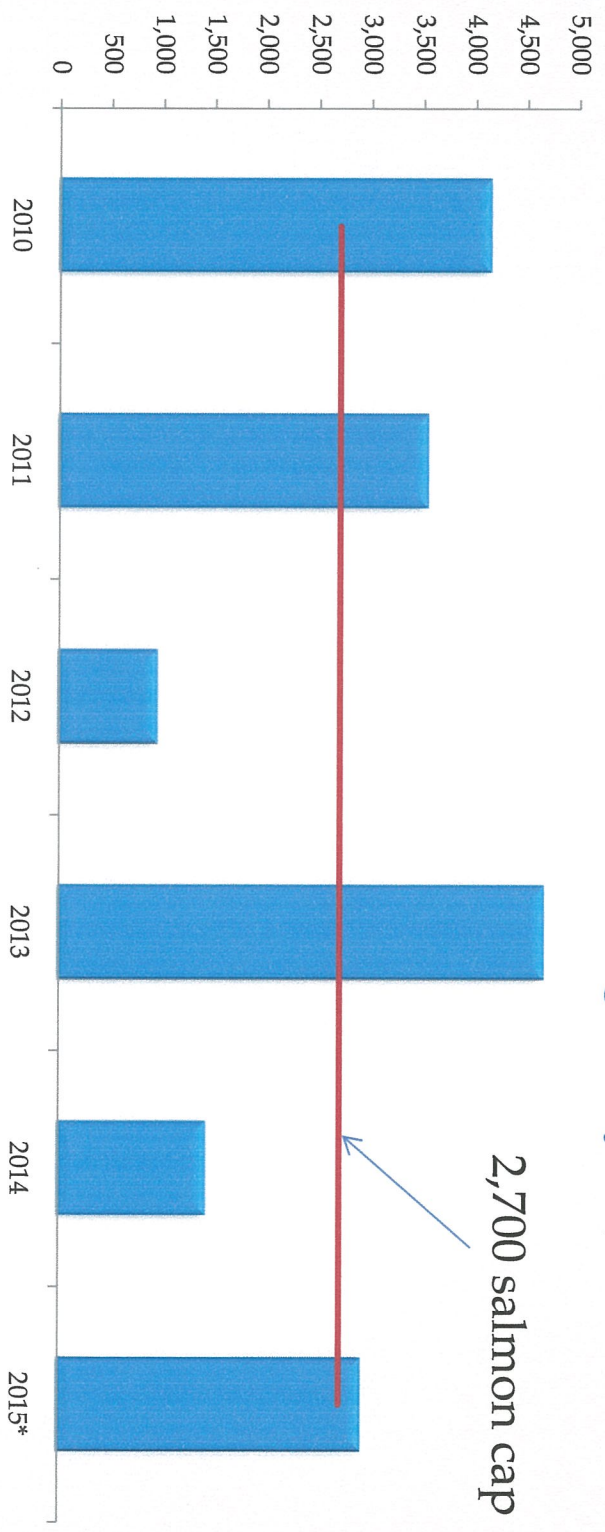


over 100000  
E-1  
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# Historical Chinook PSC: GOA CV Non-Pollock, Non-Rockfish 2010-2015 (2015 data through May 30)



Year	Chinook PSC(#)
2010	4,152
2011	3,549
2012	957
2013	4,668
2014	1,431
2015*	2,915
AVG	2,945

\*May 3rd closure

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Bob. K #11 AWT

Paddy O'Donnell  
Staff tasking: E-1  
June 9, 2015

Problem. The non-pollock, non-rockfish trawl fisheries in the GOA closed on May 3, 2015 for the remainder of 2015 because the Amendment 97 cap of 2,700 chinook was exceeded by 215 salmon.

Emergency Action Request. Kodiak Island Borough and the City of Kodiak requested an emergency action to provide additional chinook in order to reopen the fishery in 2015. While an immediate re-opening to allow the fleet to fish for summer flats is preferred, the assumption is that timing constraints on Council action would not re-open the fishery until September 1, 2015 for cod.

Justification for Emergency Action. Emergency Action is warranted to re-open this fishery for the following reasons. First, genetic data showing 85% of the PSC chinook are not from Alaskan rivers do not support the primary basis for this action in the first place, as documented in AP and Council minutes and public testimony, and calls into question the efficacy of this action altogether. Second, the biological opinions and EA do not reflect ESA regulatory clarifications that ad-clipped hatchery released chinook from threatened populations are not prohibited take under the ESA, calling into question every component hard cap that was designed around the 40,000 limit. Third, new data for WGOA chinook PSC showing a much higher take (1,200) than anticipated at the time of Council action calls into question the appropriateness of the 2,700 chinook PSC cap that was set for the entire gulf.

Criteria for Emergency Action. There are three criteria that need to be met for a situation to qualify for emergency action, and this situation meets all three criteria.

- (1) The situation results from recent, unforeseen events or recently discovered circumstances; and
- (2) Presents serious conservation or management problems in the fishery; and
- (3) Can be addressed through an emergency regulation for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts of participants to the same extent as would be expected under the normal rulemaking process.

(1) "Recently Discovered Circumstances." New genetic data presented to the Council in late 2014 and early 2015 show most of the encountered chinook are from BC and the West Coast, not from Alaska stocks, 2005 changes related to the Endangered Species Act clarified that ad-clipped hatchery chinook in threatened stocks are not considered a prohibited take under the ESA, and new data shows a much higher than anticipated take of chinook in the WGOA.

A review of public testimony, AP and Council Minutes clearly indicate that the primary driver of the final 2013 GOA chinook action was the assumption that lower PSC caps would help abundance of Alaska chinook stocks, and associated negative impacts on coastal Alaskan communities. The AP minority report, supporting a lower cap of 6,500, cited concern with Alaskan stocks as the primary reason for a lower PSC cap. At the Council level Commissioner Campbell spoke at length about the impact of chinook shortages on coastal Alaskan communities as a basis for her proposed cap of 7,500. The EA analysis also includes multiple pages of discussion related to Alaska chinook stocks, and escapement data for Alaskan rivers.

(3) Can be Addressed through Emergency Regulation. The only way to re-open this fishery in 2015 is through emergency action. The current program lacks flexibility or mechanisms to reopen the fishery with current PSC constraints and harvest seasons. The total GOA chinook cap is set at 7,500, with the catcher vessel (CV) non-pollock non-rockfish portion of that at 2,700. Rollover provisions built into Amendment 97 allowing for all remaining chinook from the rockfish program to roll over into fall fishing on November 15<sup>th</sup> will be ineffective because (1) 215 fish have to be “paid back” to cover the overage, (2) NMFS will likely require at least 300 fish to open a fishery, which means you would need a minimum of 515 excess chinook, and (3) the final chinook rollover of 150 chinook from the rockfish program occurs too late for cod, which closes on 11/01/2015 or earlier if TAC is reached.

Pursuing a regulatory change through regular rulemaking will take too long to have any impact on the 2015 season, leaving emergency rule making as the only option. One concern with emergency rulemaking is reduced opportunity for public review and comment. In this case the Council considered a range of PSC caps, from 5,000 to 12,500, and took public comment on the entirety of that range. In fact, the Advisory Panel, in a 13-7 vote, recommended a 10,000 limit, noting that a cap of 10,000 struck a balance between chinook and existing trawl fisheries, and the Council vote between a 7,500 cap and 10,000 cap came down to a one vote difference. It is also noteworthy that this fishery had no chinook PSC caps in place prior to 2015, and that the Council went from no caps at all to the second most restrictive cap in its suite of options.

June 2013 AP Minutes- *A minority of the AP did not support the motion, and supported an amendment to set the total cap at 6,500. Chinook salmon stocks throughout Alaska are at disastrously low levels and commercial, sport and subsistence fishers are facing drastic reductions in catch — or even complete fisheries closures — at great economic cost. We have little information about the stock of origin of the salmon caught as bycatch. Given the lack of data we should proceed with a precautionary approach and set bycatch limits which will protect struggling Chinook salmon stocks.*

Impacts to Kodiak. This closure will harm Kodiak, a rural Alaskan coastal community that is dependent on fisheries. There has been much discussion over the past several days about the importance of protecting Alaskan coastal communities that are dependent on fisheries, and Kodiak is one of these communities. While the closure is based on chinook bycatch throughout the central and western gulf Kodiak will bear 100% of the cost because the fleet in western gulf boats do not participate in summer or fall fisheries while Kodiak boats do usually participate in summer flat and fall cod fisheries. The impact to catcher vessels is direct, resulting in less revenue to each boat unable to fish. However, impacts on the community of Kodiak are much greater than that, which is why the City and Borough both issued requests for emergency action as part of public comment. During the June, 2015, Council meeting one Council members asked why the City and Borough of Kodiak have suddenly changed their stance and the answer is that Kodiak will experience harm from this closure through lost revenue to catcher vessels and processing plants, loss of crew and processing plant jobs, reduced severance tax revenue, loss of population, and decreased commerce related to marine fuel, fishing gear, shipyard, groceries.

In Summary. An emergency action providing more chinook is appropriate to allow the fishery to re-open in 2015. In balancing the National Standards, standards 1, 2, 8 and 9 all support an emergency action to achieve optimum yield, using the best scientific data available and protecting the community of Kodiak while reducing PSC to the extent practicable. The Council should consider the known and present harm to Kodiak that IS occurring with this closure, right now. The most current scientific data available shows chinook primarily from the West Coast, BC and SE Alaska, with Washington State as the primary contributor with almost half of its chinook ad-clipped hatchery fish. Promulgating emergency regulations to re-open this fishery in 2015 will avoid significant harm to Kodiak, and is not likely to cause harm to Alaskan chinook stocks and other Alaskan communities.

Sector	BSAI Halibut PSC Limits By Sector, in metric tons			% Change from 2014 Use	Average Use (2008-2013)	% Change from Average Use	Total Savings, in net pounds		Status Quo (No Change to FCEY)
	Current PSC Limit	Percentage Reduction	New PSC Limit				BSAI (Areas 4A/4B/4CDE)	BSAI (Areas 4A/4B/4CDE)	
TLAS	875	15%	744	717	700	6%	-	-	18.1%
A80	2325	25%	1,744	2,106	2,037	-14%	-	-	9.4%
Longline CV	15	15%	13	7	3	378%	-	-	53.3%
Longline CP	760	15%	646	412	521	24%	-	-	45.8%
CDQ	393	20%	314	244	210	50%	-	-	37.9%
Other non-trawl	58	15%	49	1	5	920%	-	-	98.3%
<b>Total</b>	<b>4,426</b>	<b>-21%</b>	<b>3,510</b>	<b>3,487</b>	<b>3,475</b>	<b>1.0%</b>	<b>484,327</b>	<b>311,234</b>	<b>0</b>

2015 BSAI Blue Line 2,640,000  
 Change to BSAI FCEY (O26 Savings) 311,234  
**Estimated BSAI FCEY (Blue Line + O26 Savings) 2,640,000**

2015 4CDE Blue Line 520,000  
 Change to 4CDE FCEY (O26 Savings) 242,163  
**Estimated Area 4CDE FCEY (Blue Line + O26 Savings) 520,000**

Change from 2011 (3.7) -85.9%  
 Change from SQ (1.285) -59.5%

This table can be used to show the effect of various percentage reductions to the specific sectors, as well as estimated changes to FCEY. Input the desired % Reduction into the highlighted cells in Column D. Council Alternatives are: 10%, 20%, 30%, 35%, 40%, 45%, and 50%, with a 60% option for A80 Limited Access (though, not broken out here).

Percentage Reductions that result in a New PSC Limit that is higher than 2014 Use will not affect the FCEY.

Calculations/Assumptions:  
 Change to FCEY assumes that PSC Use will not be higher than in 2014 - e.g., if the New PSC Limit is higher than 2014 use, then the change to FCEY will be 0. This assumption is made as otherwise, the assumption is the New PSC Limit will be used in full and is not likely to occur in certain sectors that have operated well below the existing PSC Limit

Change to BSAI FCEY = (2014 Use - New PSC Limit) \* 2204.62 \* .75 \* Weighted Avg % O26 by Sector  
 Change to Area 4CDE FCEY = Change to BSAI Halibut Fishery \* Avg % Halibut Mortality Occurring in 4CDE  
 IPHC estimates for bycatch size composition and location were used where Council data was not available; specifically used for the CDQ sector and Other non-trawl sector

The values in this table are different from previous calculations that used just the IPHC estimates/data on bycatch.

B Model  
 Conservation savings (U26) 242,163  
 -12%

Sector	AP	C
TLAS	15%	15%
A80	45%	45%
Longline CV	30%	30%
Longline CP	15%	15%
CDQ	20%	20%
Other non-trawl	30%	30%

Heather  
 McCarty  
 E1 #12