*	*November 1, 1996* *61 FR 56425*	*January 1, 1997*

Purpose and Need

In December 1989, GOA Amendment 18 and BSAI Amendment 13 authorized a comprehensive observer program for U.S. fisheries. To fulfill the objectives of Amendments 18 and 13, the Council and NMFS developed the North Pacific Fisheries Research Plan (Research Plan) under Amendment 30, which required observers to be stationed on certain groundfish vessels and established a fee structure to fund the observer program. Amendment 30 was approved and the Research Plan was partially implemented in 1994 with minor changes in 1995. The Council was reluctant to fully implement the Research Plan until they had more time to reconsider the changes and requested additional time to analyze the effects of fully implementing the Research Plan. This extension maintained 1995 observer coverage requirements through 1996. In 1995, the Council asked NMFS to repeal the Research Plan in favor of a program that allowed direct payment for observer services as had been done in the past. This request initiated the analysis process to explore alternatives to the Research Plan. After hearing the alternatives in April 1996, the Council determined that the information was not sufficient to make a decision and requested additional cost comparisons. However, since current observer coverage requirements expired on December 31 of that year, the Council adopted an alternative the authorized an interim groundfish observer program and superseded the Research Plan.

Analysis

A 67-page EA/RIR/IRFA (Secretarial review draft dated June 1996) was prepared to analyze two action alternatives and a status quo alternative. Two options were included under the status quo: 1) Reinitiate the fee collection program during 1997 as authorized under section 313 of the Magnuson-Stevens Act so that the Research Plan may be fully implemented by 1998, or 2) Do not reinitiate the fee collection program so that the Research Plan expires at the end of 1996. Under Option 2, lacking further action by the Council to supersede the Research Plan by an FMP amendment under Alternatives 2 or 3, no observer coverage would be authorized for the Alaska groundfish fisheries in 1997 and beyond. Alternative 2 would revert back to the observer program as it existed before implementation of the Research Plan with an option to implement an interim observer program to supersede the Research Plan on January 1, 1997. This was the Council's preferred alternative and it authorized mandatory groundfish observer coverage requirements through 1997.

A third alternative to establish a pay-as-you-go groundfish observer program was also considered, but was seen by many as inequitable, because although all participants in the groundfish, halibut, and crab fisheries benefited from the groundfish and crab observer programs, only those with observer coverage requirements bore the cost.

Regulation Summary

GOA Amendment 47 (BSAI Amendment 47/ BSAI Crab Amendment 6) created an interim North Pacific Groundfish Observer Program that would expire December 31, 1997 or when superseded by a permanent observer program. This Program superseded the Research Plan under Amendment 30.

Results

The modified Observer Program was superseded in 2013 by Amendment 76, the restructured Observer Program, which addressed the problems identified in Amendments 30 and 47.

Observers monitor catch on board. Photo courtesy of NMFS.

48 Catch Limits

Establish Procedure for Total Allowable Catch Setting

Council Action	Proposed Rule	Final Rule	Effective
October 2003	*July 27, 2004* *69 FR 44634*	*November 8, 2004* *69 FR 64683*	*April 1, 2005*

Purpose and Need

The BSAI and GOA Plan Teams first proposed streamlining the groundfish specifications process in 1996. The Council initiated Amendments 48 to the GOA and BSAI FMPs in December 1996 to address administrative and public notice issues. The Council's preferred action to rollover harvest specifications from one year to the next was approved in June 1998. ABCs, TACs, and PSC amounts would remain unchanged from year to year until revised in a final rule. In July 1999, the NMFS Regional Administrator notified the Council that the Council's preferred alternative was not in compliance with the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), and the Regulatory Flexibility Act (RFA). As a result, Amendment 48 needed to be revised to meet the requirements set forth in NEPA, APA, and RFA, extending deliberations for four years until the Council approved new annual harvest specifications in October 2003.

Despite the initial setback in 1999, the Council and NMFS acknowledged the continuing need to revise the existing TAC specification process to meet the following objectives:

1) Manage fisheries based on the best available information;
2) Make adjustments to TAC amounts to respond to new information or conservation concerns;
3) Comply with NEPA, ESA, and RFA provisions while minimizing unnecessary disruption to fisheries;
4) Provide adequate opportunity for public review and comment on new information leading to annual TAC recommendations; and
5) Promote administrative efficiency while minimizing public confusion regarding proposed and interim specifications.

In October 2003, the Council approved a new annual harvest specification process for the Alaska groundfish fisheries to:

1) Eliminate the publication of proposed and possibly misleading information in proposed and interim specifications;
2) Enhance the ability of NMFS to adjust the TAC and PSC amounts inseason; and
3) Remove obsolete references to foreign and joint venture management measures.

Analysis

A 240-page EA/RIR/IRFA (Secretarial review draft dated June 2004) evaluated four action alternatives and three stand-alone options. A Finding of No Significant Impact (FONSI) was also prepared by NMFS for this action. An earlier analysis concluded that the existing specification process could be improved. Proposed specifications may be outdated by the time they are published for public review. Interested parties realize that those numbers will change, sometimes considerably, after release of the final SAFE reports and December Council meeting. The Federal Register publication of proposed specifications, therefore, may no longer serve a useful purpose.

One rejected alternative was scheduling the Council and Plan Team meetings to occur earlier in the year to allow more time to publish proposed and final specifications; interim specifications would be unnecessary. A limiting factor to the specification process is the time needed by the Plan Teams to analyze data and produce final SAFE documents. Survey data is not available until late summer or early fall, and it is unlikely that assessments of the fisheries could be made any earlier. The Plan Teams and the Council prefer to base their recommendations on the most current possible information. A minimum of two weeks is needed between the November Plan Team meeting and the December Council meeting for the SAFE reports to be released for public review. It would be impracticable, therefore, for the specification process to occur any earlier in the year.

Regulation Summary

Sections 679.20 and 679.21 were revised to implement the new administrative process for harvest specifications that allowed for proposed and final harvest to remain in effect for up to two years. This provides flexibility for harvest specifications to be effective for more than 12 months, allowing time to comply with APA rulemaking requirements and ensuring that management is based on the best available scientific information.

Amendment 48 also gave NMFS the authority to specify a comment period based on the circumstances present when the proposed specifications are published, rescinded provisions for interim harvest specifications, revised species listed for seasonal allowances for the final harvest specifications, and revised §679.20(c)(5), 679.20(c)(6), and 679.62(a)(3) to remove references to interim harvest specifications.

Results

Amendment 48 revised some administrative procedures associated with the harvest specifications process that are still in use today. Under the revised process, the Council routinely sets harvest specifications for the upcoming two years. The specifications for year 2 opens the fishery in January, and these specifications are superseded by year 1 of the most recently recommended specifications once they have gone through public comment and rulemaking, usually in March.

49 Discards

Improved Retention / Improved Utilization Program

Council Action	Proposed Rule	Final Rule	Effective
June 1997	*August 18, 1997* *62 FR 43977*	*December 12, 1997* *62 FR 65379*	*January 12, 1998*

Purpose and Need

To reduce discards, the Council adopted an improved retention and utilization program (IR/IU) for all groundfish target fisheries. The Council's objective for Gulf of Alaska groundfish fisheries centers on the same basic concern that motivated an IR/IU program in the BSAI groundfish fisheries; that is, economic discards of groundfish catch are at unacceptably high levels. An IR/IU program for the GOA would be expected to provide incentives for fishermen to avoid unwanted catch, increase utilization of fish that are taken, and reduce overall discards of whole fish, consistent with current Magnuson-Stevens Act provisions. In addition, the Council recognizes the potential risk of preemption of certain existing GOA groundfish fisheries which could occur in response to economic incentives displacing capacity and effort from BSAI IR/IU fisheries. This risk can be minimized if substantially equivalent IR/IU regulations are simultaneously implemented for the GOA.

The IR/IU program was intended to improve utilization and effective control/reduction of bycatch and discards in the fisheries off Alaska to address the following problems:

1) Bycatch and discard loss of groundfish, crab, herring, salmon, and other non-target species;
2) Economic loss and waste associated with the discard mortality of target species harvested but not retained for economic reasons;
3) Inability to provide for a long-term, stable fisheries-based economy due to loss of fishery resources through wasteful fishing practices; and
4) The need to promote improved retention and utilization of fish resources by reducing waste of target groundfish species to achieve long-term sustainable economic benefits to the nation.

Analysis

A 130-page analysis (Secretarial review draft dated October 1997) reviewed a variety of bycatch reduction plans that had been discussed by the Council since 1993. While other alternatives were discussed, primary focus was given to these three alternative programs:

1) Individual fishing quotas for groundfish species;
2) A "Harvest Priority" program that would provide for quota set-asides for vessels exhibiting low bycatch rates of non-target species;
3) Retention and utilization mandates, with built-in incentives for fishing operations to avoid catch of unwanted species.

The analysis determined that pollock, Pacific cod, and shallow water flatfish represent approximately 33% of the total discards of allocated groundfish in the GOA groundfish fisheries. The Council concluded that by requiring 100% retention of these three species, initially pollock and Pacific cod, and subsequently shallow water flatfish, the Council's objective of "substantially reducing discards of unprocessed groundfish" in these fisheries could be achieved.

Regulation Summary

Amendment 49 requires all vessels fishing for groundfish in the Gulf of Alaska to retain all pollock and Pacific cod beginning January 1, 1998, and all shallow water flatfish beginning January 1, 2003. It established a 15% minimum utilization standard for all at-sea processors. When shallow-water flatfish are open to directed fishing, a catcher vessel must retain all fish of that species brought onboard the vessel and a catcher/processor must make and retain a primary product from all fish of that species brought onboard the vessel. When shallow-water flatfish are closed to directed fishing, a catcher vessel must retain all shallow-water flatfish up to the maximum retainable amount (MRA), and a catcher/processor must make and retain a primary product from all fish of that species brought onboard the vessel up to the point that the round weight equivalent of primary products onboard equals the MRA for that species.

Results

Beginning in 1998, 100% retention of pollock and Pacific cod was required, regardless of how or where it was caught. Only fish not fit for human consumption can be legally discarded. Gulf of Alaska shallow water flatfish retention was required beginning in 2003; the delay allowed for development of new markets and gear technological responses by the vessels engaged in these fisheries. This measure has dramatically reduced overall discards of groundfish. After implementation of shallow-water flatfish IR/IU in 2003, shallow-water flatfish discards have not exceeded 5% of the total groundfish catch in any GOA groundfish fishery (as of 2008). GOA Amendment 72 later required annual review of discards of shallow-water flatfish in the GOA groundfish fisheries. In 2018, discards of shallow-water rockfish accounted for 0.06% of the total GOA groundfish catch.

50 Discards | Prohibited Species Catch

Halibut Donation Program

Council Action	Proposed Rule	Final Rule	Effective
April 1997	*March 4, 1998* *63 FR 10583*	*June 12, 1998* *63 FR 32144*	*July 13, 1998 – December 31,*

Purpose and Need

Approximately 6,500 metric tons of halibut were taken incidentally to the Alaska groundfish fisheries during 1999. Vessels participating in these fisheries typically use trawl, hook-and-line, or pot gear, with trawl gear accounting for most of the groundfish catch and halibut bycatch. A portion of this bycatch is landed dead at shoreside processing facilities and must be returned to Federal waters for disposal as a prohibited species. The Council's intent was to:

1) Reduce regulatory discards and protein waste in the groundfish trawl fisheries;
2) Provide additional opportunity to collect biological samples or scientific data; and
3) Support an industry initiative to reduce regulatory discards and provided a healthy alternative to the diets of needy people.

The purpose of this amendment was to reduce the waste of dead, but wholesome, fish, and in doing so provide public benefit by allowing fish that would otherwise be discarded to be retained for processing and delivery to food bank organizations. Any costs associated with this recommended action would be borne by the voluntarily participating shore side processors and the NMFS authorized distributor.

Analysis

The Council discourages the discard of incidental catches of fish, as it is wasteful. Managing halibut incidentally caught in the groundfish fisheries as a prohibited species is an appropriate short-term bycatch measure. Except under the prohibited species donation program, retention of prohibited species captured while harvesting groundfish is prohibited to prevent covert targeting on these species. The prohibition removes the incentive that groundfish fishermen might otherwise have to target on the relatively high valued prohibited species, and thereby, results in a lower incidental catch. It also eliminates the market competition that might otherwise exist between domestic halibut fishermen and groundfish fishermen who might land halibut in the absence of the prohibition.

A 20-page EA/RIR (Secretarial review draft dated September 12, 1997) determined that no changes in fishing activities that would affect the amount of groundfish harvested nor the amount of halibut taken as bycatch in the Alaska trawl fisheries was expected by the preferred alternative. The total burden to processors resulting from the preferred alternative could not be estimated because participation would be voluntary; however, based on information acquired through the salmon donation plan, costs were estimated at approximately 20 cents per pound for donated halibut.

Regulation Summary

This action authorized the voluntary donation of Pacific halibut taken as bycatch in specified groundfish trawl fisheries off Alaska to economically disadvantaged individuals. Under the prohibited species donation program, NMFS expanded the existing salmon donation program to also authorize distributions by tax-exempt organizations through a NMFS-authorized distributor. The program is limited to dead halibut landed by trawl catcher vessels to shoreside processors.

Results

Waste of salmon and halibut has been reduced by allowing bycatch to be donated to food banks. The food banks in turn distribute the fish to needy people in the northwestern United States. Many fishing companies voluntarily participate in the donation program. In 2015, 482,165 pounds of PSC salmon and 48,285 pounds of PSC halibut were distributed. Of that, 182,000 pounds were donated to Alaska, bring the three-year total to over 630,000 pounds. Currently, SeaShare is the only organization authorized by NMFS to retain and distribute PSC fish for hunger relief.

Pacific halibut (*Hippoglossus stenolepis*). Photo courtesy of Patrick Sullivan

51 Allocation

Inshore/Offshore III

Council Action	Proposed Rule	Final Rule	Effective
June 1998	*October 29, 1998* *63 FR 57996*	*January 25, 1999* *64 FR 3653*	*January 20, 1999*

Purpose and Need

The TACs for pollock and Pacific cod in the GOA and for pollock in the BSAI and have been allocated between the inshore and offshore components of the groundfish fisheries since 1992. Amendments 51/51 were proposed to extend the provisions of Amendment 40 to the GOA FMP and Amendment 38 to the BSAI FMP, which expired on December 31, 1998. Amendments 40 and 38 previously extended GOA Amendment 23 and BSAI Amendment 18, respectively. The original amendments set processor allocations of the pollock and Pacific cod processor allocations in the GOA and pollock TAC in the BSAI, as a response to an early closure in 1989 when several catcher/processors harvested substantial amounts of pollock in the BSAI and GOA and forced an early closure of the GOA pollock fishery. The amendments allocated 35% to the inshore and 65% to the offshore processing sector of the BSAI pollock fishery, and allocated 90% of the cod and 100% of the pollock to the inshore processing sector in the GOA.

Analysis

A 299-page EA/RIR/IRFA (final draft dated December 9, 1998) was prepared for Amendments 51/51. Five alternatives were considered, including: the no action alternative; a rollover of the existing inshore/offshore program; several options to revise the BSAI pollock processing inshore/offshore percentages; a set-aside for catcher vessels less than 125' length overall; and a set-aside for catcher vessels less than 155' length overall. The Council's preferred alternative for the GOA was to maintain the current allocations of 90% Pacific cod and 100% pollock to the inshore sector.

Regulation Summary

As adopted by the Council in June 1998, Amendment 51 re-established, without change, the current inshore/offshore allocation regime in the GOA through December 31, 2001. The amendment maintains the current allocation: 100% of the pollock TAC to the inshore component, and 90% of the Pacific cod TAC to the inshore component and 10% to the offshore component.

Results

This amendment continued the pollock and cod allocations in the Gulf as they were established in 1992. Industry and community stability have been maintained through the approval of this amendment. Amendment 62 indefinitely extended the GOA allocation, to be consistent with the duration of the BSAI allocations under the AFA.

Pacific cod (*Gadus macrocephalus*). Photo courtesy of Alaska Groundfish Data Bank.

52

Limited Entry | Administrative

Vessel Registration Program

(Implemented as Regulatory Amendment)

Council Action	Proposed Rule	Final Rule	Effective
December 1997	*July 21, 1998* *63 FR 39065*	*September 11, 1998* *63 FR 48641*	*September 8, 1998*

Purpose and Need

Management of the inshore pollock and Pacific cod fisheries of the Western and Central (W/C) Regulatory Area of the GOA has become increasingly difficult. The risk of harvest overruns has grown due to TAC amounts that are small relative to the potential fishing effort. The problem has been most acute in the Western Regulatory Area due to the constant potential pressure that numerous large catcher vessels based in the Bering Sea (BS) could cross into the GOA to participate in pollock and Pacific cod openings that have relatively small TACs. NMFS currently lacks a pre-season vessel registration program that could gauge potential effort in these fisheries prior to openings, and inseason catch information in these fisheries is neither timely nor accurate enough to allow adequate management.

The objective of Amendment 52 was to create a vessel registration program to require vessels to announce their participation in either the BSAI or GOA pollock and Pacific cod fisheries before the fishery commenced. This action is necessary to prevent unexpected shifts of fishing effort between BSAI and GOA fisheries that can lead to overharvesting the total allowable catch (TAC) in the Western and Central Regulatory Areas of the GOA.

Analysis

A 25-page EA/RIR/IRFA (public review draft dated January 1998) was prepared for this amendment. Two complementary management actions were considered by the Council, in addition to the status quo alternative. The analysis concluded that the fleet as a whole would benefit if NMFS is able to manage “at risk” fisheries so that quotas are more fully harvested and the overhead costs associated with re-crewing and transiting to the fishing grounds for short term “mop-up” openings could be avoided. A registration requirement would reduce the flexibility of vessel operators to enter and leave fisheries at will. In some cases, this could pose costs for certain operations if they realize mid-course that they would prefer to be participating in a short-term fishery for which they have not registered. Nevertheless, while a registration requirement for certain “at risk” fisheries will increase the constraints on the fleet, it will serve to increase the ability of NMFS to manage such fisheries to obtain optimum yield and provide the greatest net benefit to the nation.

Regulation Summary

Under a vessel registration program, NMFS would establish criteria to determine which fisheries would require registration. Based on these criteria, NMFS would create a roster of “registration fisheries” that would be announced at the beginning of each year and supplemented as necessary on an inseason basis throughout the year. Criteria for establishing a registration requirement for a fishery could include:

1) The size of the TAC amount or PSC limit specified for the fishery relative to the degree of interest in that fishery;
2) A fishery for which the TAC or PSC limit was exceeded by a significant amount in the previous year and the current year’s quota and expected effort are similar;
3) A fishery for which the above two criteria may not apply but an expanded interest has developed inseason; and
4) A “mop-up” fishery.

Vessel operators would be required to register with NMFS a certain number of days before beginning directed fishing in a registration fishery and penalties would be established for non-compliance.

Results

The vessel registration program for “at risk” fisheries that met certain criteria was tabled because of changes in the fisheries as a result of the American Fisheries Act and Amendment 61.

Fishing vessels in Kodiak harbor. Photo courtesy of Mark Fina.

53 Discards

Full Retention of Demersal Shelf Rockfish (Implemented as Regulatory Amendment)

Council Action	Proposed Rule	Final Rule	Effective Date
February 2003	*January 21, 2004* *69 FR 2875*	*November 23, 2004* *69 FR 68095*	*December 23, 2004*

Purpose and Need

In September 1997, the Council initiated an analysis of a groundfish proposal submitted by the ADF&G to require full retention of Demersal Shelf Rockfish (DSR) in GOA Regulatory Area 650 (east of 140° W longitude) to reduce waste and enhance estimates of total removals of the species for stock assessment purposes. The GOA Groundfish Plan Team (Team) had identified a high level of unreported mortality of DSR associated with the halibut fixed gear fishery and associated uncertainty in estimating this mortality in the annual DSR stock assessment. The maximum retainable bycatch (MRB) rate for DSR limits fishermen to 10% by weight of DSR against their halibut fixed gear harvest. Any poundage in excess of the 10% MRB limit is discarded (dead) at sea. Anecdotal information from commercial fishermen suggested that the 10% MRB limit for DSR taken during the directed halibut fixed gear fishery is inadequate and that for some trips the bycatch level may be much higher than the 10% MRB limit. Because they would be subject to fines by violating the MRB, the Team and subsequently the Council became concerned that many fishermen may not land or report such overages.

The main goals of this amendment were:

1) To improve data collection on the incidental catch of DSR in the halibut and groundfish hook-and-line fisheries in the SEO in order to more accurately estimate DSR fishing mortality, improve DSR stock assessments, and evaluate whether current MRBs are the appropriate levels for DSR in the SEO;
2) To minimize waste to the extent practicable while meeting these goals;
3) To avoid either increasing incentives to target on DSR or increasing incentives to discard DSR that is caught in excess of the amount that can legally be sold for profit; and
4) To maintain a consistent approach within State and Federal regulations that govern the retention and disposition of DSR.

Analysis

A 28-page EA/RIR/IRFA (public review draft dated September 1999) was prepared for this amendment. Three separate management actions were considered. Five alternatives including the status quo were considered for each action.

The draft proposed rule would have required full retention of DSR and allowed fishermen to sell amounts of retained DSR that were less than or equal to specified limits of other retained catch. DSR in excess of those limits could be: 1) sold, with proceeds from the sale relinquished to the State, or 2) retained and used for personal use or donation; but not traded, bartered or sold. This draft proposed rule was never published, because NMFS determined that it did not have the authority under the Magnuson-Stevens Act to regulate the proceeds from the sale of fish under the first option. Subsequently, NMFS amended the analysis (Secretarial review draft dated December 2003), to include two new alternatives that were intended to meet the Council's objective for enhanced accounting of DSR mortality under existing statutory authority. The alternative adopted is similar to the one previously adopted, except that retained amounts of DSR that are over the specified sale limits would not be allowed to enter the stream of commerce.

Regulation Summary

Following Council action, it was determined that an FMP amendment was not necessary to implement this action, and it proceeded as a regulatory amendment only. Under the action, commercial fixed gear fishermen are required to bring to shore all landed DSR and have such fish counted by fishery managers. To reduce bycatch and waste and reduce the risk of overfishing, an accurate accounting system is needed to calculate total bycatch mortality of DSR and to provide information for a future revision to the DSR MRB limit. The action enhanced management of DSR within its TAC without: 1) encouraging "topping off" with bycatch species, and 2) wasting the resource.

Regulations requiring full retention of DSR in the fixed gear fisheries in GOA Regulatory Area 650:

1) Eliminate the maximum retainable bycatch (MRB) limit for DSR;
2) Require that all DSR caught by Federally-permitted vessels using fixed gear in the Southeast Outside District be retained, landed, weighed and reported;
3) Limit the amount of DSR that may be sold to an amount that is no more than 10 percent of other retained catch of halibut;
4) Fishermen may do one or all of the following with amounts of DSR that are in excess of the amount that may be sold: a. retain amounts of DSR that are in excess of the amount that may be sold for personal use; or b. donate amounts of DSR that are in excess of the amount that may be sold to a state-recognized charity that provides meals for the

Results

Full retention of DSR improved data collection of incidental catch of DSR and increased vessel compliance. Full retention also reduced waste since many rockfish suffer internal injuries (barotrauma) when they are brought to the surface and do not survive. In addition, full retention of DSR allowed the Office of Law Enforcement (OLE) time to pursue other priorities rather than pursuing MRB overages. Finally, the full retention requirement for DSR made it easier for vessel operators to understand and comply with the rockfish retention regulations.

54 IFQ Program

Individual Fishing Quota Indirect Ownership and Use Caps

Council Action	Proposed Rule	Final Rule	Effective
October 1998	*October 12, 2001* *66 FR 52090*	*April 29, 2002* *67 FR 20915*	*May 29, 2002*

Purpose and Need

During the 1995-97 IFQ seasons, NMFS broadly interpreted the FMP and regulatory language to allow persons holding initial allocation QS to hire skippers to fish their IFQ on vessels owned by other "persons," provided that the QS holder could show a corporate association to the owner of the vessel. This policy allows individual QS holders to hire skippers to fish their IFQ on vessels owned by corporations or partnerships in which the individual QS holders are shareholders or partners. The policy also allows corporations or partnerships holding QS to fish the collectively held QS on a vessel owned by individuals who are shareholders or partners in the corporation or partnership. At the beginning of the 1997 IFQ season, NMFS announced to the IFQ fleet that this policy of broadly interpreting the term "person" as it pertains to IFQ hired skipper provisions would continue until the Council could clarify its original intent. Two other clarifying FMP language changes were also included in this action.

Analysis

A 20-page EA/RIR/IRFA (Secretarial review draft dated January 2001) was prepared for Amendment 54. Originally, five actions were proposed in this analysis. One, which dealt with a leasing provision, was removed at final action. Another action allowed QS holders to provide NMFS/RAM with the name of an immediate family member as a beneficiary to whom the existing survivorship transfer privileges will be granted in the absence of a surviving spouse (regulatory amendment). Ultimately, three separate management actions were considered in the FMP amendment. One status quo and one proposed alternative were considered for each action.

Regulation Summary

The three actions adopted in plan amendment were:

1) Revise the FMP to allow a QS holder's association to a vessel owner, through corporate or other collective ties, to substitute for the QS holder's vessel ownership per se for purposes of hiring a skipper to fish the QS holder's IFQ. An individual who has an ownership interest in a non-individual entity is allowed to employ a hired master on a vessel owned by that entity, as long as the individual maintains the minimum 20% ownership interest requirement in the vessel. An individual's interest in a vessel is determined by the percentage ownership by the individual of a non-individual entity that has an ownership interest in the vessel multiplied by the percentage of ownership of the vessel by the non-individual entity.

2) Revise the definition of "a change in the corporation or partnership" in the FMPs to include language specific to estates. Estates are included under the definition of the term "Person" in the FMPs and 50 CFR 679.2 as "corporations, partnerships, associations, or other entities." The FMPs and IFQ implementing regulations require that upon any change in a corporation, partnership, or other entity that holds QS the QS transfer to a qualified individual. A "change" in a corporation, partnership, or other entity is defined as the addition of a shareholder or partner to the corporation, partnership, or collective entity. This definition is not applicable to estates, because estates are not collective entities which may acquire additional shareholders, partners, or members. Nevertheless, because an estate's QS would not automatically transfer to an heir once the estate is probated, the FMPs and IFQ regulations need to define the point at which estates must transfer their QS to a qualified individual.

3) Change sablefish use limits from percentages of the total number of QS units in the QS pool for each area to a specific number of QS units. In June 1996, the Council approved a regulatory amendment to increase the Bering Sea (Area 4) halibut use caps from ½ percent to the QS equivalents of 1½ percent based on 1996 QS pools. This amendment also revised the halibut use limits to be expressed as a fixed number of QS units rather than as a percentage, in order to provide QS holders with a more stable reference for measuring their holdings against area use caps. Sablefish IFQ use limits are set in the FMPs. Consequently, the regulatory change to the halibut use limits could not at the same time change the calculation of sablefish use limits to a fixed number of QS units for consistency. This FMP amendment would affect that revision to calculate the sablefish in QS units based on the appropriate percentage of the 1996 QS pools. This change would standardize the application of use caps for both halibut and sablefish fisheries and would provide the same level of predictability for sablefish QS holdings as currently exists for halibut QS.

Results

This amendment codified the existing management policy and methodology that was being employed by NMFS at the time to determine the ownership interest a shareholder had in a vessel. Furthermore, it accommodated the fact that many people move vessel ownership to limited liability companies to protect personal assets. Since 2002, halibut harvest by hired masters has been between 40-50%, and sablefish harvest between 55-60%. The hired-master provision was further revised by Amendment 67 in 2007.

55 Habitat Conservation

Define Essential Fish Habitat

Council Action	Proposed Rule	Final Rule	Effective
June 1998	*October 22, 1998* *63 FR 56601*	*April 26, 1999* *64 FR 20216*	*January 20, 1999*

Purpose and Need

The Magnuson-Stevens Act was amended in 1996 by the Sustainable Fisheries Act. Congress recognized that one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Therefore, the new Act mandated that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. Essential fish habitat has been broadly defined by the Act to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”. All eight regional councils were required to amend their fishery management plans by October 1998 to:

- identify and describe EFH for species managed under a fishery management plan;
- describe adverse impacts to that habitat from fishing activities and non-fishing activities;
- recommend conservation and enhancement measures necessary to help minimize impacts, protect, and restore that habitat; and
- include conservation and enhancement measures necessary to minimize to the extent practicable, adverse impacts from fishing on EFH.

The purpose of this amendment was to provide for improved long-term productivity of the fisheries, to allow NMFS and the Council to be more proactive in protecting habitat areas, and alert other federal and state agencies about areas of concern. Federal agencies engaging in activities that may adversely affect EFH must consult with NMFS regarding those activities. NMFS must, and the Council may, make suggestions on how to mitigate any potential habitat damage. The Council will be required to comment on any project that may adversely affect salmon habitat or habitat of any other anadromous fish (smelt, steelhead, etc.).

Analysis

A 364-page EA (final draft dated January 1999) and a background assessment report were prepared for this amendment. Three alternatives including the status quo were considered. The action alternative that was not chosen would have defined EFH only as areas of high concentration for each life stage. The alternative chosen was more conservative in that defining a larger area may offer more protection.

Regulation Summary

The alternative adopted and approved defined EFH as all habitat within a general distribution for a species life stage, for all information levels and under all stock conditions. A general distribution area is a subset of a species range. For any species listed under the Endangered Species Act, EFH includes all areas identified as "critical habitat". EFH was described in text, tables, and maps. Habitat areas of particular concern (HAPC) were identified as living substrates in shallow and deep waters, and freshwater habitats used by anadromous fish. HAPC is defined on the basis of its ecological importance, sensitivity, exposure, and rarity of the habitat. The amendment was approved on January 20, 1999.

Results

After the amendment was approved in 1999, NMFS was sued by a coalition of plaintiffs (Earthjustice Legal Defense Fund, Center for Marine Conservation, National Audubon Society, and others) who alleged that the EFH amendment failed to meet statutory requirements (did not analyze the effects of fishing on habitat and did not impose practicable measures to minimize impacts of fishing gear) and violated the National Environmental Policy Act (NEPA). In September 2000, the US District Court decision upheld NMFS’ approval of the EFH amendments, but ruled that the EA violated NEPA. The court ordered NMFS to complete an EIS, and HAPCs were later addressed under Amendments GOA Amendments 65/73. The Council further addressed EFH in GOA Amendments 90 and 105.

Cloud sponge (*Aphrocallistes vastus*) with euphausiids.

56 Catch Limits

Revise Overfishing Definitions

Council Action	Proposed Rule	Final Rule	Effective
June 1998	*August 4, 1997* *62 FR 41907*	*May 1, 1998* *63 FR 24218*	*January 27, 1999*

Purpose and Need

The 1996 amendments to the Magnuson-Stevens Act (MSA) defined the terms "overfishing" and "overfished" to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield (MSY) on a continuing basis. Additionally, it required that all FMPs specify objective and measurable criteria for identifying when the fishery is overfished and, in the case of a fishery which is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing and rebuild the fishery. The MSA further required regional fishery management councils to submit amendments, by October 11, 1998, that would bring fishery management plans into compliance.

The Magnuson-Stevens Act and the revised guidelines indicate that MSY, treated as a target strategy under the current FMP definition of overfishing, should represent a limit rather than a target. This means that "limit" harvest strategies (such as the rules used to specify overfishing levels [OFL]) should result in a long-term average catch that approximates MSY, and that "target" harvest strategies (such as the rules used to specify ABC) should result in catches that are substantially more conservative than the limit. Because tiers 2-4 of the current FMP definition could be interpreted as treating MSY as a target rather than as a limit, Amendment 56 in both the GOA and the BSAI revised tiers 2-4 by changing the default fishing mortality rate value from F30% to the more conservative estimate of F35%.

Tiers used to determine ABC and OFL for BSAI groundfish stocks under Amendment 56.

(1) Information available: Reliable point estimates of B and B_{MSY} and reliable pdf of F_{MSY} .

1a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = m_A$, the arithmetic mean of the pdf

$F_{ABC} \le m_H$, the harmonic mean of the pdf

1b) Stock status: $a < B/B_{MSY} \le 1$

$F_{OFL} = m_A \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

$F_{ABC} \le m_H \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

1c) Stock status: $B/B_{MSY} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(2) Information available: Reliable point estimates of B, B_{MSY} , F_{MSY} , $F_{35\%}$, and $F_{40\%}$.

2a) Stock status: $B/B_{MSY} > 1$

$F_{OFL} = F_{MSY}$

$F_{ABC} \le F_{MSY} \times (F_{40\%}/F_{35\%})$

2b) Stock status: $\alpha < B/B_{MSY} \le 1$

$F_{OFL} = F_{MSY} \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

$F_{ABC} \le F_{MSY} \times (F_{40\%}/F_{35\%}) \times (B/B_{MSY} - \alpha)/(1 - \alpha)$

2c) Stock status: $B/B_{MSY} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(3) Information available: Reliable point estimates of B, $B_{40\%}$, $F_{35\%}$, and $F_{40\%}$.

3a) Stock status: $B/B_{40\%} > 1$

$F_{OFL} = F_{35\%}$

$F_{ABC} \le F_{40\%}$

3b) Stock status: $\alpha < B/B_{40\%} \le 1$

$F_{OFL} = F_{35\%} \times (B/B_{40\%} - \alpha)/(1 - \alpha)$

$F_{ABC} \le F_{40\%} \times (B/B_{40\%} - \alpha)/(1 - \alpha)$

3c) Stock status: $B/B_{40\%} \le \alpha$

$F_{OFL} = 0$

$F_{ABC} = 0$

(4) Information available: Reliable point estimates of B, $F_{35\%}$, and $F_{40\%}$.

$F_{OFL} = F_{35\%}$

$F_{ABC} \le F_{40\%}$

(5) Information available: Reliable point estimates of B and natural mortality rate M.

$F_{OFL} = M$

$F_{ABC} \le 0.75 \times M$

(6) Information available: Reliable catch history from 1978 through 1995.

OFL= the average catch from 1978 through 1995, unless an alternative value is established by the SSC on the basis of the best available scientific information

Analysis

A 24-page EA (final draft dated June 23, 1998) was prepared for this amendment. Two alternatives including the status quo were considered. The alternative chosen was more conservative in that it consistently treats MSY as a limit rather than a target.

Regulation Summary

Amendment 56 revised the ABC and overfishing definitions set under Amendment 44 to be more precautionary. Like Amendment 44, the maximum allowable rates are prescribed through a set of six tiers which are listed below in descending order of preference, corresponding to descending order of information availability. For most tiers, ABC is based on F40%, which is the fishing mortality rate associated with an equilibrium level of spawning per recruit (SPR) equal to 40% of the equilibrium level of spawning per recruit in the absence of any fishing. To further minimize the possibility of catches jeopardizing a stock's long-term productivity, there is a buffer established between ABC and OFL. Amendment 56 modified the OFL definition from F30% to F35% for stocks having tiers 2-4 information.

Results

These definitions are currently used in the annual catch limit specifications process.

57 Limited Entry

Moratorium Extensions

Council Action	Proposed Rule	Final Rule	Effective
June 1998	*November 13, 1998* *63 FR 63442*	*January 25, 1999* *64 FR 3651*	*January 19, 1999*

Purpose and Need

In 1987, concerned with excess harvesting capacity in the groundfish, crab, and halibut fisheries of the BSAI and GOA, the Council established a committee to examine the problem of overcapitalization. Upon conclusion that allocation conflicts and overcapitalization would worsen under the current open access system, the committee recommended a limited access management approach for these three fisheries. Concerned with the potential for speculative entry into the fisheries during discussions of management alternatives, the Council adopted Amendment 28 to the GOA FMP and 23 to the BSAI FMP, which required a moratorium permit for vessels within specific vessel categories that harvest groundfish and BSAI crab resources off Alaska. Generally, a vessel qualified for a moratorium permit if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988 through February 9, 1992.

The purpose of Amendments 28 (GOA) and 23 (BSAI) was to provide for an interim measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until additional measures, such as the License Limitation Program (LLP) could be implemented. The LLP was initiated as part of a developing Comprehensive Rationalization Plan intended to resolve the overall issue of overcapitalization on a long-term basis, and transition the fisheries from an open access management system to a more market-based, limited access system. Without a moratorium, the Council feared that potentially unlimited new entry into the fishery would exacerbate overcapitalization and hinder the ultimate development of a successful Comprehensive Rationalization Plan.

The original amendments instituting the moratorium (Vessel Moratorium Program) were scheduled to expire on December 31, 1998. The License Limitation Program (GOA Amendment 41), intended to replace the Vessel Moratorium Program, would not be in effect until January 1, 2000. Therefore, regulatory action was necessary to extend the moratorium in order to eliminate the one-year lag time between the expiration of the moratorium and the beginning of the LLP.

Analysis

A 10-page RIR (final draft dated August 1998) was prepared for Amendments 57 for the GOA groundfish FMP, Amendment 57 for the BSAI groundfish FMP, and Amendment 9 for the BSAI crab FMP. Two alternatives were considered: 1) allowing the Vessel Moratorium Program to expire (no action alternative), and 2) extending the program for one year. The analysis determined that although all the impacts of a one-year lapse between the moratorium program and the LLP were not known, one potentially significant impact could be speculative entry into the affected fisheries by persons who would not qualify to fish under the moratorium program or the LLP. Because allowing new entry would exacerbate overcapitalization and the race for fish, the analysis determined that the no action alternative was inconsistent with the overall intent of comprehensive rationalization. The preferred alternative extended the moratorium for one year, allowing time for NMFS to complete the design and implementation of the LLP.

Regulation Summary

The final rule simply extended the Vessel Moratorium Program and the existing moratorium permits through December 31, 1999. The regulation also provided that no person could apply for a new moratorium permit after the original moratorium program expiration date of December 31, 1998, unless the application was based on a moratorium qualification that was used as a basis for obtaining a moratorium permit issued on or before that date.

Buoys hanging on vessel.
Photo courtesy of Herman Savikko.

Results

As anticipated, the LLP to limit entry into the groundfish and crab fisheries off of Alaska (Amendment 41) went into effect January 1, 2000, effectively replacing the Vessel Moratorium Program (the authorization for the LLP is contained in GOA Amendment 58/BSAI Amendment 60/BSAI Crab Amendment 10). For general licenses, the base qualifying period established was January 1, 1988, through June 27, 1992, approximately four months longer than the moratorium qualification period, in order to be consistent with the Council's published cutoff date for qualification under the Comprehensive Rationalization Plan. The LLP also required an area endorsement for the BS, AI or the GOA, to provide for present participation in the fisheries (the qualifying period being January 1, 1992 through June 17, 1995). The moratorium established by Amendments 28 (GOA) and 23 (BSAI) and extended by Amendments 57 (GOA), 59 (BSAI groundfish), and 9 (BSAI crab) limited speculative entry into the fisheries while the LLP was being developed and approved, and kept the overcapitalization situation from worsening.

58 Limited Entry

Adjustments to the License Limitation Program

Council Action	Proposed Rule	Final Rule	Effective
October 1998	*March 30, 2001* *66 FR 17397*	*September 24, 2001* *66 FR 48813*	*January 1, 2002*

Purpose and Need

Following the approval of the original License Limitation Program (LLP) in Amendment 41, industry members requested that the Council revise several of the provisions and qualification criteria, including adding a recent participation criteria for crab. GOA Amendment 58, BSAI Amendment 60, and BSAI Crab Amendment 10 encompass a package of changes focusing primarily on further capacity reductions and transferability restrictions, to tighten up the LLP before implementation.

Analysis

A 203-page EA/RIR/IRFA (final draft dated July 1999) was prepared for these amendments. Six proposed actions were analyzed along with the status quo for each alternative, and the five changes outlined above were adopted. The change that was not approved would have clarified the Council's intent that catch history transfers be recognized, except those occurring after June 17, 1995, and where the owner of the vessel at that time was unable to document a vessel under Chapter 121, Title 46, U.S.C. NOAA General Counsel advised the Council that this action may violate foreign reciprocity agreements listed in the Magnuson-Stevens Act; therefore, the Council decided not to proceed with this proposed action.

Vessels in Western Gulf. Photo courtesy of Karla Bush.

Regulation Summary

Changes adopted and approved under this amendment included:

1) a requirement that the vessel itself would be a specific characteristic of the license and could not be severed (i.e., the license could not be used on any other vessel);

2) license designations for the type of gear authorized to harvest LLP groundfish as either "trawl" or "non-trawl" gear (or both);

3) the addition of a crab recency requirement which requires one landing during 1/1/96-2/7/98 in addition to the general license and area endorsement qualifications; and

4) allowance of limited processing (1 mt) for vessels <60' LOA with catcher vessel designations.

Results

Amendment 58 provided further capacity restrictions in the groundfish fisheries.

59 Habitat Conservation | Spatial Management

Sitka Pinnacles Marine Reserve

Council Action	Proposed Rule	Final Rule	Effective
June 1998	*June 26, 2000* *65 FR 39342*	*November 9, 2000* *65 FR 67305* *Corrected: January 31, 2001* *66 FR 8372*	*December 11, 2000*

Purpose and Need

The Magnuson-Stevens Act mandate to identify, conserve, and enhance essential fish habitat is regarded as an important tool for sustainable fisheries and healthy ecosystems. This mandate recognizes the role of the ecosystem and identifies EFH as the waters and substrate necessary to fish for spawning, breeding, feeding, and growth to maturity. The Sitka Pinnacles area provides habitat for a variety of species and is extremely productive, in part due to its physical oceanography. Closure of this area will allow a vital ecosystem to be maintained in an area surrounded by heavy fishing pressure. The closure would also recognize the fragile nature of this rare habitat, and would prevent the harvest or bycatch of species that reside there during critical portions or their life history.

The boulder field at the base of the pinnacles provides important refuge for adult fishes including large numbers of yelloweye rockfish (*Sebastes ruberrimus*), tiger rockfish (*S. nigrocinctus*), prowfish (*Zaprora silenus*) and lingcod (*Ophiodon elongatus*) as well as octopus. Aggregations of small deep-water rockfishes occur here as well, including sharpchin (*S. zacentrus*), pygmy rockfish (*S. wilsoni*), and redstripe rockfish (*S. proriger*). Besides harboring adult fishes, the boulder field is also used as spawning habitat by lingcod. The sides and tops of the pinnacles are comprised of columnar basalt and Primnoa gorgonians provide ecologically important biogenic habitat for fishes on the steep walls of the pinnacles. Juvenile rockfishes occur in great abundance at the tops of the pinnacles, as do Puget Sound rockfish (*S. emphaeus*), a small rockfish that is important prey for other rockfish and lingcod. Dense assemblages of sessile invertebrates, including Metridium and other anenomes, tunicates and hydrocorals provide cover for these small fishes. Adult lingcod utilize the tops of the pinnacles as seasonal feeding platforms after spawning, occurring in extremely dense aggregations during the late spring and early summer. The small size of the area and high density and feeding behavior of the lingcod make them extremely susceptible to fishing pressure. In addition to fish living directly on the habitat or using the pinnacles and associated fauna for cover, there are large schools of pelagic fishes that congregate in the water column above the pinnacles. These include black (*S. melanops*), yellowtail (*S. flavidus*), dusky (*S. ciliatus*) and widow (*S. entomelas*) rockfishes that feed on the plankton in the water column.

The State of Alaska had already implemented a prohibition on fishing for lingcod and rockfish within the prescribed area. The purpose of the proposed amendment would be to mirror this regulation for federally managed fisheries, and make the closure more comprehensive.

Analysis

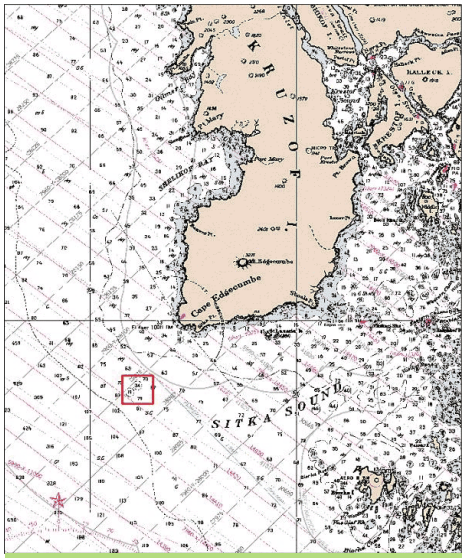
A 20-page EA/RIR/IRFA (final draft dated November 1999) was prepared for this amendment. Two alternatives including the status quo were considered. The action alternative considered two options: Option 1 - close the pinnacles area to fishing for all federally-managed species, and anchoring by all fishing vessels subject to federal fisheries jurisdiction; and Option 2 (preferred)- close the pinnacles area to fishing and anchoring by commercial groundfish fishing vessels and commercial and sport halibut fishing vessels.

Regulation Summary

Amendment 59 would prohibit fishing in an area containing important fish habitat, totaling 2.5 square nautical miles, off Cape Edgecumbe near Sitka, Alaska. This amendment closes this area to groundfish fishing and anchoring by commercial groundfish vessels, to halibut fishing and anchoring by IFQ halibut fishing vessels, to sport fishing for halibut, and to anchoring by any vessel if halibut is on board. The area is defined by a square, with lines connecting the following points in a clockwise manner: 56°55.5' N L following, 135°54' W L clockwise 56°57' N Latitude.,135°54' W Longitude; 56°57' N Latitude,135°57' W Longitude; 56°55.5' N Latitude, 135°57' W Longitude.

Results

The Sitka Pinnacles Marine Reserve was implemented in 2000. Regulations prohibit the use of all recreational and commercial fishing gear (except pelagic troll gear used for salmon), and anchoring by fishing vessels within a 10.3 km^2 (2.5 n.mi.^{2}) rectangular area encompassing the pinnacles. This Marine Protected Area (MPA) appears to be effective at protecting a post-spawning aggregation of lingcod, although comprehensive surveys of the lingcod population are still lacking. Closure of this area is supported by the local fleet of commercial, charter, sport, and subsistence fishermen. Compliance with the MPA regulations appears to be high.



Map of Pinnacle closure area.
Photo courtesy of ADF&G.

60

Habitat Conservation | Prohibited Species Catch | Spatial Management

Prohibition of Non-pelagic Trawl Gear in Cook Inlet

Council Action	Proposed Rule	Final Rule	Effective
September 2000	*June 13, 2002* *67 FR 40680*	*November 27, 2002* *67 FR 70859*	*December 27, 2002*

Purpose and Need

This action is designed to comply with the Magnuson-Stevens Act, which emphasizes the importance of reducing bycatch to maintain sustainable fisheries. National Standard 9 of the Magnuson-Stevens Act mandates that conservation and management measures shall minimize bycatch, to the extent practicable, and shall minimize mortality of bycatch where bycatch cannot be avoided (Section 301(a)(9)).

The objective of Amendment 60 is to reduce bycatch of crab in the exclusive economic zone (EEZ) of Cook Inlet in the GOA groundfish fishery. This amendment would prevent potential adverse effects of non-pelagic trawl crab bycatch on low populations of Tanner and red king crab stocks in Cook Inlet. Although no crab fisheries existed in Cook Inlet and non-pelagic trawling did not occur, this proposed action would prevent the development of a non-pelagic fishery in an area that has historically supported a productive crab fishery.

This action is a proactive measure to limit potential crab bycatch from non-pelagic fisheries that may develop in the future.

The proposed measure would reduce potential bycatch on crab resources currently at relatively low abundance, mirror existing regulations in State waters of Cook Inlet, and minimize potential adverse effects of non-pelagic trawl gear on the benthic habitat for crab and other groundfish stocks.

Analysis

A 60 page EA/RIR/IRFA (final draft dated March 2001) was prepared for this amendment. Seven alternatives were considered, including: the no action alternative; prohibiting non-pelagic trawls in Federal waters of Cook Inlet (preferred); deferring management of federal waters of Cook Inlet to the State of Alaska; removing waters of Cook Inlet from the Gulf of Alaska FMP; requiring observer coverage in Federal waters of Cook Inlet; implementation of time and area closures; and requiring an ADF&G Commissioner's Permit.

Regulation Summary

The proposed action would prohibit the use of non-pelagic trawl gear in the EEZ of Cook Inlet in an area north of a line from Cape Douglas (58°51.10′ N. lat.) to Point Adam (59°15.27′ N. lat.).

Results

Through the direct protection provided by the prohibition, crab stocks in Cook Inlet are less affected by the activity of the groundfish trawl fleet than they would be in the absence of the measure. Nevertheless, it is not well understood how important trawl bycatch is relative to other factors in the environment that may be limiting recovery of the stocks and resumption of stable and profitable Cook Inlet crab fisheries.

Tanner crab (*Chionoecetes bairdi*). Photo courtesy of Teresa Peterson/Dave Kubiak.

61 Allocation

American Fisheries Act Sideboards

Council Action	Proposed Rule	Final Rule	Effective
June 1999	*December 17, 2001 66 FR 65028*	*December 30, 2002 67 FR 79692*	*January 29, 2003 – December 31, 2008*

Purpose and Need

In October 1998 the U.S. Congress passed the American Fisheries Act to achieve the following primary objectives:

1) remove excess capacity in the offshore BSAI pollock sector through the retirement of 9 factory trawlers (through a combination of appropriated funding and a loan to the onshore sector);

2) establish U.S. ownership requirements for the harvest sector vessels;

3) establish specific allocations of the BSAI pollock quota as follows - 10% to the western Alaska CDQ program, with the remainder allocated 50% to the onshore sector, 40% to the offshore sector, and 10% to the mothership sector;

4) identify the specific vessels and processors eligible to participate in the BSAI pollock fisheries;

5) establish the authority and mechanisms by which the BSAI pollock fleet can form fishery cooperatives; and,

6) establish specific measures to protect the non-AFA (non-pollock) fisheries from adverse impacts resulting from the AFA or pollock fishery cooperatives, including GOA fisheries

In addition, the AFA included provisions for the North Pacific Fishery Management Council to enact measures as necessary to further protect non-AFA fisheries from adverse impacts resulting from the AFA and pollock fishery cooperatives. In addition to implementing the prescribed portions of the AFA, Amendment 61 contains various specific protective measures developed by the Council which limit the pollock industry's participation in other fisheries - these are referred to as 'sideboards'.

Analysis

The original analysis for Amendment 61, upon which the emergency rules are based, is 320 pages plus several appendices. That analysis focuses on alternatives for establishing sideboard limits for the AFA harvesters and processors, and also examines alternatives for the structure of inshore sector co-ops (the relationship between harvest vessels and the shore plants to which they deliver pollock). Primarily, the alternatives analyzed cover a wide range of options for determining the amount of the sideboard limits for each sector, whether such sideboards are applied at the sector level vs individual vessel/plant level, and whether and to what extent there may be exemptions from the sideboards. The analysis also examines the ownership structure of the pollock industry to determine the entities and companies to which sideboards will be applied. Implementation and monitoring aspects of the various alternatives are also considered. The EIS furthered examined the prescribed measures of the AFA, including the specific sector allocations and limited entry aspects of the Act.

Regulation Summary

Regulations relevant to the GOA established the harvesting sideboard amounts of non-pollock groundfish (based on historical share) and halibut prohibited species catch sideboard limits for AFA trawl catcher vessels in the GOA. Certain AFA catcher vessels that had relatively low BS pollock fishing history and could demonstrate a significant economic dependence in the GOA were exempt from GOA sideboards. Regulations also included a prohibition for listed AFA catcher/processors from fishing in the GOA.

These regulations also re-established the current inshore/offshore allocation regime in the GOA (Amendment 51) through December 2004, which were extended indefinitely through Amendment 62.

Results

The amendment implemented sideboards. On March 11, 2019, a regulation was implemented that modified regulations for non-exempt AFA catcher vessels operating in the GOA subject to sideboard limits (84 FR 2723). In the GOA, many of the sideboard limits for non-exempt AFA catcher vessels were insufficient to support a directed fishery and thus were not open for directed fishing. This regulatory change was necessary to streamline and simplify management of these GOA groundfish sideboard limits as part of the annual GOA

Alaska pollock (*Gadus chalcogrammus*). Photo courtesy of Karla Bush.

62 Administrative | Allocation

Single Geographic Location and Inshore/Offshore Extension

Council Action	Notice of Availability	Final Rule	Effective
April 2008	*April 2, 2009* *74 FR 14950*	*July 17, 2009* *74 FR 34701*	*August 17, 2009*

Purpose and Need

The single geographic location restriction originated in GOA Amendment 23 (BSAI Amendment 18), the initial inshore/offshore allocation. The restriction applied to floating processors processing targeted pollock and GOA Pacific cod. A processing vessel could leave specified inshore location to process other species of groundfish, but if they processed pollock or GOA Pacific cod, the processing vessel would have to return to its original location where it processed these species at the beginning of the season. In October of 1998, the American Fisheries Act was signed into law. The Act, among other things, established specific allocations of the BSAI pollock quota to onshore, offshore and motherships and established the authority and mechanisms by which the pollock fleet could form fishery cooperatives. As a result of these allocations and allowance for cooperatives, some in the industry approached the Council to revise the single geographic restriction from one year to one week. In October 2001, the Council requested staff to provide an analysis of the single geographic location restriction revision. Revising the single geographic location restriction would provide greater flexibility for AFA-qualified inshore floating processors during a fishing year allowing these floaters to process targeted BSAI pollock in more than one geographic location.

The inshore/offshore portion of this amendment would remove obsolete and inconsistent language in the Groundfish FMPs. With the passage of AFA, inshore/offshore language in the BSAI Groundfish FMP was superseded. As a result, inshore/offshore language currently contained in the FMP is obsolete or no longer consistent with AFA.

Analysis

61-page EA was prepared for this amendment. The analysis included options for single geographic location and inshore/offshore revisions. Two options, including status quo, were considered for single geographic location revisions. Five options, including status quo, were considered for the inshore/offshore revisions. Two of these options addressed issues in the Gulf of Alaska Groundfish FMP. The first was to remove any reference to BSAI inshore/offshore from the GOA Groundfish FMP while the other alternative was to remove the December 31, 2004 sunset date from the GOA inshore/offshore allocations.

Regulation Summary

The regulation allows AFA inshore floating processors to relocate in state waters in the Bering Sea directed pollock fishery between reporting weeks for a maximum of four times per calendar year. In addition, AFA inshore floating processors would be required to process all GOA pollock and Pacific cod in the same location at which they processed these species in 2002. The Council selected preferred alternatives for inshore/offshore revisions in June 2002. The regulations also:

1) removed references to BSAI inshore/offshore from the GOA FMP; and

2) removed the December 31, 2004, sunset date for GOA inshore/offshore allocations from the GOA FMP.

Results

Originally, the single geographic location restriction was implemented in the inshore/offshore regulations to prevent floating processors, which have limited mobility and which operate in the inshore processing sector, from having an unfair economic advantage over operators of onshore processing plants. It was also intended to prevent offshore catcher/processors and motherships, which have greater mobility, from entering the inshore sector. With the passage of the AFA in 1998, and the associated cooperative agreements, these concerns diminished in the BSAI pollock target fishery. The most obvious potential benefit of change to the single geographic location is the increased efficiency that accrues to the stationary floating processor sector. These efficiency gains would be realized by both the floating processing plant and those catcher vessels delivering to it, by reducing delivery costs and improving pollock production quality. The amendment also removed the sunset on inshore/offshore allocations for pollock/cod (Amendment 51), which remain in effect.

63

FMP Species Category

Classify Skates as Target Species

Council Action	Proposed Rule	Final Rule	Effective
October 2003	*January 6, 2004* *69 FR 614*	*May 12, 2004* *69 FR 26313*	*June 11, 2004*

Purpose and Need

Amendment 63 is intended to respond to concerns that the rapidly developing skate fishery in the GOA may result in overfishing of skates. Amendment 63 to the FMP would move skates from the “other species” list to the “target species” list, allowing for the management of skates as a target species. At the time, skates were managed as part of the “other species” complex with sharks, sculpins, octopus, and squid with a total allowable catch limit (TAC) for that complex of 5% of the aggregate of all TACs for groundfish of the GOA. Target species TACs are established for an individual species or species group and NMFS manages the directed fishery for each species to avoid exceeding the specified TACs. TACs usually are set at or below the acceptable biological catch (ABC) amount, which are below the overfishing levels (OFLs) for each target species or species group. The other species complex does not have an OFL or ABC amount due to the lack of biomass information for most of the species in the complex.

In 2003, a directed fishery for skates rapidly developed in the GOA. The 2003 skate harvest was 3,042 metric tons (mt), compared to 782 mt of skates harvested in 2002. Because skates were managed within the other species complex, the full TAC for the other species complex was available for a directed fishery for skates.

To reduce the potential for overfishing, the Council recommended that skates be managed as a target species. As a target species, OFL, ABC, and TAC amounts for skates would be established by annual harvest specifications, allowing for more effective management of skates based on the best available scientific information. The development of OFL, ABC, and TAC amounts for the 2004 harvest specifications for skates would be based on scientific survey and harvest information from 2003 and prior years. Managing a directed fishery for skates so that OFL, ABC, and TAC amounts are not exceeded would reduce the potential for overfishing and would meet the conservation objectives of the Magnuson-Stevens Act.

Analysis

A 180-page EA/IRFA/RIR was prepared for this amendment, which also provided environmental and socioeconomic analyses for proposed and interim BSAI and GOA specifications.

Two alternatives were considered for removing skate from the “other species” category in the GOA FMP:

1) The no action alternative, under which skates would continue to be managed as part of the “other species” category, and

2) An action alternative under which Section 3.1 of the GOA FMP would be amended to remove skates from the “other species” category and add them to the “target species” category.

Four options were also considered for skate specifications, contingent on a decision to treat skates as a target species. These options were:

1) A single GOA wide OFL for the skate group, and management area ABCs for the skate group;

2) A single GOA wide OFL for skates, and ABCs for key skate species in each management area;

3) Management area OFLs and ABCs for each key skate species; or

4) GOA species group OFL and ABC for skates.

Regulation Summary

Amendment 63 amends the GOA FMP by moving skate species from the “other species” list and adding it to the “target species” list. Skates would receive their own OFL, ABC, and TAC. This facilitated incidental catch management by clarifying the maximum retainable amounts (MRAs) of groundfish in the skate directed fishery and the MRAs for skates in other groundfish directed fisheries. This action was proposed to give fishery managers better tools to protect the skate biomass in the face of a directed fishery that developed rapidly in 2003.

The objective of this action is to increase the control managers have over the fishing mortality of skates, to prevent overfishing of skates, to maintain healthy skate stocks, and to make a sustainable fishery for skates more likely.

Results

This action gave fishery managers better tools to protect the skate stocks in the GOA in the face of a directed fishery that developed rapidly in 2003. Ultimately, Amendment 63 increased the amount of control managers have over the fishing mortality of skates, allowed for better prevention of overfishing of skates in order to maintain healthy skate stocks. This action also provided for increased likelihood of a sustainable fishery for skates in the event that there is both sufficient interest and stock biomass levels are available for the prosecution of one. Separate specifications have been set for skate species in the GOA. Harvest of skate stocks in the GOA since this amendment has been well below the specified overfishing limits thus overfishing is not occurring.

Alaska skate (*Bathyraja parmifera*).
Photo courtesy of AFSC.

64 IFQ Program | Reporting Requirements

Prior Notice of Landings Requirements

Council Action	Proposed Rule	Final Rule	Effective
April 2002	*January 24, 2003* *68 FR 3485*	*July 29, 2003* *68 FR 44473*	*August 28, 2003*

Purpose and Need

The IFQ Program, a limited access management system for the fixed gear Pacific halibut and sablefish fisheries off Alaska, was approved by NMFS in January 1993 and fully implemented beginning in March 1995. During the implementation of the IFQ Program, NOAA Office of Law Enforcement and the International Pacific Halibut Commission staff indicated that prior notice of landing (PNOL) would be helpful for personnel staffing. Regulations enacted with the implementation of the IFQ Program in 1995 required a six-hour advance notice as well as the name of the registered buyer and location to which the delivery was being made.

Over the next few years, IFQ fishing industry expressed four main concerns about specific aspects of the PNOL requirement. 1) Existing regulations require vessel operators to commit to a specific Registered Buyer at least 6 hours before landing, which disadvantaged fishermen in price negotiations; 2) communications at sea are often limited, as a result, a vessel operator may rely on a third party to call in the PNOL to the toll-free number in Juneau; 3) Registered Buyers are restricted in their ability to bid on a load of IFQ fish if they have to wait 6 hours to begin offloading fish from a vessel; and 4) if a particular processor is operating at maximum capacity, or experiences mechanical or other operational difficulties, at the time a vessel is scheduled to deliver to that processor, then that vessel must locate another Registered Buyer, and provide a six hour notice before offloading to this other Registered Buyer, rendering vessels unable to respond to necessary changes in business conditions. This action was necessary to improve IFQ fishing operations, while complying with IFQ Program requirements, to improve NMFS' ability to efficiently administer the program, and to improve the clarity and consistency of IFQ Program regulations.

Analysis

A 34-page RIR/IRFA (draft dated May 2002) was prepared which analyzed a status quo and action alternative for each of the three main action items in the amendment package. The analysis determined that the impacts projected for the proposed actions appeared to be largely positive, but without the data necessary to make that determination conclusively, NMFS could not certify that these actions would not have a significant adverse effect on a substantial number of small entities within the meaning of the RFA.

Regulation Summary

Amendment 64 (BSAI amendment 72) consists of three federal regulatory and FMP changes related to recordkeeping and reporting of halibut and sablefish IFQ vessels:

1) Modify PNOL reporting requirements by:

- replacing the reporting of "registered buyers" with "location of landings"; and
- change the minimum PNOL reporting requirements from six hours to three hours.

2) Eliminate the shipment report and require that IFQ species be reported on the product transfer report

3) Require a verbal departure report instead of the vessel clearance requirement for vessels with IFQ halibut or sablefish leaving the jurisdiction of the Council.

Results

The revised recordkeeping and reporting requirements have improved fishing operations and NMFS' ability to administer IFQ programs.

Halibut being gaffed and pulled on deck.
Photo courtesy of Julianne Curry.

65 Habitat Conservation

Habitat Areas of Particular Concern: Harvest Control Measures

Council Action	Proposed Rule	Final Rule	Effective
February 2005	*March 22, 2006* *71 FR 14470*	*June 28, 2006* *71 FR 36694*	*July 28, 2006*

Purpose and Need

The Magnuson-Stevens Act was amended in 1996 by the Sustainable Fisheries Act. The new Act mandates that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. Essential fish habitat has been broadly defined by the Act to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity". Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. HAPC is defined on the basis of its ecological importance, sensitivity, exposure, and rarity of the habitat.

Vertical structure provided by invertebrates (e.g. corals, sponges, mussels, rockweed and kelp [sic]) may be important habitat for fish. The purpose of Amendment 65 is to provide for improved long-term productivity of Alaska's fisheries by controlling harvest of invertebrates, which have the potential to be developed into large-scale commercial fisheries.

Analysis

A 51-page EA/RIR (Secretarial review draft dated June 2000) was prepared for this amendment. Three alternatives including the status quo were considered. The alternatives included establishing HAPC biota as a prohibited species or establishing a new HAPC category to allow for a controlled fishery to develop. Various options would allow some HAPC species (e.g., coral and sponges) to be prohibited from harvest, while allowing controlled fisheries to occur on the remaining species (e.g., kelp and mussels).

After the amendment was put on hold (see Results section), a 281-page EA/RIR/IRFA (Secretarial review draft dated October 2005) was prepared (see GOA Amendment 73).

Deep-sea coral. Photo courtesy of NMFS.

Regulation Summary

At the April 2000 meeting, the Council took final action on Part 1 of the HAPC- the harvest control measures. Part 2 was an action to develop a more comprehensive and iterative process for HAPC identification and habitat protection involving researchers, stakeholders, and management agencies, which required a longer timeline and was not an FMP amendment.

The Council adopted Alternative 2 of the analysis which will add corals and sponges to the prohibited species category. This action essentially split prohibited species into two types: the first type would continue to allow no retention for halibut, salmon, and crab species, and the second type (coral and sponges) could be retained, but the sale, barter, trade, or processing of corals and sponges would be prohibited. Kelp (including rockweed), and mussels would not be subject to any management actions at this time, as they are typically found in intertidal areas which occur within the state water boundary (0-3 nm). This action applied to both the Bering Sea and Gulf of Alaska groundfish fisheries in the EEZ; other fisheries may be considered for HAPC biota protection in the future.

Results

Due to the court case on Essential Fish Habitat (see Amendment 55), the HAPC amendment was put on hold until 2006, after Council and Agency staff prepared an EIS for EFH.

Because most of the HAPC biota is found within state waters, the Council requested state cooperation to prohibit any new fishery on HAPC biota developing in order to effectively achieve the objective of preventing a commercial fishery from developing for corals and sponges. The state completed this action in 2002.

This amendment also resulted in minor changes to the existing EFH description and identification for GOA groundfish stocks, to incorporate more recent information, improve mapping, and identify new EFH descriptions for a few species that have been separated out from a complex since the existing description and identification were compiled.

Refer to Amendment 73 for results of Amendments 65 and 73, which were implemented together.

66 IFQ and CQE Programs

Community Quota Share Purchase

Council Action	Proposed Rule	Final Rule	Effective
April 2002	*September 2, 2003* *68 FR 52173*	*April 30, 2004* *69 FR 23681*	*June 1, 2004*

Purpose and Need

During the development of the IFQ program, the Council built in several provisions to address concerns regarding transferability and the goal of preserving an owner-operated fleet. Among other things, the Council was concerned about consolidation of ownership and divestiture of coastal Alaskans from the fisheries. Ultimately, the Council included a requirement for catcher vessel quota share (QS) to only be purchased by individual fishermen, with proven sea time, who would also be required to be on the vessel and fish the resulting IFQs. The primary intent of this provision was to maintain a diverse, owner-operated fleet and prevent 'corporate', absentee ownership of the fisheries.

Consideration of including communities in the commercial IFQ Program was motivated by several provisions in the MSA and National Research Council reports, as well as a specific community proposal. The proposal cited a disproportionate amount of QS transfers out of smaller, rural communities as a symptom of the continuing erosion of their participation in the commercial IFQ fisheries. A number of small coastal communities in the GOA were struggling to remain economically viable, and the IFQ Program, as with other limited entry programs, increased the cost of entry or expansion in the commercial halibut/ sablefish fisheries. The Council decided to analyze a proposal to allow a defined set of small, rural, coastal, Gulf of Alaska communities to purchase catcher vessel QS in IPHC management areas 2C, 3A, and 3B. Several factors contributed to the initiation of this analysis: 1) the rate of decline of the amount of QS in the smaller communities was higher than that of larger communities; 2) the bulk of the QS consolidation had taken place in the smaller QS holdings, and 3) very few initial large quota share recipients resided in smaller, coastal communities. The Council was concerned that declining QS ownership in remote coastal GOA communities would exacerbate unemployment and other adverse social/economic outcomes in fishery-dependent areas with few alternative economic opportunities.

Analysis

A 144-page EA/RIR/IRFA (public review draft dated April 10, 2002) was prepared for this amendment. The eight major elements of the program that were analyzed and included are:

- Element 1. Eligible communities
- Element 2. Ownership entity
- Element 3. Use caps for individual communities
- Element 4. Cumulative use caps for all communities
- Element 5. Purchase, use, and sale restrictions
- Element 6. Performance standards
- Element 7. Administrative oversight
- Element 8. Program Review

Regulation Summary

The Council's preferred alternative on Amendment 66 included provisions for each of the eight elements listed above. Under this amendment, the Council defined criteria to allow eligible Gulf of Alaska coastal communities to form non-profit corporations called Community Quota Entities (CQEs) to purchase catcher vessel QS, and the IFQ resulting from the QS must be leased to community residents annually. The criteria for eligibility is as follows: less than 1,500 people, no road access to larger communities, direct access to saltwater, and a documented historic participation in the halibut and/or sablefish fisheries. Communities not listed in the final regulations must apply to the Council to be approved for participation in the program and will be evaluated using the same criteria. The CQE Program includes provisions on QS holdings and use that are both more and less strict than provisions for other IFQ Program participants.

Results

Activity in the CQE Program has been limited. At the program's five-year review (NPFMC 2010), 21 of the 42 eligible communities had completed the process to form a CQE, but only one had purchased QS. Barriers to purchasing QS and program -related restrictions were the primary reasons cited for low participation in the Program. Since then, amendments to the program have relaxed some restrictions in order to provide additional opportunities for coastal communities in Alaska (Amendment 96). The program has been expanded to allow for more eligible communities (i.e., three communities in the GOA and one community in Aleutian Islands/ Area 4B region) through GOA Amendment 94 and BSAI Amendment 102.

The CQE Program was also expanded to allow CQEs to access rights to fisheries other than halibut and sablefish IFQ. In 2010, the CQE Program was expanded to allow CQEs to receive a certain number of community charter halibut permits at no cost (75 FR 553). CQEs may also purchase a specified number of charter halibut permits from private entities in the charter fishery. Since 2011, CQEs have been able to receive non-trawl groundfish limited license permits (LLPs) endorsed for Pacific cod in the Central or Western Gulf of Alaska at no cost (GOA Amendment 86).

As of March 2019, 30 of the 46 eligible communities had formed CQEs, but only five CQEs held halibut QS and one of those four held sablefish QS. Barriers to purchasing QS, for instance access to funding and availability of QS on the market, are likely still valid reasons for the limited amount of participation by CQEs in the IFQ Program. Lower halibut catch limits during the past decade have likely exacerbated these challenges for CQEs as there are fewer pounds of halibut available to be commercially harvested compared to when the program was first implemented.

67 IFQ Program

Amend Limitations on Use of Quota Share and IFQ: Modify IFQ Program for Halibut and Sablefish

Council Action	Proposed Rule	Final Rule	Effective
December 2004	*November 1, 2006* *71 FR 64218*	*August 9, 2007* *72 FR 44795*	*Sept 10, 2007*

Purpose and Need

The purpose for this amendment was to address changing needs of fishermen with the evolution of the halibut and sablefish IFQ fisheries. Many of these needs were addressed in the seven actions described below, recommended by the Council in 2004. Specifically, numerous appeals for medical hardship relief have been raised with the Council and NOAA Fisheries since the IFQ program was implemented in 1995. At the time, QS holders who experienced a legitimate medical emergency that prevented them from fishing their quota were left without the ability to temporarily transfer quota shares. The Council also had concerns about alleged abuses of the hired skipper provision (previously addressed in Amendment 54), and concerns of misreported BSAI sablefish catch. Additionally, the Council believed that product recovery rate provisions for sablefish were inaccurate, which would be a disincentive for fishermen to bleed fish thereby reducing the quality of fish delivered. Accurate catch reporting was thought to be compromised under the current application of the product recovery rate for bled sablefish. Furthermore, QS holders identified safety concerns when fishing in certain areas on small vessels. Increased flexibility in existing block and vessel size class restrictions was desired.

Analysis

A 93-page RIR/IRFA was prepared, which included alternatives for each of the following seven proposed actions (not all of these required a FMP amendment):

1) allow IFQ holders to temporarily transfer their IFQ, avoiding owner-on-board requirements, in the event of a medical condition which precludes their participation (medical transfers);

2) tighten the criteria allowing the use of hired skippers;

3) add vessel clearance requirements to the sablefish IFQ fisheries in the Bering Sea and Aleutian Islands regulatory areas;

4) change the sablefish product recovery rate for bled sablefish to 1.0;

5) amend the halibut quota share (QS) block program to: a) increase the block limit to three, unless unblocked QS is held; b) unblock QS in excess of 69,492 QS units in Area 3B and 93,404 QS units in Area 4A from a single block; and c) increase the sweep-up limits to 33,320 units in Area 2C and 46,520 units in Area 3A;

6) allow IFQ derived from category D QS to be fished on category C vessels in Areas 3B and 4C; and

7) eliminate the exception that prohibits IFQ derived from category B QS to be used on vessels greater than 60 ft for halibut in Area 2C and sablefish in the Southeast Outside District.

Each proposed action had a no action alternative, and actions 1,2,3, and 7 each had only 1 action alternative. Action 4, amending the sablefish product recovery rate, had 2 action alternatives. Action 5, amending the halibut block program, had 4 action alternatives, and action 6, amending the “fish down” regulations for Area 3B and 4C, had 3 action alternatives.

Regarding Action 7, the no action alternative would have continued the requirement that, in Area 2C for halibut and Southeast Outside District for sablefish, category B QS must be used on a vessel greater than 60ft LOA, with the exception that category B QS blocks of less than 5,000 lbs based on 1996 TACs may be fished on vessels of any size. Alternative 2, the chosen alternative, eliminated the exception that prohibits IFQ derived from category B QS to be used on vessels greater than 60 ft for halibut in Area 2C and sablefish in the Southeast Outside District.

Regulation Summary

Those actions affecting the halibut fishery are proposed under the authority of the Halibut Act, and as such were not part of the GOA FMP. Those actions affecting the sablefish fishery are proposed under the authority of the Magnuson-Stevens Act. To implement Action 7 (described below) for the sablefish fishery, proposed Amendment 67 to the Fishery Management Plan for Groundfish of the GOA needed to be approved by the Secretary.

Amendment 67 revised Amendment 42 by removing restrictions on sablefish quota shares in Southeast Alaska. The other halibut actions passed, with the exception of Action 4 on the sablefish product recovery rate. The Secretary disapproved the proposed rule to change the Product Recovery Rate (PRR) for bled sablefish because the PRR of 0.98 was accurate.

NMFS also provided two administrative changes. The first clarified the existing regulation related to the use of sablefish IFQ with respect to the state waters sablefish fishery. The second administrative change converted the nomenclature and application of the “IFQ Card” to an “IFQ Hired Master Permit.”

Results

The implementation of the “fish down” provision (Action 7) in the Southeast regulatory area in the sablefish IFQ fishery in 2007 led to an increase in Class B sablefish IFQ landings on the less than or equal to 60-foot LOA vessels. In 2006, 28% of sablefish Class B CV IFQ was landed on vessels less than or equal to 60 ft, compared to 36% in 2015. However, these percentages are specific neither to the GOA nor to the Southeast regulatory area.

68 Allocation

Central Gulf of Alaska Rockfish Pilot Program

Council Action	Proposed Rule	Final Rule	Effective
February 2004	*June 7, 2006* *71 FR 33039*	*November 20, 2006* *71 FR 67209*	*Dec 20, 2006*

Purpose and Need

In Section 802 of the Consolidated Appropriations Act of 2004, the U.S. Congress included a directive to the Secretary of Commerce to establish, in consultation with the North Pacific Fishery Management Council, a pilot program for management of three rockfish fisheries (Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish) in the Central Gulf of Alaska. The reasoning behind this was due to the management structure of the Central GOA rockfish fishery at the time, which continued to exacerbate the race for fish. Increased catching and processing capacity entering the fishery had reduced the economic viability of the historical harvesters and processors. There was a decrease in safety; economic instability of the residential processor labor force; reduced product value and utilization; jeopardy to historical groundfish community stability; and limited ability to adapt to Magnuson-Stevens Act (MSA) requirements to minimize bycatch and protect habitat.

The Council noted the need for a short-term solution in order to stabilize the community of Kodiak, which had experienced multiple processing plant closures, the negative impact of shorter processing seasons on its workforce, and decreases in community fish tax revenues.

The Central GOA rockfish demonstration (pilot) program (RPP) was intended to be a short-term program for immediate economic relief until comprehensive GOA rationalization could be implemented.

Analysis

A 204-page EA/RIR (final draft dated August 2006) was prepared for this amendment. In addition to the status quo, the analysis included two pilot program alternatives for the catcher processor (CP) sector and two pilot program alternatives for the catcher vessel (CV) sector. Options would create separate sectors for trawl CPs, trawl CVs, and non-trawl CVs. Under this construction, the different gear types in the CV sector would be governed by the same management program, but they would be managed as separate sectors.

Under these alternatives, catch of most secondary species (such as Pacific cod, sablefish, thornyhead, shortraker, and rougheye) would be limited by allocations to cooperatives, which are more restrictive than the current MRAs. Each participant would receive an allocation for not only target species, but also for secondary species and halibut PSC.

Regulation Summary

For the CP sector, the Council chose to develop a cooperative program under which non-members of cooperatives fish in a limited access fishery. An allocation would be made to the sector based on the histories of CPs in the CGOA rockfish fisheries.

For the CV sector, the Council chose to develop a cooperative program under which each CV participant is eligible for a cooperative in association with the processor to which it delivered the most pounds of CGOA rockfish during the processor qualifying years. CV participants that choose not to join a cooperative would be permitted to fish in a limited access fishery.

The Council adopted a share-based management program, under which the total allowable catch (TAC) of rockfish primary species (Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish) was to be apportioned as exclusive shares to cooperatives, based on catch history. The program also provided for a set-aside of up to 5% for the TAC of such fisheries for CVs not eligible to participate in the pilot program, which shall be delivered to shore-based fish processors not eligible to participate in the pilot program. It also established catch limits for non-rockfish species and non-target rockfish species. It was decided that the pilot program would sunset either when a GOA Groundfish comprehensive rationalization plan was implemented or 2 years from date of implementation, whichever came first.

Results

The most notable effect of the program is the substantial reduction in discards in the CGOA rockfish fisheries. In the years leading up to the program, discards of Pacific Ocean perch regularly exceeded 5% of total catch of the species. Discards of sablefish exceeded 100 metric tons in some years and exceeded 250 metric tons in one year. Under the RPP, discards of these species are generally not permitted by cooperatives, reducing discards to near zero. Halibut mortality also dropped sharply, most notably in the CV sector, where halibut mortality dropped from between 25 and 50 pounds per ton of directed rockfish catch to less than 5 pounds per ton of rockfish catch. In addition to the conservation benefits from these discard and mortality reductions, the use of more pelagic gear in the fishery decreases the impact on habitat. Also, the allocations of maximum retainable allowances applicable to shortraker rockfish and rougheye rockfish resulted in catches of those species that were substantially below the amounts permitted.

In addition, the rockfish fishery-dependent community in the CGOA and the shore-based processing sector benefited from stabilization of the work force, more shoreside deliveries of rockfish, additional non-rockfish deliveries with the RPP halibut savings, and increased rockfish quality and diversity of rockfish products. Issues identified with the program included the viability of the entry level fishery. The portion of the CP sector participating in the rockfish cooperatives benefitted from greater spatial and temporal flexibility in prosecuting the fishery, which resulted in lower bycatch, a more rational distribution of effort, and more stable markets.

Although originally subject to a sunset after 2 years, the 2007 reauthorization of the MSA extended the term of the program to 5 years. Under this extension, the Pilot Program was then scheduled to sunset after the 2011 season. GOA Amendment 88 replaced the CGOA Rockfish Pilot Program with the Rockfish Program in 2011.

69 Catch Limits | FMP Species Categories

Change Total Allowable Catch Specification for 'Other Species' Category

Council Action	Proposed Rule	Final Rule	Effective
June 2005	*November 29, 2005* *70 FR 71450*	*March 13, 2006* *71 FR 12626*	*April 12, 2006*

Purpose and Need

The original FMP, implemented in 1978, identified three separate species categories: 1) prohibited species; 2) specific species or species complexes; and 3) "other species". At the time of this amendment, the "other species" complex had already evolved via a series of amendments to the GOA FMP, and contained the following species: squids, sculpins, sharks, and octopuses. As configured, the "other species" complex was open to directed fishing up to the TAC for the complex. This caused conservation concerns given the removal of several species over time from the complex, which served to increase the complex TAC by placing additional species into target categories upon which the sum of the TAC calculation for the "other species" complex is based. Additionally, given the configuration of the complex, it is possible to target one member of the complex close to the full complex-level TAC, which inhibits in-season management's ability to control directed fishing within the complex and raises concerns given the lack of available stock information on most members of the complex. These alternatives were intended as a short-term solution, understanding that a more comprehensive amendment package is planned, which will consider a broader range of alternatives to modify the management of target and non-target species in the GOA.

Analysis

A 52-page EA/RIR/IRFA (secretarial review draft dated September 2005) which analyzed three alternatives, including the status quo, was prepared for this amendment.

Alternative 1: (Status Quo) TAC for the "other species" complex is fixed at 5% of the sum of the target groundfish TACs.

Alternative 2: (Preferred) Set the "other species" complex TAC at less than or equal to 5% of the sum of the target species TACs. Under Alternative 2, the Council could consider setting a TAC at a level anticipated to meet the incidental catch in other directed fisheries during the year in the GOA, or at a higher level which would allow for directed fishing but be low enough to prevent overfishing the other species complex as a whole.

Alternative 3: Set the "other species" complex TAC at a level anticipated to meet incidental catch in other directed fisheries throughout the fishing year. This would result in a directed fishing allowance of zero, Maximum retainable amounts could still be kept for processing until the TAC level was reached, at which point all retention of other species would be prohibited.

Sub-option: Revise the maximum retainable amount for the "other species" complex by fishery. Three alternatives including the status quo were considered. As part of its preferred alternative, the Council chose to set the "other species" MRAs for all fisheries at 20 percent.

In addition to considering a change in the TAC calculation for the "other species" complex, consideration was given to another alternative which would have established an aggregate OFL and ABC for the complex. This alternative was not carried forward for analysis because a separate amendment package was anticipated which would break individual species in the BSAI and GOA out from the "other species" complex such that OFL and ABC by species would be established, and its inclusion in this amendment would have been a redundant effort.

Regulation Summary

The "other species" category will be managed by a single TAC less than or equal to 5% of the combined TACs for all stocks in the "target species" category. This amendment packaged also included the regulatory amendment to raise the maximum retainable amount (MRA) of "other species" in the directed arrowtooth flounder fishery from 0 to 20%, recognizing that an expanding directed fishery for arrowtooth with trawl gear is likely to have some intrinsic bycatch needs.

Results

TAC levels for the "other species" were established at 5% of the sum of the target species TAC levels after this amendment was approved. Catch levels were maintained by NMFS to remain at or below this level. TAC for the "other species" complex in the GOA will be specified in the annual specifications process. This action was intended as an interim step prior to Council action on a more broad-based revision of the "other species" complex management in both the GOA and BSAI. Subsequent amendments (GOA Amendments 79 and 87) were pursued which modified and eventually eliminated the aggregate "other species" management approach to provide for more sustainable management and prevent overfishing of individual species in the complex.

Arrowtooth flounder (*Atheresthes stomias*). Photo courtesy of AFSC.

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Catch Limits | Marine Mammals | Monitoring | Spatial Management

Steller Sea Lion Protection Measures
(Implemented as Regulatory Amendment)

Council Action
October 2001

Emergency Rule
January 8, 2002
67 FR 956

Purpose and Need

The western population of Steller sea lions declined by over 70% since the 1960s and was listed as endangered in 1997 (62 FR 24345). While GOA Amendments 19, 25, and 45 afforded SSL some protections, one hypothesis to explain the continued decline of the western stock of SSL was nutritional stress due to competition with fisheries for prey. The 11/30/00 Biological Opinion concluded that fisheries for walleye pollock, Pacific cod and Atka mackerel being managed under the fisheries regulations in effect in the year 2000, jeopardized the survival and recovery of SSL and adversely modified their critical habitat. The 2000 Biological Opinion included a reasonable and prudent alternative (RPA) that included, among other things, areas closed to trawling, which if implemented in its entirety, would have had substantial adverse impacts to the fishing industry and fishing communities. Federal legislation (Public Law 106-554) allowed for a phase-in of the RPA for the 2001 fisheries while the Council developed an alternative approach which would allow fisheries to operate in such a manner that would not jeopardize the continued existence of SSL and would prevent adverse modification of their critical habitat.

Analysis

A 2,206-page EIS/RIR/IRFA (final draft dated November 2001) was prepared for this amendment. Five alternatives were considered including no action, a low and slow approach (from draft programmatic SEIS), a restricted and closed area approach (from the 11/2000 RPA), an area and fishery specific approach (from RPA Committee) and a critical habitat catch limit approach (based on measures in place in 2000). A map packet, containing poster-sized maps that show the closure areas proposed for each alternative, was also provided. The analysis concluded that the preferred alternative would avoid jeopardy and adverse modification while at the same time, have the least negative social and economic impacts to fishermen, processors, and communities.

Steller sea lions. Photo courtesy of NPFMC.

Regulation Summary

The preferred alternative implements the restricted and closed area approach. This alternative is the RPA detailed in the November 30, 2000, Biological Opinion. Essential elements of this approach are:

1) To establish large areas of critical habitat for both the eastern and western stocks of SSL, where fishing for pollock, Pacific cod, and Atka mackerel is prohibited;
2) To restrict catch levels in remaining critical habitat areas;
3) Seasonally apportion catches;
4) To establish a modified harvest control rule that prohibits directed fishing should pollock, cod, or mackerel stocks fall below 20% of the unfished level; and
5) A vessel monitoring system requirement for all vessels (except jig gear) participating in these fisheries.

Results

Amendment 70 (in both GOA and BSAI) was implemented as a regulatory amendment, and not a plan amendment. A list of trailing amendments was proposed when the Council took final action in October 2001. The Biological Opinion on the preferred alternative, dated October 19, 2001, was challenged in US District Court. On December 18, 2002, U.S. District Court Judge Zilly ruled that the 2001 Biological Opinion's finding of no adverse modification of critical habitat and no jeopardy to the continued existence of SSL was in part arbitrary and capricious, because the Amended RPAs' impacts on sea lions, their prey, and their critical habitat were not adequately described. The Judge remanded the 2001 BiOp to NMFS, but ruled that the BiOp (& RPAs) remain effective until June 30, 2003.

Additional SSL protection measures effective in 2005 (69 FR 75865) adjusted Pacific cod and pollock fishing closure areas near four SSL haulouts and modified the seasonal management of pollock harvest in the GOA. SSL protection measures for the GOA, including language resulting from the 2010 Biological Opinion, include area closures to pollock and Pacific cod fishing (except for vessels using jig gear), and groundfish fishing closures within 3 nm of rookeries. No further GOA Groundfish FMP Amendments specific to SSL protection measures have occurred. Furthermore, the Eastern population of SSL was delisted from the ESA in 2013.

72 Discards

Annual Review of Shallow-water Flatfish Discards/ Improved Retention/Improved Utilization Program Flatfish Requirement

Council Action	Notice of Avail.	Final Rule	Effective
May 15, 2008	*May 28, 2008* *73 FR 30598*	*August 29, 2008* *73 FR 50888*	*August 25, 2008*

Purpose and Need

In September 1996, the Council adopted Amendment 49 in the GOA and the BSAI, which required all vessels fishing for groundfish in the BSAI and GOA management areas to retain all pollock and Pacific cod beginning January 3, 1998 and retain all shallow water flatfish beginning January 1, 2003.

While many groundfish vessels were able to meet a long-term goal of reducing shallow-water flatfish discards by consistently remaining under a 5% discard rate, members of the GOA fishing industry reported to the Council that complete elimination of shallow-water flatfish discards is costly if some vessels do not have viable markets for small amounts of a species.

Assorted flatfish. Photo courtesy of NPFMC.

Analysis

The amendment was a minor addition to the FMP that would not result in any changes to the human environment. As such, it was categorically excluded from further environmental review and requirements to prepare additional environmental review documents. A 2-page categorical exclusion was prepared (dated May 19, 2008).

Regulation Summary

In response to fishing industry concerns noted above, this amendment added language to the FMP to state that the Council would annually review the discards of shallow-water flatfish in the GOA groundfish fisheries and, based on this information, may recommend future revisions to Improved Retention/Improved Utilization (IR/IU) regulations if the discard rate for shallow-water flatfish falls above or below a specific threshold.

This FMP amendment requires NMFS to provide a report to the Council, but it does not require any new regulations or revisions to existing regulations. Shallow-water flatfish would continue to be one of three GOA IR/IU species categories in 50 CFR part 679, along with pollock and Pacific cod. Any future revisions to shallow-water flatfish IR/IU regulations would be contingent on the Council establishing the need to modify these requirements, initiating an analysis, and proposing a regulatory amendment that could be approved by the Secretary of Commerce. No changes to regulations, management programs, permitting, observation, or enforcement of fishing occurred with the approval of this amendment.

Results

Discard rates for the shallow water flatfish trawl fishery are reviewed by the Council annually as part of a GOA in-season management report presented by NMFS at each December Council meeting. In 2017, 82% of shallow water flatfish were retained and in 2018, 88% were retained. No additional changes to the IR/IU program for shallow water flatfish in the GOA have occurred.

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Habitat Conservation | Spatial Management

Revisions to Essential Fish Habitat, Harvest Control Measures

Council Action	Proposed Rule	Final Rule	Effective
February 2005	*March 22, 2006* *71 FR 14470*	*June 28, 2006* *71 FR 36694*	*July 28, 2006*

Purpose and Need

Actions included in this package fall under GOA Amendments 65 and 73, and BSAI Amendments 65/78. The purpose of this action is to determine whether and how to amend the Council's FMPs to identify and manage site-specific HAPCs. HAPCs identified as a result of this EA would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH.

The HAPCs are subsets of EFH that are particularly important to the long-term productivity of one or more managed species, or that are particularly vulnerable to degradation. HAPCs may be identified based on one or more of four considerations listed in the EFH regulations: ecological importance, sensitivity, stress from development activities, and rarity of the habitat type. The Council required that each HAPC site should meet at least two of those considerations, with one being rarity.

HAPCs and associated management measures considered by the Council would provide additional habitat protection and further minimize potential adverse effects of fishing on EFH. Such actions are consistent with the EFH EIS (completed in April 2005) because they address potential impacts that are discussed in the EIS, even though the EIS indicates that new management measures may not be required under the Magnuson-Stevens Act to reduce those impacts. In effect, through its evaluation of HAPCs, the Council is considering new precautionary measures. The need for this action also stemmed from a May 2003 joint stipulation and order approved by the U.S. District Court for the District of Columbia. That agreement reflected the Council's commitment to consider new HAPCs as part of the response to the AOC v. Daley litigation that challenged whether Council FMPs minimize to the extent practicable the adverse effects of fishing on EFH.

Analysis

A 281-page EA/RIR/IRFA (Secretarial review draft dated October 2005) was prepared for this package of amendments. The three actions analyzed were as follows:

1) HAPCs for Seamounts in the EEZ
2) HAPCs for GOA (GOA) corals
3) HAPCs for AI corals (BSAI FMP)

Each action had a different number of alternatives.

Regulation Summary

This package of amendments revised the FMPs by identifying and describing essential fish habitat (EFH), designating habitat areas of particular concern (HAPC), and including measures to minimize to the extent practicable adverse effects on EFH.

The preferred alternative for Action 1 designated 16 named seamounts in the EEZ off Alaska as HAPC, and prohibited all bottom contact fishing by Council-managed fisheries within five smaller areas inside these HAPCs.

Action 2 designated three areas in Southeast Alaska (in the vicinity of Cape Ommaney, Fairweather grounds NW, and Fairweather grounds SW) as HAPC. Bottom contact gear was prohibited in several subareas within the HAPC designated areas.

Results

This amendment addressed habitat conservation requirements, which were further addressed in Amendments 90 and 105. This amendment also resulted in minor changes to the existing EFH description and identification for GOA groundfish stocks, to incorporate more recent information, improve mapping, and identify new EFH descriptions for a few species that have been separated out from a complex since the existing description and identification were compiled.

Yelloweye rockfish (*Sebastes ruberrimus*) in coral.
Photo courtesy of NMFS.

74 Administrative

Revise Management Policy

Council Action	Notice of Availability
April 2004	*June 2, 2004* *69 FR 31091*

Purpose and Need

Both the Gulf of Alaska and Bering Sea Aleutian Island FMPs were informed by respective Environmental Impact Statements (EISs), as per NEPA requirements. EISs are action information analyses that NEPA recommends be reexamined every 5 years to ensure they encompass the current state of the fishery. NEPA requires that the EIS be updated if there is a significant change that falls outside the scope of the original analysis. With the passage of the Sustainable Fisheries Act in 1996, NMFS determined that the changes constituted a reexamination of the EIS. According to NEPA, such a change does not necessitate a complete revision of the EIS, only the parts that do not fall within the scope of the analysis. These changes are analyzed in a Supplemental EIS (SEIS). After the SEIS was prepared for the GOA and BSAI FMPs, a major federal lawsuit (Greenpeace v. National Marine Fisheries Service, 55 F. Supp. 2d 1248, 1999) found that the document did not analyze all reasonable alternatives, and the judge ordered a PSEIS that analyzed a “no fishing” alternative. Thus, the Council initiated a PSEIS to fulfill the court order and update policy objectives to reflect shifts in fisheries management. After numerous extensions and an extensive development and public review process, the Council adopted the PSEIS in April 2004.

Analysis

The analysis of GOA Amendments 74 (BSAI Amendment 81) was a programmatic evaluation of the groundfish fisheries, which entailed alternatives that examine fishery management from different policy approaches. Each alternative contained a policy statement that detailed an overall management approach and specific management objectives. All the action alternatives contain examples of FMPs that represent a range of management measures that would be employed to meet the policy statement. The analysis identified nine primary objectives to be considered over the life of the PSEIS:

1) Prevent overfishing;
2) Promote sustainable fisheries and communities;
3) Preserve food web;
4) Manage, reduce, and avoid bycatch and incidental catch;
5) Avoid impacts to seabirds and marine mammals;
6) Reduce and avoid impacts to habitat;
7) Promote equitable and efficient use of fishery resource;
8) Increase Alaska Native consultation; and
9) Improve data quality, monitoring, and enforcement.

Regulation Summary

Amendments 74 and 81 formally adopted the new policy goals and objectives defined in the PSEIS for the FMPs. Five management goals were established through the PSEIS process:

1) Sound conservation of the living marine resource;
2) Socially and economically viable fisheries and fishing communities;
3) Minimal human-caused threats to protected species;
4) Healthy marine resource habitat;
5) Ecosystem-based considerations in management decisions.

Results

Annual review of the Council’s Programmatic Groundfish Management Policy is mandated by the groundfish FMPs and in practice is generally conducted at each Council meeting during staff tasking through a programmatic workplan. Annual review of the Management Policy since implementation has confirmed that the Policy continues to be appropriate and applicable for management of Gulf of Alaska groundfish fisheries. In 2015, NOAA Fisheries determined, based on a supplemental information report that the “2004 PSEIS continues to provide NEPA compliance for the groundfish FMPs and a supplemental NEPA document is not necessary”.

Block and seabirds. Photo courtesy of Karla Bush.

75 Administrative | Catch Limits

Housekeeping Amendments: updated harvest, ecosystem, and socioeconomic information

Council Action	Notice of Availability	Approval of Amendments
December 2004	*March 24, 2005* *70 FR 15067*	*June 20, 2005* *70 FR 35395*

Purpose and Need

After the adoption of the Programmatic Supplemental Environmental Impact Statement (PSEIS) as BSAI Amendment 81 and GOA Amendment 74 in 2004, the Council identified the need to reorganize the content of the FMPs, technically edit the language, and update certain descriptions within the FMPs that did not reflect the current status of the groundfish fisheries. In December 2004, the Council unanimously recommended GOA Amendment 75 and BSAI Amendment 83 to update harvest, ecosystem, and socioeconomic information, consolidate text, and reorganize the FMPs to make them consistent with the adopted provisions in the PSEIS. Additionally, the Council adopted a substantive change to the groundfish FMPs, namely to remove language in the BSAI and GOA FMPs that allows TAC or OY to be set higher than ABC or the sum of ABCs, respectively. This change reflected to the new policy objectives in the FMPs.

Regulation Summary

GOA Amendment 75 and BSAI Amendment 83 consisted of housekeeping changes to update information and technically edit the FMPs to make them consistent with the PSEIS. The Amendments also revised the harvest specifications process in the FMPs to make them consistent with the new policy objectives established in Amendments 74 and 81.

Results

The FMP text better reflected existing conditions.

Sitka harbor. Photo courtesy of Herman Savikko

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Monitoring

Restructuring the Program for Observer Procurement and Deployment in the North Pacific

Council Action	Proposed Rule	Final Rule	Effective
October 2010	*April 18, 2012* *77 FR 23325*	*November 21, 2012* *77 FR 70062*	*January 1, 2013*

Purpose and Need

The North Pacific Groundfish Observer Program was largely successful during the early years of its implementation, but it had a number of inherently restrictive components within the program's structure (as described in GOA Amendments 30 and 47). Vessel coverage had not changed since the early 1990s, largely because cost and statutory constraints prevented the Council from addressing restructuring the program. Observer deployment was also a longstanding issue. Lack of funding and resources restricted coverage levels and deployment, and the structure did not allow for the flexibility to respond to future management needs. Furthermore, the existing structure did not allow for managers to control when or where observers were deployed resulting in potential sources of bias that could jeopardize the statistical integrity of the data. The cost structure of the program also meant that the cost of observer coverage on smaller vessels was disproportionately higher relative to gross earnings. The funding of the Observer Program did not provide the flexibility or resources to solve the inherent problems of the existing program and was too rigid to allow for adapting to shifting management objectives. This action was necessary to resolve data quality and cost equity concerns with the Observer Program's funding and deployment structure.

Analysis

A 379-page EA/RIR/IRFA (dated March 2011) was prepared for GOA Amendment 76 and BSAI Amendment 86. Four alternatives were considered that analyzed various fee structures, within the 2% maximum as mandated by the Magnuson-Stevens Act. Additionally, two options were considered that addressed NMFS' reporting expectations for the Council. The preferred alternative by the Council was Alternative 3, a coverage-based restructuring alternative that would implement a 1.25% ex-vessel value fee for vessels participating in the groundfish fishery. The second option, which called for an annual financial report by NMFS laying out the Observer Program budget, was also supported by the Council.

In 2015, NMFS prepared a 140-page Supplemental EA for this action. NMFS prepared the supplement in response to a Court Order to consider whether the restructured Observer Program would yield reliable, high quality data given likely variations in costs and revenues. The agency collected and analyzed observer data, costs, and fee revenue from two complete years under the new program, 2013 and 2014.

Regulation Summary

GOA Amendment 76 (which revised GOA Amendment 18) and BSAI Amendment 86 (which revised BSAI Amendment 13) implemented an ex-vessel value-based fee structure for all vessels (including vessels under 60 feet length overall) fishing for groundfish with a federal fishing permit in federal waters, and all vessels fishing halibut and sablefish IFQ in federal or state waters. They also established two observer coverage categories: <100% observer coverage and ≥100% observer coverage. Vessels in the <100% category are subject to an ex-vessel value-based fee not to exceed 2%. Vessels with ≥100% observer coverage obtain coverage by contracting directly with observer providers to meet coverage requirements.

Results

The restructured Observer Program was implemented at the start of the 2013 fishing year. Each year, an Annual Deployment Plan (ADP) is prepared by the agency and reviewed by the Council. The ADP describes how and at what selection rate vessels in the partial coverage category will be randomly selected for observer coverage. The ADP also provides an evaluation of the potential risks (that coverage goals will not be met) associated with different allocations of deployment rates. An Annual Report on the previous year's observer program is presented to the Council each June, which describes the overall program budget, whether the deployment plan's sampling goals were met, enforcement issues, and other issues that may be requested by the Council or highlighted by the agency.

Under the restructured Observer Program, observer coverage categories based on vessel length or processing volume were removed and replaced with requirements based on the data needs for specific management programs. The number of participants in the full coverage category increased, although there were no other structural changes to the deployment or funding of observers in this category. In the partial coverage category, the number of vessels subject to coverage greatly increased, to include all vessels in the halibut fishery and groundfish vessels less than 60 feet length overall that had never carried an observer under the previous program. NMFS' ability to estimate total catch in all Federal fisheries in the North Pacific is considerably improved, both by expanding observer coverage to previously unobserved vessels, and adopting a representative sampling plan that resolves spatial and temporal coverage issues resulting from the previous ad hoc deployment method.

77 Administrative | FMP Species Categories

Remove Dark Rockfish from the FMP

Council Action	Proposed Rule	Final Rule	Effective
April 2007	*September 24, 2008* *73 FR 55010*	*December 31, 2008* *73 FR 80307*	*January 30, 2009*

Purpose and Need

A 2004 scientific paper titled "The dusky rockfishes (Teleostei: Scorpaeniformes) of the North Pacific Ocean: resurrection of *Sebastes variabilis* (Pallas, 1814) and a re-description of *Sebastes ciliatus* (Tilesius, 1813)" by James W. Orr and James E. Blackburn found that the two forms of dusky rockfish – "light dusky rockfish" and "dark dusky rockfish" – were two distinct species. The dusky rockfish (*Sebastes variabilis*) is primarily found in deeper water, while the "dark dusky rockfish" or dark rockfish (*Sebastes ciliatus*) is found in shallow water. With the recognition of two distinct species and with dark rockfish primarily occupying habitats found in State waters, the Council initiated a discussion paper to analyze the impacts of transferring management authority of the nearshore species to the State. Management by the State of Alaska would better address localized assessment and harvest requirements for this nearshore species than was provided by Federal management under the larger pelagic shelf rockfish (PSR) complex in the GOA and the "other rockfish" (OR) component in the BSAI. A similar situation was addressed by Amendment 46, which removed black rockfish and blue rockfish, both nearshore species not well-assessed by the trawl survey, from the GOA groundfish FMP, and turned management over to the State of Alaska.

Analysis

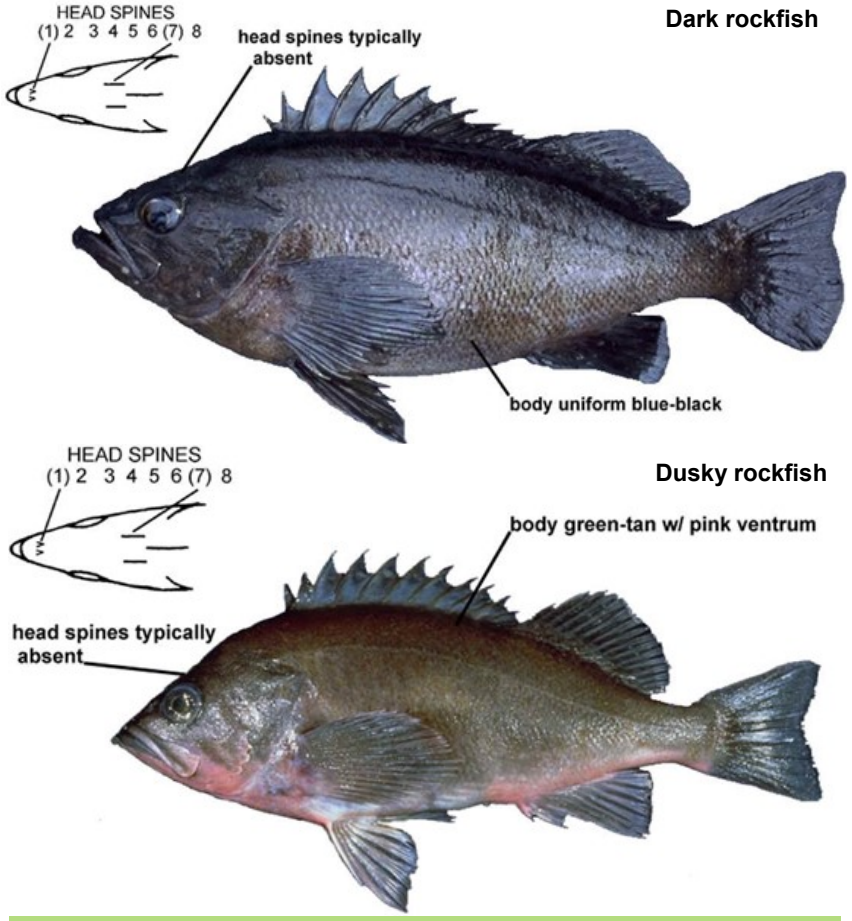
A 98-page EA/RIR/IRFA (Secretarial review draft dated August 2008) was prepared to analyze a status quo alternative and an alternative to remove dark rockfish from the GOA and BSAI groundfish FMPs. The Council also discussed an alternative to transfer dark rockfish management authority to the State of Alaska, but still retain the species under the FMPs. This alternative was not carried forward because of the difficulty in reconciling State and Federal management procedures. The EA determined that there would be minimal effect on the groundfish fishery should dark rockfish be assigned to State management. Similarly, the RIR found that there would be no significant costs associated with the action alternative.

Regulation Summary

GOA Amendment 77 and BSAI Amendment 73 transfer management authority of dark rockfish from the FMPs to the State of Alaska. Further, the amendments update the language of the FMPs to account for the updated taxonomic information.

Results

The OY no longer includes TAC or catch of dark rockfish, and is no longer assessed as part of the SAFE report. This nearshore species now receives more localized conservation and management through the State of Alaska.



Dark (top) and Dusky (bottom) rockfish. Photo courtesy of AFSC.

78 Allocation

Allow Post-Delivery Transfers of Cooperative Quota in the Central GOA Rockfish Pilot Program and Amendment 80 Program

Council Action	Proposed Rule	Final Rule	Effective
February 2008	*January 5, 2009* *74 FR 254*	*August 21, 2009* *74 FR 42178*	*September 21, 2009*

Purpose and Need

When the BSAI Amendment 80 Program and the Central GOA Rockfish Pilot Program were established, NMFS issued quota share (QS) to individual vessels based on their historic participation in the fishery. QS holders could then either join cooperatives with other QS holders or participate in a limited access fishery with other non-cooperative QS holders. If QS holders opt to form a cooperative, a cooperative quota (CQ) is issued by NMFS based on the relative amount of QS held by members compared to the total QS pool. The CQ serves as a permit that provides exclusive harvesting privileges for a specific amount of groundfish.

Excess harvest of the CQ allocation is a regulatory violation and is punishable by confiscation of catch and other penalties. Concerns were expressed that a portion of the CQ went unharvested due to the risk of overages and associated penalties. Though strict overage penalties were in place, the fleet was relatively inflexible in how they could handle quota transfers, and therefore opted to forego harvesting a portion of their quota to avoid the risk of incurring the penalties associated with excess harvest. Under both Amendment 80 and the Central GOA Rockfish Pilot Program, cooperatives could transfer unused CQ to other cooperatives but were subject to NMFS approval before they were effective; post-delivery transfers – a transfer of CQ after delivery to rectify a negative CQ balance – were not permitted.

In a purpose and need statement, the Council identified the need to allow post-delivery transfers of CQ to reduce the number of violations and encourage a more complete harvest of the quota without the risk of overharvesting allocations.

Analysis

Two separate RIRs were written for GOA Amendment 78 and BSAI Amendment 90 (Secretarial review drafts dated June 2009). These RIRs each analyzed two action alternatives and a status quo alternative. Both action alternatives involved the allowance of post-delivery transfers, but at different amounts. Alternative 2 (the Council's preferred alternative) allowed for unlimited post-delivery transfers, while Alternative 3 provided moderately limited post-delivery transfers. Under Alternative 3, the strictly limited transfer of PSC was likely sufficient to cover an unintentional overage arising from a single tow, but could reduce the effectiveness of the provision in addressing harvesting efficiencies that could be realized through in-season transfers used to coordinate harvesting activity that could not be completed in a timely manner.

Regulation Summary

Amendment 78 to the GOA FMP and Amendment 90 to the BSAI FMP added the language to the respective FMP to allow for the transfer of CQ after a delivery to cover any potential overages given that the cooperative account had a zero or positive balance before the start of the trip.

Results

Both actions were instrumental in allowing unlimited post-delivery transfers within the cooperatives. In June 2010, the Council took final action defining a catch share program for the Central GOA directed rockfish fisheries. The program was intended to replace the pilot program (Amendment 68) since that program expired at the end of the 2011 season. As part of the new Central GOA Rockfish Program (Amendment 88), post-delivery transfers of cooperative quota were authorized.

Yelloweye rockfish. Photo courtesy of Julianne Curry.

79 Catch Limits | FMP Species Categories

Set Allowable Biological Catch and Overfishing Level Specifications for the 'Other Species' Category

Council Action	Notice of Availability	Final Rule	Effective
April 2008	*May 29, 2008* *73 FR 30875*	*August 25, 2008* *73 FR 49963*	*August 20, 2008*

Purpose and Need

The Council previously set the total allowable catch (TAC) for the "other species" category (sharks, squids, sculpins, and octopus) based on a formula in the FMP that was intended to accommodate incidental catch needs in the directed groundfish fisheries. The TAC was currently set at or below 5% of the combined TACs for the GOA target species. However, the FMP did not authorize the specification of an overfishing level (OFL) or acceptable biological catch (ABC) for the category. All other GOA groundfish TACs were set using the harvest specifications procedure that is laid out in the FMP. This procedure requires an annual or biennial stock assessment, which is reviewed by the Council's GOA Groundfish FMP Team and the Council's Scientific and Statistical Committee (SSC), who use it to recommend an OFL and ABC for the species or category. The Council then set OFL and ABC based on the SSC's recommendations, and sets TAC at no greater than ABC. The purpose of this amendment is to (1) provide a sound biological basis for the setting of TAC for the "other species" category, in line with other GOA and BSAI groundfish species and species complexes; and (2) provide for an annual review of the stock status of the "other species" category to further reduce the risk of overfishing the species in this category. The Council developed the following problem statement for the analysis:

The proposed action was intended to comply with the MSA's National Standard 1, and Sections 302(h)(6) and 302(a) that specify annual catch limits, and Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 Section 104(b)(1)(B) requirements that annual catch limits be implemented in 2011, and other applicable laws.

This action would allow the harvest specifications for this category to be directly related to biologically-based characteristics of the species in this category.

Analysis

A 16-page EA which analyzed two alternatives was prepared for Amendment 79. Alternatives included the no action alternative, as well as the action (preferred) alternative to set aggregate OFL and ABC for the GOA "other species" category.

Regulation Summary

Amendment 79 requires the Council to recommend an aggregate OFL and ABC for the "other species" category in the GOA as part of the annual groundfish harvest specifications process. This requires managing the "other species" category in the GOA groundfish FMP in the same manner as is required for the "other species" category under the BSAI groundfish FMP. An annual stock assessment for the "other species" category is required, upon which the Plan Team, SSC, AP, and Council would base their recommendations for harvest specifications.

This action allows the Council and NMFS to incorporate the best and most recent scientific and socioeconomic information for the specification of the "other species" total allowable catch, acceptable biological catch, and overfishing level.

Results

This action provided an interim management step to better provide for scientifically informed specifications of OFL, and ABC in aggregate for the other species complex. This provides a means to evaluate to what extent overfishing is occurring on the complex as a whole, as well as whether there are scientific concerns regarding any of the individual species managed within the complex. This amendment provided the basis upon which to manage the stocks as individual species. With ACL revisions resulting from the Magnuson-Stevens Reauthorization Act in 2007, the "other species" category has been removed and replaced with the categories "in the fishery" or "ecosystem component" (Amendment 87).

Red Irish lord (*Hemilepidotus hemilepidotus*).
Photo courtesy of Sara Cleaver.

82 Limited Entry

Rescind Latent Trawl Gear Licenses

Council Action	Proposed Rule	Final Rule	Effective
June 2006	*December 30, 2008* *73 FR 79773*	*August 14, 2009* *74 FR 41080*	*September 14, 2009*

Purpose and Need

In the mid to late 1990s, the Council developed the License Limitation Program (LLP) to address capacity concerns and take a first step toward rationalization of the groundfish fisheries under its management. The LLP established criteria for the issuance of licenses to persons based on fishing history of vessels. Generally, a vessel participating in groundfish fisheries in Federal waters in the BSAI or GOA is required to have an LLP license with the applicable area endorsement and designated for the gear (trawl or non-trawl) and operation type (catcher processor or catcher vessel) and of sufficient maximum length overall (MLOA). After fishing under the program began in 2000, public testimony and review of landings data made NMFS aware that a large number of trawl LLP licenses were not being used for fishing in some, or all, of the regulatory areas for which they were endorsed. A review of "latent" LLP licenses – valid LLP licenses that were unused – was initiated after active trawl fishermen expressed that should latent LLP licenses become active it would adversely affect their fishing operations. So, in June 2006, the Council identified the need to reduce the future potential for an increase in trawl groundfish fishing effort from LLPs currently unused or underutilized in all areas. They noted that LLP holders currently fishing the BSAI and GOA groundfish trawl fisheries have made significant investments, have long catch histories, and are economically dependent on the groundfish resources from these areas. The intent of this action was to provide protection for currently participating permit holders from those permit holders who could re-enter the fisheries in the future using a latent license.

Analysis

A 100-page EA/RIR/IRFA (Secretarial review draft dated July 2008) was prepared for GOA Amendment 82/BSAI Amendment 92. Two action alternatives to implement landing criteria to retail trawl LLP area endorsements were considered, with four components. The components addressed landings thresholds, multiple LLPs stacked on a single vessel, exempting Amendment 80 licenses from the CG and WG thresholds, and adding new AI endorsements to trawl LLPs. The Council selected the action that represented a modest step between the status quo and a rationalized trawl fishery. Exemptions were established primarily because the participants in the rationalization programs have already met specified and more detailed thresholds for these specific management areas.

Regulation Summary

Amendments 82/92 consist of two actions.

1) Latent LLP licenses that have not more at least two landings using trawl gear between the years 2000 and 2006 in a particular endorsement area will have that area removed from the LLP.

2) The issuance of new and additional trawl CV AI area endorsements for the Aleutian Islands subarea.

There were two exemptions to the forfeiture of latent LLP licenses:

1) Vessels with an LLP license that made more than 20 landings in at least one of the areas of the GOA from 2005 to 2007 may continue to hold an endorsement in both the Central Gulf (CG) and Western Gulf (WG). This exemption also allows trawl vessels participating in the CG to keep their WG endorsement because the TAC in the WG had not been fully harvested in recent years.

2) Vessels with LLP licenses assigned to Limited Access Privilege Programs (LAPPs). Exemptions for LLP licenses assigned to AFA vessels, the CG Rockfish Program, and the Amendment 80 Program allowed for the fulfillment of the goals of the programs, which is to facilitate the development of cooperatives.

Results

Capacity has been further constrained in the GOA as a result of this action. The Council has continued to adjust LLP programs as per Amendment 86.

Trawl vessel. Photo courtesy of Karla Bush.

83 Allocation

Pacific Cod Allocation

Council Action	Proposed Rule	Final Rule	Effective
December 2009	*July 26, 2011* *76 FR 44700*	*December 1, 2011* *76 FR 74670* *Corrected December 29, 2011*	*January 1, 2012*

Purpose and Need

Competition for the GOA Pacific cod resource increased for a variety of reasons, including increased market value of cod products, rationalization of other fisheries in the BSAI and GOA, increased participation by fishermen displaced from other fisheries, reduced Federal TACs due to the State waters (parallel) cod fishery, and Steller sea lion mitigation measures including the A/B seasonal split of the GOA Pacific cod TACs. The GOA Pacific cod resource is targeted by multiple gear and operation types, principally by pot, trawl, and hook-and-line CVs and CPs. Smaller amounts of cod are harvested by jig vessels and as incidental catch in other fisheries. The competition among sectors in the fishery may contribute to higher rates of bycatch, discards, and out-of-season incidental catch of Pacific cod. Separate TACs are identified for Pacific cod in the Western, Central, and Eastern GOA management subareas, but the TACs are not divided among gear or operation types. This results in a derby-style race for fish and competition among the various gear types for shares of the TACs, which had intensified over the years prior to this amendment. Participants in the fisheries who had made long-term investments and were dependent on the fisheries faced uncertainty as a result of the competition for catch shares among sectors.

At the time of the amendment, there were no limits on entry into the parallel waters groundfish fisheries, and no limits on the proportion of the GOA Pacific cod TAC that could be harvested in parallel waters. There was concern that participation in the GOA Pacific cod parallel waters fishery by vessels that did not hold LLP licenses may increase. The Council, in consideration of options and recommendations for the parallel fishery, needed to balance the objectives of providing stability to the long-term participants in the sectors, while recognizing that new entrants who do not hold Federal permits or licenses may participate in the parallel fishery.

The purpose of Amendment 83 was to enhance stability in the Pacific cod fishery, reduce competition among sectors, and preserve the historical division of catch among sectors. Without sector allocations, it was thought that future harvests by some sectors may increase and impinge on the historical levels of catch by other sectors.

Analysis

A 209-page EA/RIR/IRFA (final draft dated September 6, 2011) was prepared for this amendment. The analysis included two alternatives, including the No Action alternative, which would not make any changes to the existing allocations of the Western and Central GOA TACs between the inshore and offshore processing sectors. Alternative 2, the Preferred Alternative, would allocate the Western and Central GOA Pacific cod TACs among the sectors, as defined by gear and operation types. Alternative 2 included 10 components that outlined the details of the proposed action, which:

1) defined the management area;
2) defined the sectors;
3) defined qualifying catch;
4) discussed potential sector allocations;
5) considered jig allocations;
6) outlined options for rollover provisions for unharvested sector allocations;
7) discussed options to apportion the GOA hook-and-line halibut PSC limit to the hook-and-line CV and CP sectors;
8) considered community protection provisions;
9) allowed adjustment of sector allocations to address conservation, catch monitoring, equity of access, bycatch and PSC reduction, and social objectives; and
10) discussed parallel fishery issues.

Regulation Summary

Amendment 83 divided the Western and Central GOA Pacific cod TACs among the various gear and operation types. Allocations to each sector were based primarily on historical dependency and qualifying catch history, but could be adjusted to address conservation, catch monitoring, and social objectives, including considerations for small boat sectors and coastal communities. This rule limited access to the Federal Pacific cod fisheries prosecuted in State of Alaska waters, commonly known as the parallel fishery, adjacent to the Western and Central GOA. Due to only a small proportion of the Eastern GOA TAC being harvested in the years leading up to the amendment, the Council did not allocate the Eastern GOA Pacific cod TAC among sectors.

Results

Amendment 83 reduced uncertainty and contributed to stability across the sectors, as well as promoted community participation and provided incentives for new entrants in the jig sector. The action limited the use of mobile floating processors, commonly known as motherships.

A correction to the Amendment was published December 29, 2011 (76 FR 81872), which corrected the reference to “catch and process” to read as “directed fish for”.

Pacific cod (*Gadus macrocephalus*). Photo courtesy of AFSC.

85 Allocation

Remove BSAI Stand Down Provision for Catcher Processors Participating in GOA Rockfish Program

Council Action	Proposed Rule	Final Rule	Effective
October 2008	*May 13, 2009* *74 FR 22507 (corrected)*	*November 3, 2009* *74 FR 56728*	*December 3, 2009*

Purpose and Need

The Central Gulf of Alaska Rockfish Program (Rockfish Program) included a sideboard provision that regulated the participation of rockfish catcher/processor (CP) vessels in the Bering Sea and Aleutian Islands (BSAI) groundfish fisheries. CP vessels that joined a rockfish cooperative, or fished in the limited access fishery and held more than 5% of the CP Central Gulf of Alaska (GOA) Pacific ocean perch (POP) history were subject to a July stand down provision in the BSAI. This stand down period was put in place to prevent participants in the Rockfish Program from unfairly benefitting from their rockfish allocation by increasing their effort in BSAI fisheries. At the time the Rockfish Program and its stand down restriction were being developed, all directed BSAI trawl fisheries with the exception of pollock were subject to a managed open access race for fish. BSAI Amendments 80 and 85, implemented subsequent to the Rockfish Program, allocated exclusive privileges for various BSAI groundfish species (Atka mackerel, AI POP, flathead sole, Pacific cod, rock sole, and yellowfin sole) to the head-and-gut trawl CP sector (the Amendment 80 sector) in the BSAI and allowed vessels in that sector to form cooperatives. Most of the Rockfish Program CP vessels are also part of the BSAI Amendment 80 sector. Given that, except for pollock, the species allocated under BSAI Amendments 80 and 85 comprised the major directed fisheries in the BSAI, and most CP participants in the Rockfish Program were already allocated exclusive privileges for harvesting these BSAI species, it was determined that the July stand down was no longer required as a protection measure.

Analysis

A 45-page RIR/FRFA was prepared for this amendment. The analysis considered four alternatives, including the status quo, to remove the BSAI stand downs. Alternative 2 considered limiting the exemption to CPs that annually choose to participate in an Amendment 80 cooperative, while Alternative 3 considered extending the exemption to any CP that was part of the Amendment 80 sector. Alternative 4, the preferred alternative, considered removing the BSAI stand down provision from the Rockfish Program.

Regulation Summary

These regulations amended the Central Gulf of Alaska Rockfish Program to remove a restriction that prohibited certain catcher/processors from participating in directed groundfish fisheries in the Bering Sea and Aleutian Islands Management Area in July.

Rockfish haul. Photo courtesy of Mark Fina.

Results

GOA Amendment 85 improved flexibility and reduced operating costs for catcher/processors that participate in the Central Gulf of Alaska Rockfish Program. The following are other results from GOA Amendment 85:

- Reduced halibut bycatch
- Reduced Chinook salmon bycatch in some years
- Allowed CP fishing effort to be distributed over a longer fishing season
- Improved NMFS' ability to conserve and manage the species in the program
- Increased vessel accountability
- Controlled capacity of the fleets
- Controlled consolidation
- Reduced trawl gear contact with the sea floor
- Improved safety at sea
- Kodiak and shore-based processing sector have benefited from stabilization of the workforce

86 Limited Entry

Add Pacific Cod Endorsement on LLP

Council Action	Proposed Rule	Final Rule	Effective
December 2009	*July 23, 2010* *75 FR 43118*	*March 22, 2011* *75 FR 15826*	*April 21, 2011*

Purpose and Need

Prior to GOA Amendment 86, competition among fixed-gear participants in the Western and Central GOA Pacific cod fisheries had intensified for a variety of reasons, including increased market value of Pacific cod products, a declining ABC/TAC, increased participation by harvesters displaced from other fisheries and introduction of capital that had been accrued from participation in rationalized fisheries. Many fixed-gear vessel owners at the time had made significant investments and were dependent on the Western GOA and Central GOA Pacific cod resources, and these long-term participants were concerned about the potential for latent fixed-gear licenses to re-enter the fisheries and erode catches. The Council also wanted to retain opportunities for small community quota eligible (CQE) communities dependent on access to a range of federal fishery resources. The intent of the proposed amendment was to prevent the future entry or re-entry of latent fixed-gear groundfish fishing capacity that had not been utilized in recent years into the Pacific cod fisheries.

Analysis

A 151-page EA and RIR (Secretarial review draft dated December 2009) was prepared for GOA Amendment 86. Two alternatives, including the no action alternative, were considered. Alternative 2, the action alternative, would add gear-specific Pacific cod endorsements to fixed-gear groundfish LLP licenses, which would limit entry into the directed Pacific cod fisheries in Federal waters of the Central and Western GOA. This preferred alternative included seven components that outlined the details of the proposed action. The components identified the following:

1) The management areas subject to the proposed action;
2) the sectors subject to the proposed action;
3) the qualifying years that could be selected for purposes of defining recent participation in the GOA directed Pacific cod fisheries;
4) a definition of qualifying catch, and lists options for landings and catch (mt) thresholds;
5) potential solutions to issues related to vessels that have multiple LLPs, or 'stacked' licenses;
6) an option to add a new endorsement to fixed gear groundfish LLP licenses with Western GOA or Central GOA area endorsements that would limit the width or simple gross tonnage of the vessel assigned to the license; and
7) a way to provide fixed gear LLP licenses to qualified Community Quota Entities (CQEs) in the Western GOA and Central GOA.

The Council also considered several exemptions from the action and the LLP requirement.

Regulation Summary

This action added a Pacific cod endorsement on licenses issued under the License Limitation Program (LLP) in specific management areas if those licenses have been used on vessels that met minimum recent landing requirements using non-trawl gear, commonly known as fixed-gear. It also exempted vessels using jig gear from LLP requirement in all directed groundfish fisheries in the GOA, modified the maximum length designation on a specific set of fixed-gear licenses, and exempted CP licenses from the 50 mt catch threshold, if the license holder voluntarily stood down from the Western or Central GOA Pacific cod fisheries during 2006, 2007, or 2008, as part of the informal halibut PSC co-op. Finally, it allowed qualified CQEs to request non-transferable, fixed-gear groundfish licenses with a Pacific cod endorsement.

Results

The number of licenses eligible to participate in the directed Pacific cod fisheries in Federal waters of the Western and Central GOA was substantially limited because of this amendment. As of 2019, there are six CQEs that have requested LLP licenses with Pacific cod endorsements. Three of these CQEs have linked these licenses to a vessel.

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Catch Limits | FMP Species Categories

Revise FMPs to Establish Annual Catch Limits and Accountability Measures

Council Action	Proposed Rule	Final Rule	Effective
April 2010	*July 16, 2010* *75 FR 41424*	*October 6, 2010* *75 FR 61639*	*November 5, 2010*

Purpose and Need

As part of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA), new requirements for annual catch limits (ACLs) and accountability measures (AMs) were introduced to reinforce existing requirements to prevent overfishing and rebuild fisheries. This measure was to be immediately applied to overfished fisheries, but could be delayed until the 2011 fishing year for fisheries not overfished. Since none of the Alaska groundfish fisheries were overfished, the implementation of ACLs and AMs could be delayed until 2011. Additionally, BSAI and GOA groundfish FMPs were out of compliance with the "other species" management strategy National Standard 1 (NS1) guidelines set in 2009. Each year the overfishing limit (OFL), acceptable biological catch (ABC), and total allowable catch (TAC) are established for the "other species" group as a whole. At the time, the FMPs combined the management of short-lived invertebrates like squid and octopus with long-lived vertebrates like shark and skate. In the GOA FMP, shark, sculpin, octopus, and squid were managed as a complex and in the BSAI FMP skate, shark, sculpin, and octopus groups were managed as a complex. This did not comply with the MSA and revised NS1 guidelines, which advised that species with dissimilar life history characteristics may not be managed under the same stock assemblage.

Analysis

A 128-page EA and 15-page RIR were prepared for GOA Amendment 87 and BSAI Amendment 96. The analysis considered three alternatives, including the No Action alternative. There were also six alternatives that were considered but not moved forward for analysis due to NS1 considerations. All of the alternatives addressed listing of species groups in a variety of ways.

Regulation Summary

Amendment 87 in the GOA and 96 in the BSAI revised the FMPs to meet the National Standard 1 guidelines for annual catch limits and accountability measures. These amendments eliminated the "other species" category and allowed (GOA) squids, (BSAI and GOA) sculpins, (BSAI and GOA) sharks, and (BSAI and GOA) octopus to be managed separately in the "target species" category, and as such, are considered "in the fishery". Prohibited species and forage fish were moved to the "ecosystem component" category. Ecosystem component species are stocks that a Council or the Secretary has determined do not require conservation and management, but desire to list in an FMP in order to achieve ecosystem management objectives. Non-specified species were removed from the FMPs. ACLs were established for all stocks 'in the fishery' and set equal to ABC levels that are already annually specified under both FMPs. AMs reference in-season management authority to NMFS to prevent exceeding established ACLs.

Results

Conservation has increased as catch specifications have been set separately for (GOA) squids, (BSAI and GOA) sculpins, (BSAI and GOA) sharks, and (BSAI and GOA) octopus. Most of the modifications to address ACLs and AMs were primarily housekeeping amendments to reference the existing system of catch specifications (OFL, ABC and TAC) for all target species. Therefore, no major management changes occurred as a result of meeting ACL and AM provisions and the management system continues to prevent overfishing and rebuild fisheries.

Octopus. Photo courtesy of Karla Bush.

88 Allocation

Central Gulf of Alaska Rockfish Program

Council Action	Proposed Rule	Final Rule	Effective
June 14, 2010	*August 19, 2011* *76 FR 52148*	*December 27, 2011* *76 FR 81247* *Corrected: January 18, 2012* *77 FR 2478*	*December 27, 2011*

Purpose and Need

Since implementation of Amendment 68 in 2007, NMFS managed the rockfish fisheries under the Central Gulf of Alaska Rockfish Pilot Program (RPP). Under the RPP, NMFS allocated exclusive harvesting and processing privileges for a specific set of rockfish species and for associated species harvested incidentally to those rockfish in the Central GOA. Although originally subject to a sunset after 2 years, the 2007 reauthorization of the Magnuson-Stevens Act extended the term of the RPP to 5 years. Under this extension, the RPP was scheduled to sunset after the 2011 season. In the absence of Council action, management of the rockfish fisheries would revert to the License Limitation Program (LLP). This action considered alternatives to allowing the rockfish fisheries to return to LLP management, in order to maintain the benefits derived under the RPP.

Analysis

A 300-page EA/RIR/IRFA (Secretarial Review draft dated October 17, 2011) was prepared for this amendment. The analysis considered multiple alternatives for three different sectors (entry level, catcher vessels, and catcher processors). As part of its preferred alternative, the Council chose to: 1) establish an entry level fishery for the longline sector only; 2) establish a cooperative structure for the rockfish fisheries; and 3) establish a cooperative program with annual, severable processor associations.

Regulation Summary

GOA Amendment 88 replaced the CGOA RPP with the Rockfish Program. The Rockfish Program implemented by this final rule includes similar implementation, management, monitoring, and enforcement measures to those developed under the RPP. For example, the Rockfish Program will 1) continue to assign rockfish quota share (QS) and cooperative quota (CQ) to participants for rockfish primary and secondary species; 2) allow a participant holding an LLP license with rockfish QS to form a rockfish cooperative with other persons; 3) allow holders of catcher/processor (CP) LLP licenses to opt-out of rockfish cooperatives each year; 4) include an entry level longline fishery; 5) establish sideboard limits, which are limits designed to prevent participants in the Rockfish Program from increasing their historical effort in other GOA groundfish fisheries; and 6) include monitoring and enforcement provisions.

The Council recommended the Rockfish Program include modified provisions of the RPP as well. Key changes to the Rockfish Program, in contrast to the Pilot Program, were to:

- Change the qualifying years for eligibility for QS;
- Use a different suite of years to determine sideboard limits and the allocation of QS;
- Assign rockfish cooperatives a specific portion of the Central GOA TAC of species historically harvested in the rockfish fisheries;
- Assign a specific amount of halibut PSC to cooperatives and conserve a portion of the halibut that will remain unallocated;
- Restrict entry level fishery to longline gear only;
- Relax the requirements to form a cooperative;
- Specify the location where harvesters in cooperatives must deliver rockfish;
- Remove the requirement that harvesters in a catcher vessel (CV) cooperative deliver to a specific processor;
- Discontinue the limited access fishery;
- Simplify sideboards, and slightly modify sideboards for CPs;
- Implement a cost recovery program for all participants except for opt-out vessels and the entry level longline fishery; and
- Be authorized for 10 years, from January 1, 2012, until December 31, 2021.

Results

The Rockfish Program allowed for a more rational distribution of effort, and has improved NMFS' ability to conserve and manage the species in the program. The Program also helped control the capacity of the fleet and consolidation, and successfully removed disincentives for some CP operators to join cooperatives. The Program has improved safety at sea, as there were no work-related crewmember fatalities or vessel disasters since implementation.

Retention rates in the Rockfish Program approach 100% for each fishery in most years. Halibut mortality rates in the Program have decreased 90% in the CV sector when compared to 2003 through 2006 levels, and the CP sector also realized reductions in halibut mortality amounts and rates. Greater use of pelagic gear under the Program has reduced trawl gear contact with the sea floor. Chinook salmon bycatch remains highly variable year-to-year. Industry members continue to try new methods to reduce Chinook salmon bycatch.

Kodiak and shore-based processor sector have benefited from stabilization of the work force. Under the Program, shoreside deliveries of rockfish have increased, and raw fish delivered under the Program are of higher quality, but product diversity has not changed.

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Gear Restrictions | Habitat Conservation | PSC | Spatial Management

Establish Crab Protection Area in Marmot Bay, Elevating Devices on Trawl Sweeps

Council Action	Proposed Rule	Final Rule	Effective
October 2009	*June 17, 2013* *78 FR 36150*	*January 16, 2014* *79 FR 2794*	*February 18, 2014*

Purpose and Need

Tanner crab is a prohibited species in the Gulf of Alaska groundfish fisheries. Directed fisheries for Tanner crab in the Gulf of Alaska were fully allocated under the limited entry system. At the time, no specific conservation measures existed in the GOA to address adverse interactions between both the trawl and fixed gear sectors targeting groundfish and Tanner crab.

In the Bering Sea, however, trawl sweep modifications had been effective at reducing unobserved prohibited species catch (PSC) mortality of Tanner crab while maintaining flatfish catch. Additionally, low observer coverage in GOA groundfish fisheries limited confidence in the assessment of Tanner crab PSC in those fisheries, and the Council recommended that PSC catch estimation be improved either by this action or by the restructured observer program.

Analysis

A 161-page EA/RIR/IRFA (Secretarial review draft dated May 2013) was prepared for the portion of Amendment 89 regarding area closures for tanner crab protection in the GOA groundfish fisheries. The analysis included the potential impacts of four alternatives to close specific areas of the Central GOA to the use of trawl gear and pot gear or, either in addition to or in lieu of a closure, to require additional observer coverage in these areas. Included in the alternatives were options to apply the closures year-round or seasonally, to pot and/or trawl gear types. Additionally, the analysis also examined exempting some vessels from the area closures if they met specific conditions such as using approved gear modifications. Lastly, the analysis examined several alternatives for increased observer coverage requirements to improve estimates of PSC in the closed area, as a basis for future management action as necessary.

Part of the Council's preferred alternative was to develop a trailing amendment to require trawl vessels to use approved modified gear, such as trawl sweep modifications, in the Central GOA nonpelagic trawl fishery. Council staff prepared a 95-page EA/RIR/IRFA to examine the efficacy of requiring the use of modified nonpelagic trawl gear. The analysis included a No Action alternative and one action alternative (preferred). During rulemaking, the 2 actions were recombined into a single amendment.

Regulation Summary

Amendment 89 established a protection area in Marmot Bay, northeast of Kodiak Island, and closed that area to fishing with trawl gear except directed fishing for pollock with pelagic trawl gear. Based on the Council's recommendation, NMFS determined that increased observer coverage requirements under this action would were not necessary, as the intent to improve Tanner crab bycatch information is addressed in the restructured observer program. The restructured observer program was implemented in 2013.

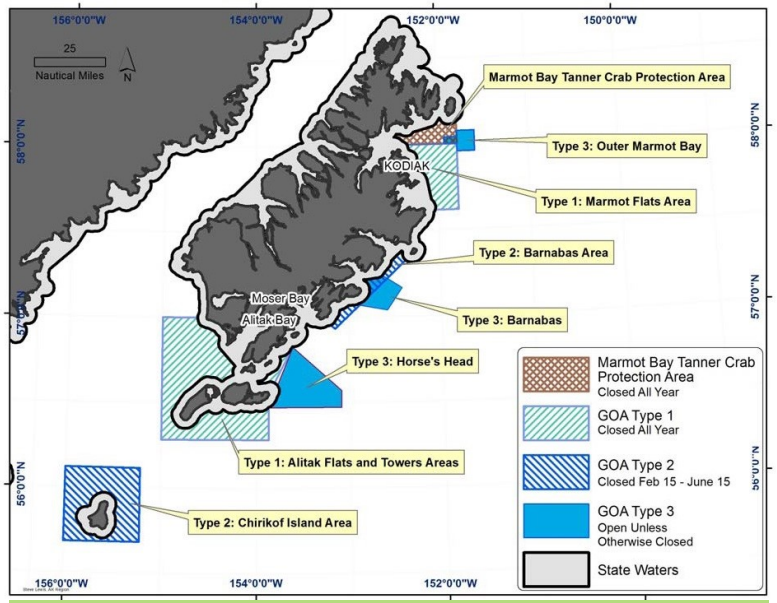
The second part of Amendment 89 required trawl vessels targeting flatfish in the Central GOA with nonpelagic trawl gear to use elevating devices on trawl sweeps, to raise them off the seafloor. The maximum length of net bridles and door bridles between the modified trawl sweeps would be 185 feet in the Central GOA. The preferred alternative also corrected existing Federal regulations to accommodate modified trawl sweeps up to 185 feet in the Bering Sea groundfish fishery.

These actions were combined to comprise the suite of management actions recommended by the Council to provide additional protection and conservation of Tanner crab and benthic habitat in the Central GOA.

Results

The negative impacts of the non-pelagic trawl gear on Tanner crab and Tanner crab habitat in the Central GOA are reduced by the action. Nevertheless, it is not well understood how important trawl interactions are relative to other factors in the environment that may be limiting recovery of the stock and resumption of a stable and profitable Tanner crab fishery.

This amendment built upon other crab protection measures in the GOA, implemented under Amendments 15, 18, 26, and 60.



Crab protection areas around Kodiak Island.

90 Habitat Conservation

Essential Fish Habitat Omnibus Amendments

Council Action	Proposed Rule	Final Rule
April 2011	*August 8, 2012* *77 FR 47356*	*November 6, 2012* *77 FR 66564*

Purpose and Need

Essential fish habitat (EFH) regulations state that a review of EFH provisions of FMPs should be conducted once every five years. Reviews are essential to ensure that FMPs are based on the best available information. The purpose of these periodic reviews is to evaluate published scientific literature, unpublished scientific reports, information solicited from interested parties, and previously unavailable or inaccessible data. In 2009 and 2010, a 5-year EFH review was conducted for the BSAI Groundfish, GOA Groundfish, BSAI Crab, and Scallop FMPs. Based on the findings in the review, the Council identified a number of elements that warranted updates with the most current scientific information. EFH provisions were revised under Amendment 90 to the GOA Groundfish FMP, Amendment 98 to the BSAI Groundfish FMP, Amendment 40 to the BSAI King and Tanner Crab FMP, Amendment 15 to the Scallop FMP, and Amendment 1 to the FMP for Fish Resources of the Arctic Management Area.

Analysis

A 55-page EA (final draft dated October 2012) was prepared for the omnibus amendments. The analysis was divided into seven actions, each with two alternatives: no action or amend the respective FMP based on the findings of the five-year review.

Action was preferred in all seven instances. The EA found that no regulatory action was necessary to implement the Council's preferred alternatives.

Pregnant rockfish inside a glass sponge. Photo courtesy of NMFS.

Regulation Summary

Amendment 90 was approved on October 31, 2012. While there was no regulatory change associated with this amendment, a number of FMP components were revised for EFH in the five amendments in the EFH omnibus, and new habitat and life history information was applied to the FMPs:

- EFH provisions of the BSAI and GOA Groundfish FMPs for 24 species and complexes
- EFH provisions of the BSAI Crab FMP for five (5) crab species and complexes
- EFH provisions of the Scallop FMP for weathervane scallop
- EFH conservation recommendations for non-fishing activities in all five FMPs
- Maximum timeline for considering whether new habitat areas of particular concern are warranted extended from 3 to 5 years in all five FMPs
- Research Objectives for EFH revised in the five FMPs subject to the 2010 EFH 5-year review

None of the changes required regulatory action, and the 2010 EFH 5-year review concluded that no changes to the conclusions on the evaluation of fishing effects on EFH were necessary.

Results

These amendments updated the fishery management plans with the best available information with respect to essential fish habitat life history characteristics and habitat preferences for FMP species.

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91 Administrative | FMP Species Categories | Reporting Requirements

Adding Grenadiers to the FMP

Council Action	Proposed Rule	Final Rule	Effective
February 2014	*May 14, 2014* *79 FR 27557*	*March 5, 2015* *80 FR 11897*	*April 6, 2015*

Purpose and Need

The groundfish fisheries in the BSAI and GOA incidentally catch grenadiers (family Macrouridae) while harvesting other groundfish species. For many years, the Council has considered how best to classify grenadiers in the FMPs. After GOA Amendment 8, from 1980 to 2010, grenadiers were included in the FMPs in the non-specified species category.

In 2010, the Council recommended the non-specified species category be removed from the FMPs when the FMPs were revised. The amended Magnuson-Stevens Act required NMFS and the Council to establish annual catch limits (ACLs) and accountability measures (AMs) for fisheries in the FMP. The Council recommended Amendment 87 to the GOA FMP and Amendment 96 to the BSAI FMP to meet these requirements. The non-specified species, including grenadiers, were removed from the FMPs because these species were too poorly understood to set ACLs and AMs or to develop a management regime. The absence of grenadiers from the FMPs meant that there were no catch limits and no required monitoring of catch in the groundfish fisheries. Due to their abundance, an experimental commercial fishery developed targeting grenadier, but because of poor flesh quality there was little success. Grenadiers were found to play a significant ecological role in their environment, especially the giant grenadier, an apex predator. Amendments 87/96 also amended the FMPs to organize the species remaining in the FMPs according to the National Standard 1 guidelines, in which NMFS recommended two main categories for species in an FMP: Stocks "in the fishery" and ''ecosystem component" (EC) species. By including grenadiers in the FMPs "in the fishery" or as an "ecosystem component" the Council would be able to improve the conservation and catch accounting of grenadiers.

Analysis

A 33-page EA and 9-page RIR (final draft dated August 2014) were prepared for GOA Amendment 91/BSAI Amendment 100. The analysis considered two alternatives to include grenadiers in the FMP, one as an "in the fishery" component and the other as an "ecosystem component." Within the definition of an ecosystem component species, unmanaged target fishing would be prevented, and NMFS would not authorize directed fishing for grenadiers unless catch specifications were provided for them (by moving them into the 'in the fishery' category). Since the grenadiers were not a commercially viable species, the Council favored incorporating them in the FMP as an ecosystem component. While Alterative 2 (classifying them as an ecosystem component) would allow for a small amount of grenadier to be harvested and sold (this rule established a maximum retainable amount of 8%), the development of a formal directed fishery would require an FMP amendment.

The alternative to include grenadiers "in the fishery" was not chosen because a directed fishery would be a less conservative approach than if they were an ecosystem component relative to susceptibility to fishing. The analysis determined that since the present and past harvests of grenadiers taken incidentally are well below the current ABCs calculated for grenadiers, there would be no significant effects on the stock biomass, fishing mortality, spatial or temporal distribution, or changes in prey availability for grenadier and groundfish target species in either the BSAI nor the GOA with the "ecosystem component" alternative. The "in the fishery" alternative would have de minimus effects on fishery participants.

Regulation Summary

The regulation was meant to address the incidental catch of grenadiers in the groundfish fisheries. GOA Amendment 91/ BSAI Amendment 100 added grenadiers (Pacific grenadier, Popeye grenadier, and giant grenadier) to the "ecosystem component" category of the FMPs. Under this rule, they are not allowed to be targeted but there is an 8% MRA. As an ecosystem component species, a stock assessment is not required and there is no ABC or OFL. The regulation included measures such as prohibitions on directed fishing, limitations on allowable retention amounts, or limitations on the sale, barter, trade, or any other commercial exchange, as well as the processing of grenadier in a commercial processing facility. The final rule also required recordkeeping and reporting of grenadiers in the groundfish fisheries and added grenadier product recovery rates.

Results

Virtually all the catch of grenadiers (primarily giant grenadiers) in Alaska has been taken as bycatch in fisheries directed at other species, particularly longline fisheries for sablefish and Greenland turbot. Although giant grenadier do not appear to be overfished at present, their slow growth, longevity, and deep-sea habitat make them particularly vulnerable to overfishing. The Council has encouraged continued efforts by the NMFS Alaska Fisheries Science Center to conduct an informal stock assessment to provide information needed to monitor the status of the grenadier stocks. Grenadiers are assessed every four years, and the most recent assessment for grenadiers was an abbreviated assessment for 2016. For 2016, the ABC (which is not a management quantity, but used for monitoring only) was 29,711 mt for the GOA. Catch has been well below the ABC. GOA biomass increased through 2005 and has been relatively stable since.

Giant grenadier (*Albatrossia pectoralis*). Photo courtesy of NOAA.

93 Prohibited Species Catch

Chinook PSC limits

Council Action	Proposed Rule	Final Rule	Effective
June 2008	*December 14, 2011* *76 FR 77757*	*July 20, 2012* *77 FR 42629*	*August 25, 2012*

Purpose and Need

Magnuson-Stevens Act National Standards require balancing optimum yield with minimizing bycatch and minimizing adverse impacts to fishery dependent communities. Chinook salmon (*Oncorhynchus tshawytscha*) are a prohibited species in the GOA groundfish fisheries, and, as such, must be returned immediately to the sea with a minimum of injury, if caught incidentally in the groundfish fisheries. At the time of the amendment, salmon bycatch control measures had not yet been implemented in the GOA, and in 2010 Chinook salmon bycatch levels in the area were unacceptably high. Chinook salmon PSC taken incidentally in GOA pollock fisheries historically accounted for the majority of Chinook salmon PSC in GOA groundfish fisheries. Limited information on the origin of Chinook salmon in the GOA indicated that stocks of Asian, Alaska, British Columbia, and lower-48 origin, including Endangered Species Act-listed stocks, were present in these fisheries. Additionally, no observer coverage was required on vessels less than 60 feet length overall (LOA).

Analysis

A 333-page EA/RIR/IRFA (Secretarial review draft dated September 2011), which analyzed two alternatives including the status quo, was prepared for this amendment. Three Chinook salmon PSC limits were considered by the Council under Alternative 2 (15,000; 22,500; or 30,000), and a fourth PSC limit was recommended under the preferred alternative (25,000). A total of 18 different options were considered to divide the three PSC limits under Alternative 2 between the Central Gulf and the Western Gulf pollock fisheries. These limits would be apportioned among regulatory areas, based on the relative historical pollock catch in each regulatory area, the relative historical Chinook salmon PSC amounts in each area, or a weighted ratio of the two.

Chinook salmon (*Oncorhynchus tshawytscha*).
Photo courtesy of NMFS.

Regulation Summary

Amendment 93 applies exclusively to the directed pollock trawl fisheries in the Central and Western Reporting Areas of the GOA. This amendment established separate PSC limits in the Central and Western GOA for Chinook salmon. The total Chinook salmon PSC limit for the Central and Western Gulf pollock fisheries was set at 25,000 fish, with 18,316 fish (73% of the total cap) apportioned to the Central GOA, and 6,684 fish (27% of the total cap) apportioned to the Western GOA. The Council included an option that would allow a Chinook salmon PSC allowance to be exceeded by up to 25% in one of three consecutive years. This provision is applied by area. Once the PSC limit in a regulatory area is reached, the directed pollock fishery in that area is closed.

This action also requires retention of salmon by all vessels in the Central and Western GOA pollock fisheries until the catch is delivered to a processing facility where an observer is provided the opportunity to count the number of salmon and to collect scientific data or biological samples from the salmon. This action makes several revisions to the Prohibited Species Donation (PSD) program.

Lastly, in order to reduce the uncertainty associated with Chinook salmon catch estimates, the 30% observer coverage requirements were expanded for vessels under 60' as an interim measure, until the observer program restructuring amendment could be implemented.

Results

Chinook salmon PSC limits are now managed by NMFS in-season similar to halibut PSC limits. Since implementation of Amendment 93, the Council has recommended, and the Secretary of Commerce has approved two salmon PSC limit actions. Amendment 97 implemented a Chinook salmon PSC limit for Western and Central GOA non-pollock trawl fisheries, and Amendment 103 authorized reapportionment of unused Chinook salmon PSC within and among specific trawl sectors in the Central and Western GOA. The amendment did not increase the combined annual PSC limit of 32,500 Chinook salmon that applies to Central and Western GOA trawl sectors.

Since implementation of Amendment 93, there has been one reallocation of Chinook salmon PSC. That reallocation occurred during the D season of 2017 when 404 chinook salmon were reallocated from the Central GOA to Western GOA to accommodate the pollock directed fishery. The combined annual PSC limit of 32,500 Chinook salmon was not exceeded during that reallocation. There was not a reallocation of Chinook salmon during the 2018 fishing year.

94 IFQ and CQE Programs

Revise Vessel Use Caps Held by CQEs

Council Action	Proposed Rule	Final Rule	Effective
October 2011	*March 6, 2013* *78 FR 14490*	*June 4, 2013* *78 FR 33243*	*July 5, 2013*

Purpose and Need

Prior to GOA Amendment 94, the CQE Program limited fishing CQE-held quota to vessels that fish less than 50,000 lbs. of IFQ– both CQE-held quota and non-CQE quota. The CQE vessel limitation eliminated the opportunity for community residents awarded CQE quota from fishing on a vessel that has or will fish more than 50,000 lbs. of quota, even if it is the only vessel available in a community. In addition, this restricted the option for several residents awarded CQE quota from combining their quota on a vessel if the cumulative quota, both CQE and non-CQE, exceeded 50,000 lbs. These restrictions limited CQE use opportunities and some CQE purchases. Because CQE communities were meant to provide GOA communities with opportunities to mitigate the emigration of halibut and sablefish quota shares from those communities, easing vessel use restrictions could provide additional opportunities for CQE use and purchase.

Analysis

A 59-page RIR (Secretarial review draft dated November 2011) was prepared for this amendment. Three alternatives, including the status quo alternative, were analyzed. Alternative 2, the Council's preferred alternative, stated that no vessel may be used, during any fishing year, to harvest more than 50,000 lbs. of sablefish (or halibut) IFQ derived from quota share held by a CQE. The vessel would also be subject to the same vessel use caps applicable in the overall IFQ Program. The third alternative would have eliminated the 50,000 lb. vessel use caps for CQE-held quota, and vessels using IFQ derived from CQE quota would continue to be subject to the same vessel use caps for halibut and sablefish that are applicable in the general IFQ Program.

GOA longliner.
Photo courtesy of Teresa Peterson/Dave Kubiak.

Regulation Summary

Amendment 94 and its implementing regulations revised the vessel use caps applicable to sablefish quota share (QS) held by CQEs (eventually including the CQE which represents the community of Adak, with the implementation of BSAI Amendment 102). This final rule made the same regulatory revisions to the vessel use caps applicable to halibut QS held by CQEs. IFQ derived from non-CQE-held QS is excluded from the 50,000 lb. vessel use cap. Only IFQ derived from CQE-held QS will count towards the vessel use cap. In effect, the following annual vessel use caps apply to all vessels harvesting IFQ: No vessel can be used to harvest (1) more than 50,000 pounds of halibut or sablefish IFQ leased from a CQE, and (2) more halibut or sablefish IFQ than the IFQ Program overall vessel use caps.

While Amendment 94 pertained specifically to the revised vessel use cap applied to sablefish QS held by GOA CQEs, the final rule implemented three separate additional actions which amended the IFQ Program and CQE Program regulations. These actions are included here as they are often included in discussions of "Amendment 94": (1) revised vessel use cap applied to halibut QS held by GOA CQEs; (2) added three communities (Game Creek and Naukati Bay in Area 2C, and Cold Bay in Area 3B) to the list of communities that are eligible to participate in the GOA CQE; (3) allowed CQEs in Area 3A to purchase halibut vessel category D QS; and (4) adds and updates annual recordkeeping and recording requirements for CQEs participating in limited access programs for charter halibut fisheries and the GOA Pacific cod endorsed non-trawl groundfish fisheries.

Results

Amendment 94 has allowed the opportunity for increased flexibility for CQEs in the IFQ program. The CQE was amended again with the implementation of Amendment 96. However, as of 2019 CQEs are struggling with funding to move forward and take advantage of this increased flexibility. Only one CQE in Area 3A has purchased ~6000 lbs of D-class QS as of 2019.

95 Prohibited Species Catch

Halibut PSC Limit Reduction

Council Action	Proposed Rule	Final Rule	Effective
September 2011	*September 17, 2013* *78 FR 57106*	*February 20, 2014* *79 FR 9625*	*March 24, 2014*

Purpose and Need

Declines in Pacific halibut (*Hippoglossus stenolepis*) biomass, particularly in the GOA, increased concerns about levels of halibut prohibited species catch (PSC) in groundfish fisheries because of the potential effect on other user groups such as directed commercial IFQ, charter, unguided, and subsistence fisheries. Prior to GOA Amendment 95, the halibut PSC limit in the GOA was set annually through the groundfish harvest specifications process, which established a 2,000 mt halibut PSC limit for trawl gear and a 300 mt halibut PSC limit for hook and line gear. With the exception of PSC limit reductions in the IFQ sablefish fishery (Amendment 21) and the Rockfish Pilot Program (Amendment 88), these PSC limits had not been revised for trawl gear since implementation in 1989, and not revised for hook and line gear since 1995.

Analysis

A 317-page document (with ~400 additional pages of appendices, Secretarial Review draft dated November 2013) was prepared for this amendment. The analysis included three alternatives including the status quo, and several options and sub-options. The status quo alternative would have retained the process for changing GOA halibut PSC limits through the annual groundfish harvest specifications process. The action alternatives would establish and amend GOA halibut PSC limits in Federal regulation. Options and sub-options addressed a variety of reductions in halibut PSC limits by sector. The preferred alternative reduced the halibut PSC limit in the—

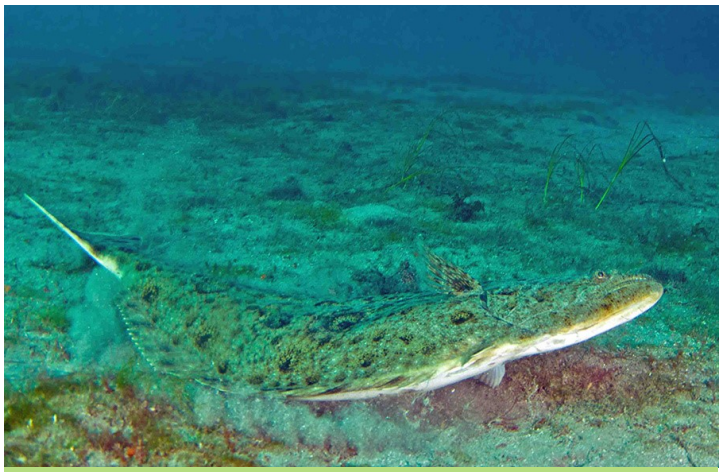
- groundfish catcher vessel hook-and-line gear sector by 15% over 3 years for a PSC limit of 161 mt in 2014, 152 mt in 2015, and 147 mt in 2016.
- groundfish trawl gear sector by 15% over 3 years for a PSC limit of 1,848 mt in 2014, 1,759 mt in 2015, and 1,705 mt in 2016.
- catcher processor hook-and-line gear sector by 7% in 2014. This PSC limit could change annually based on the GOA Pacific cod split formula. Using 2012 Pacific cod total allowable catch limits in the Western and Central GOA as an example, the hook-and-line catcher processor sector would fish under a 109 mt PSC limit.
- demersal shelf rockfish fishery from 10 mt to 9 mt in 2014.

Regulation Summary

This amendment incorporated overall annual GOA halibut PSC limits for the trawl and hook-and-line sectors in Federal regulations, and reduced the GOA halibut PSC limits for the trawl and hook-and-line gear sectors. The reduction to the trawl gear PSC limit also proportionately reduced a subset of trawl halibut PSC limits (also called sideboard limits) for American Fisheries Act (AFA), Amendment 80, and Central GOA Rockfish Program vessels. These regulations also incorporated three measures to minimize adverse economic impacts on fishing industry sectors. First, the reductions for these sectors will be phased-in over 3 years. Second, this action allowed the Amendment 80 sector to roll over unused halibut PSC sideboard limits from one season to the subsequent season. Third, this action combined management of the deep-water and shallow-water halibut PSC limits from May 15 to June 30, which allowed the aggregate halibut PSC limit to be used in either the deep-water or shallow-water fishery.

Results

Since implementation of Amendment 95, the trawl and hook-and-line sectors have been effective at reducing their halibut PSC mortality in the GOA groundfish fisheries. Halibut PSC limits for trawl and hook-and-line sectors have not been exceeded since implementation in 2014.



Pacific halibut (*Hippoglossus stenolepis*). Photo courtesy of NMFS.

96 IFQ and CQE Programs

Allow CQEs to Hold and Transfer Small Blocks of Sablefish Quota Share

Council Action	Proposed Rule	Final Rule	Effective
December 2012	*August 7, 2014* *79 FR 46237*	*November 7, 2014* *79 FR 66324*	*December 8, 2014*

Purpose and Need

GOA Amendment 66 established the Community Quota Entity (CQE) Program to encourage sustained participation in the halibut and sablefish IFQ Program by residents of smaller Gulf of Alaska fishery dependent communities. Initially, a portion of quota shares (QS) in the fishery was issued in blocks. Each block is a consolidation of a small amount of initially issued QS units that cannot be subdivided upon transfer. One of the primary purposes of QS blocks and the subsequent amendments to the block regulatory provisions was to conserve small blocks of QS that could be transferred at a relatively low cost by crew members and new entrants to the IFQ fisheries. The IFQ Program incorporates a "sweep-up" provision to allow very small blocks of QS to be permanently consolidated, up to specified limits, so as to be practical to fish.

During development of the CQE Program, the Council and NMFS determined that if no limit on the acquisition of blocked QS was established, then gains in CQE holdings could represent losses of QS holdings among individual residents of those same CQE communities. Therefore, CQEs were restricted from transferring or holding blocked QS of less than a minimum size to preserve purchase opportunities for new entrants in certain regulatory areas.

CQEs were originally prohibited from transferring and holding a QS block that is less than the "sweep up" limit, or the number of QS units initially issued as blocks that could be combined to form a single block. Quota share blocks that are less than or equal to the "sweep up" limit are known as "small blocks." This prohibition was due to concerns that CQE quota purchases could negatively impact quota share price and availability for purchase by individual participants with limited resources. However, participation by CQEs in the marketplace was limited and these concerns were not realized. The purpose of lifting the block restriction for "B" and "C" class quota was to incrementally increase the ease of CQE access to QS and thereby facilitate for the sustained participation by CQE community residents in the halibut and sablefish IFQ Program.

Analysis

A 72-page RIR/IRFA (dated February 2014) was prepared for this amendment. In addition to the status quo, the document analyzed the action alternative, which would allow CQE communities to purchase any size block of halibut and sablefish quota share (Council preferred alternative). Two options under Alternative 2 included allowing CQE communities to purchase the QS from residents of any CQE community, or their own CQE community. The preferred alternative did not include either of these requirements to purchase QS from a CQE community resident.

Regulation Summary

This amendment removed a regulation that prohibited CQEs from transferring and receiving small blocks of sablefish (and halibut, through a regulatory amendment) quota share (QS). CQEs are now able to transfer similar sized blocks of QS in the market place as individual non-CQE QS holders.

Results

With this action, CQEs have an opportunity to acquire additional QS and facilitate CQE community resident participation in the IFQ Program. The number of QS units held by CQEs has increased from 1,128,144 in 2014 to 2,161,747 in 2018, though there are other factors to consider, in addition to increased QS purchases by CQEs due to increased flexibility provided from Amendment 94.

Sablefish. Photo courtesy of Rhonda Hubbard.

97 Prohibited Species Catch

Limit Chinook PSC in Non-Pollock Trawl

Council Action	Proposed Rule	Final Rule	Effective
February 2012	*June 25, 2014* *79 FR 35971*	*December 2, 2014* *79 FR 71350*	*January 1, 2015*

Purpose and Need

Chinook salmon are a highly valued species for commercial, recreational, subsistence, and personal use fisheries. Chinook salmon are a prohibited species in the GOA groundfish fisheries, and, as such, must be returned immediately to the sea with a minimum of injury if caught incidentally in the groundfish fisheries. In December 2010, the Council initiated two sequential amendments to address GOA Chinook salmon PSC. The first amendment package (GOA Amendment 93) was expedited; it addressed Chinook salmon PSC in the GOA pollock fisheries through the implementation of a PSC limit for those target fisheries in the Western and Central GOA. At the same time, longer-term amendment packages were initiated to address comprehensive Chinook salmon PSC management in all GOA trawl fisheries and to evaluate a broader suite of bycatch and PSC reduction management measures. While the Council has recently established Chinook salmon PSC limits for the directed pollock trawl fisheries in the GOA, no such PSC limit is currently in effect for other GOA trawl fisheries, which also intercept Chinook salmon. From 1997 through 2013, the non-pollock trawl fisheries accounted for approximately 27% of the total trawl fishery Chinook salmon PSC in the Western and Central GOA groundfish fisheries. Under the regulations, it is incumbent upon fishermen to avoid catching Chinook salmon; however, the Council has determined that it is necessary to evaluate management measures to protect against the risk of high Chinook salmon PSC in future years.

Analysis

A 341-page EA/RIR/IRFA (review draft dated May 2014) was prepared for this amendment. This action included three sets of alternatives which were determined through several iterations of analysis. The proposed measures would apply exclusively to the directed non-pollock trawl fisheries in the Western and Central Gulf of Alaska.

The Council's preferred alternative included six elements:

1) A long-term average PSC limit of 7,500 Chinook salmon per year for the combined Western and Central GOA non-pollock trawl fisheries;
2) Apportionment of the annual PSC limit between three sectors:
   a. 3,600 Chinook PSC: Catcher/ Processors,
   b. 1,200 Chinook PSC: Rockfish Program Catcher Vessels – i.e., CVs operating under the authority of a rockfish cooperative fishing quota permit,
   c. 2,700 Chinook PSC: Non-Rockfish Program Catcher Vessels – i.e., all other the non-pollock trawl CV activity within the action area;
3) A seasonal Chinook PSC limit for the CP sector;
4) An incentive buffer (the "uncertainty pool mechanism") for the CP and the non-RP CV sectors that provides a sector with additional PSC, if that sector met a certain Chinook avoidance threshold in the preceding year;
5) Two in-season rollovers of unused Chinook salmon PSC from the RP CV sector to the non-RP CV sector, occurring on October 1 and at the end of the Rockfish Program season on November 15;
6) Full retention of all salmon.

Regulation Summary

This amendment established separate annual Chinook salmon PSC limits for trawl catcher/processors (Trawl C/P Sector), trawl catcher vessels participating in the Central GOA Rockfish Program (Rockfish Program CV Sector), and trawl catcher vessels not participating in the Central GOA Rockfish Program (Non-Rockfish Program CV Sector) fishing for groundfish species other than pollock. If a sector were to reach its Chinook salmon PSC limit, NMFS would prohibit further fishing for non-pollock groundfish by vessels in that sector. This action also established and clarified Chinook salmon retention and discard requirements for vessels, shoreside processors, and stationary floating processors participating in both the GOA pollock and non-pollock groundfish trawl fisheries.

Results

On May 3, 2015 all GOA non-pollock/non-rockfish program CV sector trawl fisheries were closed for the remainder of the year as a result of the non-pollock/non-Rockfish Program CV sector reaching its Chinook salmon PSC limit of 2,700 fish for the Western and Central GOA areas. In June 2015, the Council requested that NMFS implement an Emergency Rule to allocate an additional 1,600 Chinook salmon PSC to the non-pollock/non-Rockfish Program CV sector of the GOA groundfish trawl fishery. Providing 1,600 additional Chinook salmon PSC allowed the sector to harvest its recent average amount of groundfish during the remainder of the 2015 fishing year. Recognizing there is no ability for managers to reapportion unused Chinook salmon PSC between the pollock or non-pollock, the Council approved Amendment 103, which provides some flexibility in using the Chinook salmon PSC, but did not increase the total PSC limit of 32,500 Chinook salmon in the GOA groundfish trawl fisheries.

100 Administrative | Limited Entry

Correct Vessel Length Exemptions to the License Limitation Program

Council Action	Notice of Availability	Final Rule	Effective
December 2014	*February 12, 2015* *80 FR 7816*	*May 5, 2015* *80 FR 25625*	*April 27, 2015*

Purpose and Need

In 1998, the License Limitation Program (LLP) was established to set an upper limit on the number of vessels that could participate in the groundfish and crab fisheries off Alaska. The LLP limits the number, size, and specific operation of vessels fishing crab and groundfish in the BSAI and GOA based on historical participation. During the design and refinement of the LLP, the Vessel Moratorium Program (VMP) was implemented to provide industry stability and curtail interim increases in fishing capacity. The Council intended for the LLP to retain the size limitations established in the VMP. In 2015, the Council was made aware that the vessel length limits specified for the LLP in the FMP did not reflect those of the VMP. Specifically, the language in the VMP had exempted BSAI groundfish vessels "32 feet or less LOA," GOA groundfish vessels "26 feet or less LOA," and BSAI crab vessels "32 feet or less LOA." The LLP language adopted by the Council described the exemptions as applying to vessels "less than 32 feet LOA," "less than 26 feet LOA," and "less than 32 feet LOA," respectively. In effect, this error created an inconsistency in requirements for BSAI groundfish and crab vessels that were exactly 32 feet LOA and for GOA groundfish vessel that were 26 feet LOA. Joint FMP amendments were necessary to correct the language from "less than" to "less than or equal to" in order to reflect the intent of Council and make the FMPs consistent with federal regulation. This was a joint amendment with BSAI Groundfish Amendment 108 and BSAI Crab Amendment 46.

Analysis

A 4-page analysis, dated January 2015, was prepared identifying the inconsistency between FMP language and federal regulation, and original Council intent. The analysis identified the corrections that needed to be made.

Regulation Summary

These FMP amendments did not require a change in federal regulation which were consistent with the Council's original intent. The joint amendments to the FMPs corrected the respective LLP small vessel exemption sizes to read "less than or equal to."

Results

This action was necessary for operational status quo. FMP amendments associated with this action are not expected to impact any current stakeholders in the fishery. This correction was intended to make the FMPs consistent with Federal regulation, the original intent of the Council and historical operations of the LLP since implementation.

Vessels in Kodiak harbor. Photo courtesy of Elizabeth Figus.

101 Gear Restrictions

Authorize GOA Sablefish Longline Pots

Council Action	Proposed Rule	Final Rule	Effective
April 2015	*August 19, 2016* *81 FR 55408*	*December 28, 2016* *81 FR 95435*	*January 27, 2017*

Purpose and Need

In 2006, the Council received a proposal to allow the use of pots in the sablefish fishery in southeast Alaska. Over the following years, the Council heard increasing observations of sperm whale and killer whale interactions with the sablefish hook-and-line fleet in the GOA. These interactions often result in depredation, the technical term for whales stealing or damaging fish caught on fishing gear, which affects the ability of sablefish quota shareholders to harvest their sablefish IFQs by reducing catch per unit of effort and increasing fishing costs. Research into developing technological solutions to deter whales and changes in fishing strategies has not resolved the problem. Depredation also has negative consequences for the whales through increased risk of vessel strike, gear entanglement, fisherman aggression, and altered foraging strategies. An additional management concern stems from the impact that whale depredation may have on the accuracy of sablefish stock abundance indices. The Council, noting the increased frequency and severity of whale depredation in the GOA, initiated action with the understanding that pot gear for sablefish could reduce sperm whale and killer whale interactions with fishing gear in the Gulf of Alaska.

Analysis

A 210-page EA/RIR/IRFA (final draft dated October 2016) was prepared for this amendment. The analysis included potential impacts of the no action alternative (status quo) as well as one action alternative. Under the status quo, hook-and-line gear would continue to be the only legal gear type for sablefish IFQ in the GOA. The action alternative would allow, but not require, harvesters to use pot longline gear in the sablefish IFQ fishery in the GOA, and it included the following elements which were adopted as management measures:

- area-specific pot limits,
- pot tag requirements and pot gear marking requirements,
- area-specific pot gear removal and redeployment requirements,
- required retention of incidentally caught halibut (provided the sablefish IFQ holder also holds sufficient halibut IFQ).

Additionally, all vessels using longline pot gear would be required to use logbooks and VMS. Through the elements adopted as part of the preferred alternative, the Council attempted to minimize potential gear conflicts that could result from allowing pot and hook-and-line gear to fish in the same regulatory areas.

Regulation Summary

This amendment redefined legal gear for sablefish in the GOA to include pot longline gear, subject to a pot limit enforced by pot identification tags. The measures adopted under this amendment also require:

- pot longline gear to be moved or tended within a certain amount of time after being set, or removed from the fishing grounds when making a sablefish delivery,
- specific marking of pot longline gear, and
- retention of Pacific halibut if sufficient IFQ is held by fishermen to cover the halibut IFQ caught using pot longline gear.

Results

This amendment adjusted GOA Amendment 14 (implemented in 1985), which phased out the use of sablefish pot gear in the GOA. The year of implementation of Amendment 101 (2017), 22 unique vessels harvested sablefish with pot gear in the GOA. These vessels harvested 891 mt of sablefish (10% of sablefish IFQ in the GOA). The number of pots registered was 11,557, and 168 pots were reported lost. As of year-end 2018, 28 unique vessels harvested sablefish with pot gear in the GOA. Pot gear accounted for 1,122 mt (13%) of IFQ sablefish harvest. Incidental to the sablefish pot fishery, 14 vessels fishing with pot gear retained 30 mt of halibut (increase from 16 mt in 2017).

Sablefish pot gear on survey vessel. pot gear. Photo courtesy of ADF&G.

102 Monitoring

Observer Coverage for Small Catcher/ Processors

Council Action	Proposed Rule	Final Rule	Effective
June 2015	*December 29, 2015* *80 FR 81262* *Corrected: January 22, 2016* *81 FR 3775*	*March 29, 2016* *81 FR 17403*	*March 29, 2016*

Purpose and Need

The restructured Observer Program was implemented through GOA Amendment 76 and BSAI Amendment 86 in 2013. Under the restructured Program, all catcher/processors (CPs) are in the full observer coverage category, unless they meet the requirements for an allowance to be placed in the partial coverage category. The placement of CPs in full coverage enables NMFS to obtain independent estimates of catch, at-sea bycatch, and prohibited species catch (PSC) for CPs. In recognition of the relatively high cost of full coverage for small CPs and the limited amount of catch, PSC, and bycatch by these vessels, the Council recommended two limited allowances for placing a CP in partial coverage. Both of these allowances were based on vessel activity from 2003 through 2009.

Owners and operators of some CPs with relatively small production requested that the Council and NMFS revise these allowances to include vessels that began processing after 2009. These operators believed that the costs they incur for full observer coverage were disproportionate to the revenues they earned and that these high costs precluded them from operating in some fisheries, and that it was impossible to sustain a processing operation by processing no more than one metric ton on any single day during the year. The allowance for placing a CP in partial coverage should, at a minimum, be based on a measurement of ongoing production that shows that the CP processes a small amount of groundfish relative to the rest of the CP fleet. The regulations also did not provide a way to move a CP placed in partial coverage into full coverage if production increases to a level deemed appropriate for full coverage.

Analysis

For GOA Amendment 102 (BSAI Amendment 112), a 125-page RIR/IRFA (final draft dated February 2016) analyzed two alternatives including the no action alternative. The no action alternative would maintain the existing exemptions from full coverage for vessels:

1) less than 60 feet length overall that acted as a catcher vessel and a catcher/processor in any year from 2003 through 2009;
2) that processed less than 5,000 pounds of groundfish on an average daily basis in their last year of production, between 2003 and 2009, inclusive; and
3) that did not process more than one metric ton of groundfish on any day during the preceding fishing year, which means a maximum of 365 metric tons in a year.

The action alternative would revise the allowances for NMFS to place small CPs into partial coverage. Under this alternative, the basic criterion for placing a CP in partial coverage in a fishing year is the vessel's prior production except the following limitation: If a CP is required to have ≥ 100% observer coverage because of the vessel's participation in a catch share program (AFA, Amendment 80, Rockfish Program, CDQ Program, AI pollock, longline CP subsector), the vessel would be ineligible for partial observer coverage under this action. For vessels that fall under partial coverage despite this limitation, the preferred alternative included the following five elements.

Element 1. Production threshold for placing a catcher/processor in partial coverage is Option 2B, average weekly production of up to 79,000 pounds (35.8 mt).

Element 2. The basis year for placing a catcher/processor in partial coverage is the vessel's production in a standard basis year or alternate basis year. The standard basis year is the fishing year minus two years. If the vessel has no production in the standard basis year, the alternate basis year will be the most recent year that the vessel has any production before the standard basis year going back to 2009.

Element 3. If a catcher/processor has no production in the basis year as determined under Element 2, Option 2. Place the catcher/processor in partial coverage.

Element 4. For a catcher/processor to be in partial coverage, Option 1. Vessel owner must choose partial coverage for the upcoming fishing year by an annual deadline (otherwise in full coverage).

Element 5. Trawl catcher/processors are ineligible for partial observer coverage (i.e., always in full observer coverage).

Regulation Summary

This amendment modifies the criteria for NMFS to place small catcher/processors in the partial observer coverage category under the North Pacific Groundfish and Halibut Observer Program. It allows certain catcher/processors, with relatively small levels of groundfish production, to qualify for partial observer coverage under the annual observer deployment plan, in place of the full observer coverage normally required of catcher/processors. This provides a relatively limited exception to the general requirement that all CPs are in the full observer coverage category and maintains the full observer coverage requirement for all trawl CPs and CPs participating in a catch share program that requires full observer coverage.

Results

Three CPs were included in partial coverage under exemptions beginning with the restructured Observer Program implementation in 2013. A small number of CPs have taken the opportunity to participate in partial coverage since implementation of Amendment 102. A total of 2, 7, 6, and 6 CPs opted in and were approved for partial coverage in 2016, 2017, 2018, and 2019, respectively.

103 Prohibited Species Catch

GOA Chinook PSC Reapportionment

Council Action	Proposed Rule	Final Rule	Effective
December 2015	*June 16, 2016* *81 FR 39237*	*September 12, 2016* *81 FR 62659*	*October 12, 2016*

Purpose and Need

Currently, there is no ability for managers to reapportion unused Chinook salmon PSC between the pollock or non-pollock fisheries. Fishery closures could be avoided, or limited, by providing NMFS the authority to use inseason management to reapportion a limited amount of unused Chinook salmon PSC between the GOA pollock and non-pollock fisheries. This would provide increased management flexibility without exceeding the overall 32,500 Chinook salmon PSC limit or negating the current caps under Amendments 93 and 97, increase the likelihood that groundfish resources are more fully harvested, and minimize the adverse socioeconomic impacts of the fishery closures on harvesters, processors, and communities.

Analysis

An 84-page RIR/IRFA (Secretarial review draft dated April 2016) was prepared for this amendment. The analysis compared two alternatives including the no action alternative. The action alternative to allow NMFS to reapportion unused Chinook salmon PSC between the GOA pollock and non-pollock sectors based on criteria established for inseason reapportionments had five options, three of which were selected as part of the preferred alternative.

Option 1. Only allow reapportionments between the GOA pollock and the non-Rockfish Program catcher vessel sectors (no reapportionment to Rockfish Program catcher vessels).

Option 2. Only allow reapportionments that do not exceed (suboptions: 10%, 20%, or 30%) of any initial apportionment of a Chinook salmon PSC limit during a calendar year.

Option 3. Prohibit the reapportionment of Chinook salmon PSC from catcher vessel sectors to the non-pollock catcher/ processor sector. (preferred)

Option 4. To increase flexibility and options for NMFS Alaska region to manage the different catcher vessel non-pollock Chinook salmon PSC caps, revise the Rockfish Program Chinook salmon PSC reapportionment provision to read as follows: “If, on October 1 of each year, the Regional Administrator determines that more than 150 Chinook salmon are available in the Rockfish Program catcher vessel sector Chinook salmon PSC limit, the Regional Administrator may reapportion Chinook salmon PSC available to the Rockfish Program catcher vessel sector except for 150 Chinook salmon to the non-Rockfish Program catcher vessel sector Chinook salmon PSC limit.” (preferred)

Option 5. Only allow a sector to receive a reapportionment that does not exceed (suboptions: 10% to 50%) of the sector’s initial (excluding any uncertainty buffer that may have been added as a result of the previous year’s performance per Amendment 97) Chinook salmon PSC limit during a calendar year (preferred; selects 50% for the suboption).

Regulation Summary

GOA Amendment 103 reapportioned unused Chinook salmon prohibited species catch (PSC) within and among specific trawl sectors in the Central and Western Gulf of Alaska (GOA), based on specific criteria and within specified limits. The amendment did not increase the combined annual PSC limit of 32,500 Chinook salmon that applies to Central and Western GOA trawl sectors under the FMP. It also promoted more flexible management of GOA trawl Chinook salmon PSC, increased the likelihood that groundfish resources could be more fully harvested, reduced the potential for fishery closures, and maintained the overall Chinook salmon PSC limits in the Central and Western GOA.

Results

Since implementation of Amendment 103, there was one reallocation of Chinook salmon PSC. That reallocation occurred during the D season of 2017 when 404 chinook salmon were reallocated from the Central GOA to Western GOA to accommodate the pollock directed fishery. The combined annual PSC limit of 32,500 Chinook salmon was not exceeded during that reallocation. There was not a reallocation of Chinook salmon during the 2018 fishing year.

104 Monitoring

Electronic Monitoring Integration

Council Action	Proposed Rule	Final Rule	Effective
December 2016	*March 23, 2017* *82 FR 14853*	*August 8, 2017* *82 FR 36991*	*September 7, 2017*

Purpose and Need

The Council had been actively considering the use of electronic monitoring (EM) as part of the suite of fishery monitoring tools since the development of an analysis to restructure the Observer Program, which was implemented in 2013 through GOA Amendment 76 (BSAI Amendment 86). The purpose of the North Pacific Observer Program is to collect data necessary for the conservation, management, and scientific understanding of the groundfish and halibut fisheries off Alaska. To carry out their responsibilities for conserving and managing groundfish resources, the Council and NMFS must have high quality, timely, and cost-effective data to support management and scientific information needs. In part, this information is collected through a comprehensive fishery monitoring program for the groundfish and halibut fisheries off Alaska, with the goals of verifying catch composition and quantity, including of those species discarded at sea, and collecting biological information on marine resources. While a large component of this program relies on the use of human observers, the Council recognizes the benefit of having access to an assorted set of monitoring tools to be able to balance the need for high-quality data with the costs of monitoring and the ability of fishery participants, particularly those on small vessels, to accommodate human observers onboard. EM technology has the potential to allow discard estimation of fish, including halibut PSC and mortality of seabirds, onboard vessels that have difficulty carrying an observer or where deploying an observer is impracticable. EM technology may also reduce economic, operational and/or social costs associated with deploying human observers throughout coastal Alaska. The purpose of GOA Amendment 104 (BSAI Amendment 114) was to supplement existing monitoring tools and techniques in order to affordably obtain at-sea data from a broader cross-section of the fixed gear groundfish and halibut fleet.

Analysis

A 278-page EA/RIR (draft dated July 2017) was prepared for this amendment. The document considered two alternatives, in addition to the no action alternative, that would allow an EM system, which consists of a control center to manage the data collection, connected to an array of peripheral components including digital cameras, gear sensors, and a global positioning system receiver, onboard vessels to monitor the harvest and discard of fish and other incidental catch at sea, as a supplement to existing observer coverage.

The no action alternative would maintain the status quo- no electronic monitoring would be implemented in the Council's Fisheries Research Plan. Alternative 2 would allow use of EM for catch estimation on vessels in the EM selection pool, and two options under this alternative were analyzed. The first was to allow EM as a monitoring tool when fishing IFQ in multiple areas (preferred alternative). The second option the Council considered would require full retention of rockfish species with associated dockside monitoring, however this was not included in the preferred alternative. Alternative 3 would allow the use of EM for compliance monitoring of vessel operator logbooks used for catch estimation. The Council's preferred alternative was to integrate EM into the Observer Program to allow EM to be used in addition to human observers for the purpose of monitoring at-sea fixed gear groundfish and halibut fishing activity in the partial coverage category of the Observer Program. The implementation of Alternative 2 would bring EM as an option into the process by which the Council and NMFS make annual policy choices on which vessels are monitored in different selection pools, and the level of monitoring required for each pool.

Regulation Summary

This amendment and associated regulatory changes would establish a process for owners or operators of vessels using non-trawl gear to request to participate in the EM selection pool and the requirements for vessel owners or operators while in the EM selection pool. It would establish EM as a part of the Observer Program for the fixed gear groundfish and halibut fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands.

The integration of EM into the Observer Program would mean that NMFS would enfold EM into their Observer Program infrastructure, management, and oversight, including the annual process of developing the Annual Deployment Plan (ADP) and evaluating the monitoring program through the Annual Report. NMFS woud also set up contract or grant with one or multiple EM service providers to install and service EM equipment, and to collect and review EM data. The reviewed EM at-sea data would be used in catch estimation for NMFS' catch accounting system (CAS) and fishery management.

Results

EM for hook-and-line and pot vessels were fully integrated into the NMFS CAS in 2017 and 2018, respectively. The program is broadly acknowledged as a success and had already grown to include 168 vessels by 2019. The Council's fixed gear EM Workgroup formed a highly productive collaborative body of industry, agency, and science representatives, who provided critical guidance for the composition and implementation of Amendment 104 between 2014 and 2018. The fixed gear EM Workgroup was officially disbanded in May of 2018 and was replaced by a trawl catcher vessel EM Committee. Lessons learned from the fixed gear EM Workgroup were taken up by the trawl EM Committee, to support development of an EM program for compliance on trawl catcher vessels in the Bering Sea and Gulf of Alaska.

105 Administrative | Habitat Conservation

EFH Omnibus Amendments

Council Action	Proposed Rule	Final Rule	Effective
April 2017	*March 5, 2018* *83 FR 9257*	*July 5, 2018* *83 FR 31340*	*May 31, 2018*

Purpose and Need

The Essential Fish Habitat (EFH) Final Rule and each of the Council's FMPs state that a review of EFH components should be completed every 5 years and the EFH provisions should be revised or amended, as warranted, based on the best available information. The 2015 EFH 5-year review, which concluded in June 2017, did the following:

- evaluated new environmental and habitat data;
- developed new multivariate models to describe EFH;
- revised models to evaluate fisheries impacts on EFH;
- update assessment of non-fishing impacts on EFH;
- assessed information gaps and research needs; and
- identified whether any revisions to EFH were needed.

Based on the 5-year review, the Council determined that new habitat and life history information was available to revise many of the EFH descriptions and maps in the Council's FMPs.

Analysis

A 79-page EA (final draft dated June 2018) was prepared for Amendment 105 in the GOA and the following amendments: Amendment 115 to the BSAI FMP, Amendment 49 to the Crab FMP, Amendment 13 to the Salmon FMP, and Amendment 2 to the Arctic FMP. The Council did not recommend updates to the Scallop FMP.

There were eight actions considered in this omnibus EFH amendment package, four of which were specific to the non-GOA groundfish FMPs. Under the action specific to the GOA FMP, the Council considered two alternatives, including the no action alternative. The action alternative (preferred) would update EFH descriptions in the FMP, as well as replace the existing EFH maps in the FMP. The other three actions applicable to the GOA were also applicable to the other FMPs (except for scallop). One of these actions would update EFH conservation recommendations for non -fishing activities. It would also revise the appropriate FMP appendices where conservation recommendations for non-fishing activities are described. The other two action alternatives applicable to the GOA and other FMPs would initiate a Habitat Areas of Particular Concern (HAPC) proposal process and revise research priorities for EFH.

Regulation Summary

The actions included in this amendment were intended to update the Council FMPs to incorporate the best new information available. Amendment 105 in the GOA would update EFH descriptions and replace existing maps in the FMPs with maps that represent the 95th percentile by season for each species and life stage, as available. There would also be updates on EFH conservation recommendations for non-fishing activities. The Council elected to take no action to initiate the HAPC process, or to update EFH research priorities.

Results

The 2017 update to EFH incorporated model-based definitions and maps of EFH for the BSAI Groundfish, GOA Groundfish, BSAI King and Tanner Crab, Salmon, and Arctic FMPs, and incorporated results from the Fishing Effects model to assess the impacts of commercial fishing on EFH. These new models make use of considerable new data available since the last EFH review in 2010 and incorporate the Catch-In-Areas (CIA) database to describe fishing effort with greater precision than previously allowed.

Much of the information has been incorporated into the Alaska EFH Web Application, an ESRI platform which hosts the complete and updated collection of EFH maps for Alaska's North Pacific and Arctic FMPs. The new online map interface provides an improved, efficient, and effective way to view, search, and query EFH map information.

The next EFH review is scheduled for 2022.

106 FMP Species Categories

Reclassifying Squid to Ecosystem Component

Council Action	Proposed Rule	Final Rule	Effective
June 2017	*March 27, 2018* *83 FR 13117*	*July 6, 2018* *83 FR 31460*	*August 6, 2018*

Purpose and Need

Squids are short-lived, highly productive, and important prey species. No conservation concerns for squid populations in the GOA nor the BSAI were present at the time of the amendment. Squid are thought to be substantially more abundant than can be estimated from trawl survey data. OFLs for squid are based on average catch calculations that are poorly linked to abundance. Although limited life-history information exists, the best available scientific information suggests that squid biomass estimates are substantial underestimates of true biomass. Fishing related mortality is extremely low compared with the estimated predation mortality in food web models. At the time of the amendment, squid were managed as target species despite being caught only incidentally under status quo, and an annual OFL, ABC, and TAC for the squid complex was specified separately for the BSAI and GOA. There are no directed commercial fisheries for squid in Federal waters, though squid bycatch is retained in some fisheries and often utilized to prevent waste. In the absence of a directed fishery, squid are very unlikely to become overfished. If the total TAC of squid is caught, retention is prohibited for the remainder of the year.

The purposes of this action were to identify the appropriate level of conservation and management required for squid and to classify the squid complex in the BSAI and GOA groundfish FMPs based on the best available scientific information. The revised National Standard 1 (NS1) guidelines include options for classification and management of target and non-target species in FMPs. Options for classification and management of non-target stocks include identification of the species as "non-target species in need of conservation and management," or as "non-target ecosystem component species, not in need of conservation and management."

Analysis

A 150-page EA/RIR (final draft dated June 2018) analyzed three alternatives for GOA Amendment 106 (and corresponding BSAI Amendment 117). Under the no action alternative, squids would continue to be managed as target species, and catch specifications (OFL, ABC, and TAC) would continue to be set for the squid complex. MRAs would be established at 20%. Alternative 2 (preferred) would move squid to the Ecosystem Component category under both FMPs. Catch specifications would no longer be required. Directed fishing for squid species would be prohibited. Alternative 3 would designate squids as a 'non-target' species complex whereby OFL and ABC would still be established but a TAC would no longer be necessary. Directed fishing for squids would be prohibited. Three options for MRAs (2%, 10%, 20%) were considered under both action alternatives.

Regulation Summary

This final rule prohibited directed fishing for the squid species complex (squids) by Federally permitted groundfish fishermen, moved squid to the Ecosystem Component category, and specified the MRA of 20% in the GOA and BSAI groundfish fisheries consistent with the existing BSAI squid retention limit.

Results

It is too early to determine the results of this amendment.

Magistrate armhook squid (*Berryteuthis magister*). Image courtesy of NMFS.

North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501
(907) 271-2809

For more information, visit our website or contact the Council office.

www.npfmc.org

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