

# Public Testimony Sign-Up Sheet

Agenda Item C-3(b) GOA Rockfish fishery sideboards

	NAME (PLEASE PRINT)	AFFILIATION
1	Todd Loomis	Cascade Fishing Inc
2	LORI SWANSON	GFF
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.



MEMORANDUM

TO: Council, SSC and AP Members  
FROM: Chris Oliver <sup>DS</sup> <sub>tsa</sub>  
Executive Director  
DATE: September 23, 2008  
SUBJECT: GOA Sideboards – GOA rockfish program

ESTIMATED TIME:

8 HOURS  
(all C-3 items)

**ACTION REQUIRED**

(b) Final Action on BSAI Sideboard Exemption in GOA Rockfish Program

**BACKGROUND**

The public review draft of the analytical document to support this action, containing a Regulatory Impact Review and Initial Regulatory Flexibility Analysis, was mailed out to the Council in late August. The proposed Gulf of Alaska Groundfish FMP amendment would exempt some or all catcher processors participating in the Central GOA rockfish pilot program from the early July stand down period that prevents their participation in most directed BSAI groundfish fisheries during those dates.

In December 2007, the Council requested this analysis as one of a series of GOA sideboard adjustment actions. The BSAI stand down restriction was implemented in the rockfish pilot program in order to prevent rockfish participants from increasing their effort in BSAI fisheries. In 2008, BSAI Amendments 80 and 85 became effective, creating sector allocations for the major BSAI target fisheries (other than pollock). Consequently, the importance of the stand down period as a protection measure for participants in other BSAI fisheries has changed.

An executive summary of the analysis is attached as Item C-3(b)(1). The analysis meets the requirements for a categorical exclusion from detailed environmental review, under the requirements of the CEQ regulations and NOAA's NEPA regulations. The Council is scheduled to take final action on the amendment at this meeting.

**DRAFT FOR PUBLIC REVIEW**

Proposed Amendment to the  
Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) to

**Exempt Certain Catcher Processors Participating in the  
GOA Rockfish Pilot Program from the July Stand Down  
in the Bering Sea/Aleutian Islands**

**Regulatory Impact Review/  
Initial Regulatory Flexibility Analysis**

**August 2008**

**Abstract:** This document contains a Regulatory Impact Review (RIR) and an Initial Regulatory Flexibility Analysis (IRFA) analyzing an action to exempt some or all catcher processors that participate in the Central Gulf of Alaska rockfish pilot program from the early July stand down period that prevents their participation in directed BSAI groundfish fisheries during those dates. The analyses in this document address the requirements of Executive Order 12866, and the Regulatory Flexibility Act (RFA).

**For Further Information Contact:** North Pacific Fishery Management Council  
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## Executive Summary

The Central Gulf of Alaska (CGOA) Rockfish Pilot Program includes a sideboard provision that regulates the participation of rockfish catcher processor vessels (CPs) in Bering Sea and Aleutian Islands (BSAI) groundfish fisheries. CPs that join a rockfish cooperative, or fish in the limited access fishery and hold more than 5% of the CP CGOA Pacific ocean perch (POP) history, are subject to a July stand down provision in the BSAI. This stand down restriction was put into place to prevent increased effort by rockfish participants in BSAI fisheries. At the time the rockfish program and its stand down restriction were being developed, only the pollock fishery, of BSAI trawl fisheries, was subject to a limited access privilege program; all the other directed BSAI trawl fisheries were subject to a race for fish.

Harvest data from 2003 - 2006 show that the BSAI fisheries historically targeted by trawl CP vessels during July 1 - 14 were the Aleutian Islands (AI) Pacific ocean perch (POP) and BSAI Pacific cod fisheries. In 2008, BSAI Amendment 80 became effective, creating sector allocations of AI POP and four other BSAI directed fisheries, and the opportunity for cooperatives to form in the head and gut trawl CP sector, the sector of the BSAI trawl fleet that predominantly harvests these species. Also in 2008, BSAI Amendment 85 became effective, which allocates BSAI Pacific cod among sectors, including an exclusive allocation to the Amendment 80 sector. Consequently, the importance of the stand down as a protection measure for other fisheries has changed.

This document contains a Regulatory Impact Review (Chapters **Error! Reference source not found.** to **Error! Reference source not found.**) and an Initial Regulatory Flexibility Analysis (Chapter **Error! Reference source not found.**) analyzing the two alternatives under consideration. Chapter **Error! Reference source not found.** contains a discussion of the Magnuson-Stevens Fishery Conservation and Management Act National Standards and fishery impact statement.

This analysis meets the requirements for a categorical exclusion from detailed environmental review, under the requirements of CEQ regulations at 40 CFR Part 1500-1508 and NOAA Administrative Order NAO 216-6. The amendment addresses an allocative restriction for catcher processor vessels participating in the CGOA Rockfish Program, and will not affect the overall harvest of BSAI groundfish species, nor substantially change the timing or manner of groundfish removals.

### Purpose and Need

Catcher processors that participate in a CGOA rockfish pilot program cooperative, and some catcher processors that participate in the CGOA rockfish program limited access sector, are restricted from directed groundfish fisheries in the BSAI for a period in July, beginning on the first of the month. This stand down period was put in place to prevent participants in the rockfish program from unfairly benefiting from their rockfish allocation by increasing their effort in BSAI fisheries. Since the implementation of the rockfish program, BSAI Amendments 80 and 85 have been implemented, which allocate exclusive privileges for various BSAI groundfish species (Atka mackerel, AI Pacific ocean perch, flathead sole, Pacific cod, rock sole, and yellowfin sole) to the head and gut trawl catcher processor sector (the Amendment 80 sector) in the BSAI, and allow vessels in the sector to form cooperatives. Most of the GOA rockfish program catcher processors are also part of the BSAI Amendment 80 sector.

Given that the species allocated under BSAI Amendments 80 and 85 comprise the major directed fisheries in the BSAI, and most catcher processor participants in the CGOA rockfish program have already been allocated exclusive privileges for harvesting these BSAI species, the July stand down may no longer be required as a protection measure.

**Description of Alternatives**

There are three alternatives to the status quo that would address the problem articulated above. The Council specifically identified Alternative 2 upon initiation of this amendment package. The other alternatives are offered by staff, as alternatives that may also meet the Council's intent.

**Alternative 1: Status quo.**

Catcher processors that participate in a CGOA rockfish pilot program cooperative are restricted from the directed BSAI groundfish fisheries (except for pollock) from July 1 - 14. Catcher processors who participate in the CGOA rockfish program limited access sector, and are allocated more than 5% of the CP allocation of CGOA Pacific ocean perch, are restricted from fishing in directed BSAI groundfish fisheries (except for pollock) from July 1, until 90% of the CGOA POP that is allocated to the limited access fishery for the CP sector has been harvested.

**Alternative 2:** Exempt catcher processors that are participants in the CGOA rockfish pilot program cooperative or limited access sector and members of an Amendment 80 cooperative in the BSAI from the July stand down in the BSAI directed groundfish fisheries.

This alternative limits the exemption to CPs that choose, on an annual basis, to participate in an Amendment 80 cooperative.

**Alternative 3:** Exempt catcher processors that are participants in the CGOA rockfish pilot program cooperative or limited access sector and members of the Amendment 80 sector in the BSAI from the July stand down in the BSAI directed groundfish fisheries.

This alternative extends the exemption to any CPs that are part of the Amendment 80 sector.

**Alternative 4:** Amend the CGOA rockfish pilot program to remove the provision that requires certain catcher processors to stand down from participating in directed BSAI groundfish fisheries for a period in July.

Alternative 4 would remove the BSAI stand down provision from the CGOA rockfish pilot program.

**Summary of Impact Analysis**

The following table lists the number of CPs that would potentially be affected by the alternatives under consideration.

	<b>Alternative 1 – status quo</b>	<b>Alternative 2 – exempt rockfish program CPs in Amendment 80 cooperatives</b>	<b>Alternative 3 – exempt rockfish program CPs fishing in Amendment 80 sector</b>	<b>Alternative 4 – remove stand down provision from rockfish program</b>
<b>Maximum number of CPs potentially affected</b>	0	10	10	15
<b>Number of CPs affected in 2008</b>	0	3	5	8

The following table summarizes the effects of the exemption.

<p><b>Effects of exempting rockfish participants who are Amd 80 cooperative members (Alternatives 2, 3, 4)</b></p>	<p>The exemption results in increased flexibility and efficiency for vessels to determine fishing patterns, and potentially reduces costs of leaving the vessel idle. The benefit is greatest for vessels in a rockfish cooperative (none of the 3 in 2008). The exemption would remove a disincentive to opt in to the rockfish program, or if participating, to join a rockfish cooperative.</p> <p>There is no possibility of encroachment in allocated BSAI fisheries. There is a opportunity for exempted vessels to encroach in unallocated directed fisheries, but it is not specific to the July period of the BSAI stand down provision, as unallocated fisheries are open to Amendment 80 cooperatives year-round.</p>
<p><b>Effects of exempting rockfish participants who are Amd 80 limited access members (Alternatives 3, 4)</b></p>	<p>The exemption results in increased flexibility and efficiency for these vessels to determine fishing patterns, and potentially reduces costs of leaving the vessel idle. The benefit is greatest for vessels in a rockfish cooperative (2 of 2 in 2008).</p> <p>There is a possibility for exempted vessels to encroach in the Amendment 80 limited access fishery, as exempted vessels which would historically be participating in the GOA rockfish fisheries would now be able to compete for Amendment 80 target species. However, based on 2008 membership of the Amendment 80 limited access fishery, no unfair competition would result from the exemption.</p> <p>There are fewer unallocated fisheries open to directed fishing by the Amendment 80 limited access sector (than are open to Amendment 80 cooperatives); the exemption creates a low possibility of encroachment into unallocated fisheries as the exempted CP vessels would be fishing for target species during this time.</p>
<p><b>Effects of exempting rockfish participants who are non-Amd 80 participants (Alternative 4)</b></p>	<p>The exemption results in increased flexibility and efficiency for these vessels to determine fishing patterns, and reduces costs of leaving the vessel idle. The benefit is smaller for these vessels, as they have less history in the BSAI.</p> <p>There are fewer unallocated fisheries open to directed fishing by the BSAI trawl limited access sector; the exemption creates a possibility of encroachment by vessels into unallocated fisheries, but it is capped by the small allocations to the BSAI trawl limited access sector, and exempted vessels have limited recent history fishing in the BSAI.</p> <p>There is a possibility of encroachment in Amendment 80 target fisheries, but exempted vessels have no recent history of processing in the BSAI, nor participation in these fisheries. The vessels have some history as CVs in the Pacific cod fishery, but any risk of encroachment is not specific to the early July period of BSAI stand down provision.</p>

### Initial Regulatory Flexibility Analysis

The proposed action directly regulates some or all catcher processor vessels that qualify for the CGOA rockfish program. Qualified catcher processors must select, on an annual basis, whether they participate in a cooperative, in the limited access fishery, or whether they opt out of the program; their participation level affects whether and how the stand down provision applies.

There are a total of 15 catcher processor LLPs that qualify for the CGOA rockfish pilot program, representing the maximum number of entities that might be regulated under the proposed action. In 2007, 5 CPs participated in rockfish cooperatives, 4 in the limited access program, and 6 opted out of the program. Of the 4 participating in the limited access program, the stand down period applied to only 2. Therefore, in 2007, there were 7 entities that would have been directly regulated, had the proposed action been implemented. Vessels that would be considered large entities are either affiliated as owners of multiple vessels or by participating in a cooperative. Five of these entities participate in a rockfish cooperative; of the 2 remaining, both are part of the Amendment 80 cooperative. Therefore, all of the directly regulated vessels in 2007, would be considered large entities.

## Groundfish Forum

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AGENDA C-3(b)  
Supplemental  
OCTOBER 2008

September 23, 2008

Mr. Eric Olson, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave.  
Anchorage, AK 99501  
FAX: 907-271-2817

**Re: Agenda Item C-3(b) Final Action on sideboards for the GOA rockfish fishery**

Dear Chairman Olson,

Groundfish Forum is a trade organization representing many of the trawl catcher-processors in the 'Amendment 80' sector. Many of our vessels also qualify for the Rockfish Demonstration Program ('Pilot Program') in the Gulf of Alaska. We are writing to you to recommend removing the Bering Sea/Aleutian Island stand-down for catcher-processors in the Pilot Program since Amendment 80 has removed the need for these protections.

Prior to Amendment 80, vessels which received allocations of rockfish in the Gulf of Alaska under the Rockfish Pilot Program could change their fishing practices during the time that rockfish was typically harvested (early July) and impact participants in Bering Sea/Aleutian Islands fisheries. For example, a vessel which normally operated in the GOA in July could instead harvest its rockfish allocation in June, and participate in the Aleutian Islands rockfish fishery in July. The Pilot Program included a stand-down provision to keep this from happening.

Amendment 80 has allocated the major target fisheries and prohibited species catch in the Bering Sea, so the type of encroachment possible when the pilot program was approved is no longer a concern. The stand-down provision unnecessarily hinders the operation of vessel involved in the Pilot Program.

We support Alternative 4 in the draft analysis, which would remove the stand-down for all pilot program catcher-processors.

Thank you for the opportunity to comment on this issue.

Sincerely,



Lori Swanson  
Executive Director