



**NOAA
FISHERIES**

D2 Maximum Retainable Amounts

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OVERVIEW

- Section 2
 - **MRA background**
 - Existing regulations
- Section 3
 - **Proposed Agency changes**
 - Clarify existing regulations to reflect current practices
- Section 4
 - **Proposed Industry changes**
 - Revise definition of a fishing trip from five to two trip triggers for CPs and motherships
 - Option to add other IR/IU species to an offload MRA calculation instead of instantaneous MRA
 - Revise all MRA calculations from instantaneous to time of offload
 - Includes revising fishing trip from five to two trip triggers for CPs and motherships
- Sections 5 and 6
 - **Other considerations**
 - Improved retention/improved utilization (IR/IU)
 - Unforeseen medical and mechanical issues
 - Regulatory discards
 - Enforcing closed areas



WHAT IS AN MRA? (2.1)

- **MRA – Maximum round weight of a species closed to directed fishing that may be retained onboard a vessel**
 - MRAs are determined by percentages in regulation and use species open to directed fishing as the basis species

- **Purpose of an MRA**
 - Slow harvest rate of incidental catch species
 - Allow some retention of species closed to directed fishing
 - Retention required if improved retention/improved utilization (IR/IU) species
 - Full retention required under additional regulations (e.g. rockfish retention for non-trawl CVs, EM trawl program)



DEFINITION OF A FISHING TRIP (2.3)

§ 679.2 *Fishing trip* means:

(1) With respect to retention requirements (MRA, IR/IU, and pollock roe stripping), recordkeeping and reporting requirements under § 679.5, and determination of directed fishing for flatfish.

(i) *Catcher/processors and motherships*. An operator of a catcher/processor or mothership processor vessel is engaged in a fishing trip from the time the harvesting, receiving, or processing of groundfish is begun or resumed in an area until any of the following events occur:

(A) The effective date of a notification prohibiting directed fishing in the same area under § 679.20 or § 679.21;

(B) The offload or transfer of all fish or fish product from that vessel;

(C) The vessel enters or leaves an area where a different directed fishing prohibition applies;

(D) The vessel begins fishing with a different type of authorized fishing gear; or

(E) The end of a weekly reporting period, whichever comes first.

(ii) *Catcher vessels*. An operator of a catcher vessel is engaged in a fishing trip from the time the harvesting of groundfish is begun until the offload or transfer of all fish or fish product from that vessel.

➤ **A fishing trip for MRA calculations does NOT mean offload to offload**



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AGENCY RECOMMENDED REVISIONS (3)

- NMFS has identified regulations regarding MRAs and improved retention/improved utilization (IR/IU) that need modifying:
 - For clarity;
 - To correctly reflect past actions; and
 - To correct citations
 - **These modifications are not intended to change how MRAs currently operates**
- MRA regulations that need revisions:
 - Definition of a fishing trip;
 - Calculation of MRAs; and
 - Application of MRAs



REVISE THE DEFINITION OF A FISHING TRIP (3.1)

■ Issue

■ Motherships

- Motherships have the same fishing trip definition as catcher/processors (CPs)
 - Unclear how the fishing trip definition applies to a mothership
- Motherships receive unsorted codends from CVs and sort/discard catch
- In practice motherships are responsible for MRAs

■ Catcher vessels (CVs) delivering unsorted codends to motherships

- CV fishing trip is defined as the time harvesting begins until all product is offloaded
- CVs delivering unsorted codends does not have opportunity to sort catch
 - No way to discard to stay under MRAs
- In practice CVs delivering unsorted codends are not responsible for MRAs

➤ Change the definition of a fishing trip to:

- Clarify the CV definition only applies to CVs not delivering unsorted codends
- Clarify the mothership definition applies to catch from CVs delivering unsorted codends



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REVISE THE CALCULATION OF MRAS (3.2)

▪ Issue 1

▪ Management Program (e.g. A80, CDQ, OA, PCTC, etc.)

- Vessels often participate in several different management programs at the same time
 - Vessels are currently calculating MRAs for each management program separately
- Add new language to the calculation section stating that MRAs should be calculated for each management program separately

▪ Issue 2

▪ CPs also acting as motherships

- The definition of a fishing trip is the same for CPs and motherships
 - Both CP and mothership activity can occur within a fishing trip
 - Currently MRAs are being calculated based on CP and mothership activity combined
- Revise regulation clarifying that MRAs should be calculated based on CP and mothership activity combined when in the same management program

▪ Issue 3

▪ CDQ basis species

- Current regulation states only CDQ allocated species can be used as basis species
 - Mostly an issue when CDQ harvests Amendment 80 species
 - Harvest of Amendment 80 species in the CDQ program cannot be more restrictive than those same species under Amendment 80
 - Currently CDQ vessels use any Amendment 80 species open to directed fishing as a basis species
- Update regulation to clarify CDQ may use any species open to directed fishing as basis species



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REVISE THE APPLICATION OF MRAS (3.3)

▪ Issue 1

- CVs delivering unsorted codends to motherships
- Add new language in the application section clarifying how MRAs are applied to motherships

▪ Issue 2

- BSAI pollock and BS Atka mackerel are calculated at offload except for AFA vessels
 - Incorrect regulatory citation referencing AFA vessels
 - AFA replacement vessels not addressed
- Correct regulatory citation
- Add regulatory language addressing AFA replacement vessels

▪ Issue 3

- AFA vessels used to fish Amendment 80 species for CDQ
 - CDQ vessels cannot be treated more restrictively than other Amendment 80 vessels
 - CDQ vessels should be able to calculate BSAI pollock and BS Atka mackerel at offload
- Add regulatory language clarifying this is allowed for vessels participating in CDQ even if they have an AFA permit



IMPROVED RETENTION/IMPROVED UTILIZATION (IR/IU) PROGRAM (3.4)

▪ Issue 1

- MRA regulations conflict with IR/IU
 - Currently vessels are told MRAs take precedence over IR/IU
- Modify regulation to clearly state if MRAs or IR/IU takes precedence

▪ Issue 2

- Amendment 80
 - Current regulations state all FMP species are IR/IU species for Amendment 80
 - There is a 15% utilization standard for all retained FMP groundfish
 - Amendment 80 reports submitted annually to NMFS and the Council include groundfish retention information
- Clarify that the IR/IU regulation is meant to apply to the 15% utilization standard and not full retention of all FMP groundfish



INDUSTRY PROPOSED REGULATORY REVISIONS (4)

Two industry proposed regulatory revisions:

1. Revise fishing trip definition from five triggers to two (offload and when different gear is used)
 - a. Option to change all IR/IU species and CGOA Rockfish Program to an MRA applied at the offload (not instantaneous)
2. Revise fishing trip definition from five triggers to two (offload and when different gear is used) and all MRAs for all species are applied at the offload (not instantaneous)

When considering these proposed regulatory revisions, should they apply to all sectors and management programs?



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INDUSTRY PROPOSED REGULATORY REVISIONS (4)

Calculating MRAs for the duration of time at sea can be complicated due to:

- Participation in multiple management programs at the same time
- Participation as a CP and mothership at the same time
- Vessels stay at sea for multiple weeks
- Five different triggers that restart a fishing trip for MRA calculations

Example of trip calculations for an A80 vessel that is acting as a CP and mothership and participating in three different management programs.

	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11
	Thu.	Fri.	Sat.	Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Sun.
	Cod open Mac open	Cod closed Mac open	Cod open Mac open	Cod closed Mac open	Cod closed Mac open	Cod open Mac closed	Cod open Mac closed	Cod closed Mac open	Cod closed Mac open	Cod closed Mac open	Cod closed Mac open
A80	Trip 1	Trip 2	Trip 1	Trip 3	Trip 3	Trip 4	Trip 4	Trip 3	Trip 3	Trip 3	Trip 5
OA	Trip 1	No OA	Trip 1	No OA	No OA	No OA	No OA	Trip 2	Trip 2	Trip 2	Trip 3
CDQ	No CDQ	No CDQ	Trip 1	No CDQ	No CDQ	Trip 2	Trip 2	Trip 3	Trip 3	No CDQ	Trip 4

↑ Weekly reporting period starts over
↑ Weekly reporting period starts over



MODIFY TRIP TRIGGERS (4.1)

- Revision 1

- Redefine fishing trip for CPs and motherships from five to two triggers
 - 1) Offload of fish or fish product, and 2) use of different gear
 - Instantaneous MRAs remain in place
 - More difficult to enforce closed areas

- Revision 1a

- Add the following species to offload calculation:
 1. GOA pollock
 2. GOA Pacific cod
 3. BSAI Pacific cod
 4. CGOA Rockfish Program (currently calculated at the end of each weekly reporting period)
 - No instantaneous MRAs for these species
 - May result in more MRA overages if a vessel has to return to port unexpectedly
 - Likely lower regulatory discards of these species



OFFLOAD CALCULATION – NO INSTANTANEOUS MRA (4.2)

▪ Revision 2

- Redefine fishing trip for CPs and motherships from five to two triggers
 - 1) Offload of fish or fish product, and 2) use of different gear
 - More difficult to enforce closed areas
- Calculate all MRAs at time of offload
 - No instantaneous MRAs for any species
 - All species treated the same (less confusion)
 - May result in more MRA overages if a vessel has to return to port unexpectedly
 - Likely result in the least amount of regulatory discards



MANAGEMENT IMPACTS OF REVISING FISHING TRIP TRIGGERS (6)

- Reduced number of fishing trips for MRA calculations
 - Easier for vessels to calculate
 - Easier to enforce

Example of trip calculations for an A80 vessel that is acting as a CP and mothership and participating in three different management programs under proposed change in trip triggers for a fishing trip.

	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11
	Thu.	Fri.	Sat.	Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Sun.
	Cod open Mac open	Cod closed Mac open	Cod open Mac open	Cod closed Mac open	Cod closed Mac open	Cod open Mac closed	Cod open Mac closed	Cod closed Mac open	Cod closed Mac open	Cod closed Mac open	Cod closed Mac open
A80	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1
OA	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1
CDQ	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1	Trip 1

- Likely less regulatory discards
- Difficult to enforce closed areas



IR/IU CONSIDERATIONS (5.1)

Current regulation states the lowest MRA is applicable for the duration of the fishing trip

- Revising fishing trip triggers from five to two will be restrictive for CPs and motherships unless this provision is also addressed
- If this provision remains in place it may be advisable to consider whether MRA or IR/IU regulation takes precedence
 - Currently CVs are told MRAs take precedence over IR/IU
 - Would likely increase regulatory discards



UNFORESEEN MEDICAL OR MECHANICAL ISSUES (5.2)

▪ Issue

- Vessel arrives at port earlier than expected due to:
 - Medical emergency
 - Mechanical issue
 - Weather
- Vessel may be over MRA of species calculated at offload
 - In violation if any fish/fish product is offloaded while in port
- Vessel may be over instantaneous MRA
 - In violation because at no time during the trip is a vessel allowed to be over the MRA

▪ Solutions?

- Regulatory relief when an unexpected situation arises
 - What constitutes an emergency?
 - Is there an amount over the MRA that is acceptable?
 - Should catch from that trip be rolled into the next trip for MRA calculations?



REGULATORY DISCARDS (6.1)

▪ Instantaneous MRAs

- Cannot be over MRA at any time during the fishing trip
- Status quo
 - Multiple fishing trips can occur while vessel is at sea
 - MRA calculation starts over with each new fishing trip trigger

▪ Example of instantaneous MRAs under status quo

- CP HAL vessel directed fishing for Pacific cod in BSAI
- Vessel fishes for two weekly reporting periods before offloading
- **Day one, week one**
 - Vessel harvests 10 mt of Pacific cod and 5 mt of skates
 - MRA for skates is 20%
 - Vessel can only retain 2 mt of skates due to instantaneous MRA
 - 3 mt of skates discarded
- **Day one, week two**
 - Vessel has 100 mt of Pacific cod and 3 mt of skates onboard from previous week
 - New weekly reporting period triggers new fishing trip so MRA calculation restarts
 - Vessel harvests 10 mt of Pacific cod and 5 mt of skates
 - Vessel can only retain 2 mt of skates due to instantaneous MRA restarting with new weekly reporting period
 - 3 mt of skates discarded



REGULATORY DISCARDS - PROPOSED CHANGES (6.1)

- Revise fishing trip triggers from five to two:
 - Requires discarding to be under instantaneous MRA
 - No longer restarting MRA calculations multiple times while at sea
 - Likely less discarding throughout the trip
 - Discards would likely occur more at the beginning of the trip
- Add IR/IU species and CGOA Rockfish Program to an offload calculation:
 - Additional species calculated at offload without instantaneous MRA
 - Likely less discarding of IR/IU species and in CGOA Rockfish Program
 - May exacerbate MRA overages due to unforeseen events resulting in abrupt returns to port
- All MRAs calculated at offload:
 - All species calculated at offload without instantaneous MRA
 - Likely less discarding of high value species
 - May exacerbate MRA overages due to unforeseen events resulting in abrupt returns to port
- Other considerations:
 - Vessels must want to retain non-IR/IU species for regulatory discards to be reduced
 - Vessels might discard more at the end of the trip to avoid being over offload MRAs



ENFORCING CLOSED AREAS (6.2)

- Many areas are closed to directed fishing for certain species
 - If over the MRA for a species then it is considered directed fishing
- Current fishing trip definition for CPs and motherships
 - Creates a separate fishing trip inside closed areas with separate MRA calculations (except BSAI pollock, BS Atka mackerel, and CGOA Rockfish Program)
 - Ensures directed fishing does not occur inside the closed area
- Removing the trip trigger that applies when a vessel enters or leaves an area with a different prohibition would allow:
 - A vessel to “target” species closed to directed fishing in closed areas
 - The MRA calculation would be based on the amount onboard for the entire time at sea
 - Would still be within MRA at the time of offload
 - Office of Law Enforcement has expressed concerns about the ability to enforce closed areas



OTHER QUESTIONS ASKED BY INDUSTRY

Additional considerations not in the discussion paper:

- How will fleet behavior change if MRA regulations are revised?

- Would BS Pacific cod for the non-CDQ sector be harvested faster causing the BS to close earlier to directed Pacific cod fishing?
 - Pacific cod is an IR/IU species for all sectors
 - Pacific cod is an Amendment 80 allocated and hard capped species
 - Unlikely to change Amendment 80 fleet behavior

- How would this affect trawl EM MRAs?
 - Current trawl EM requires 100% retention (except sharks)
 - The proposed MRA modifications would not change the trawl EM MRAs



THE TASK

Recommend if:

1. The NMFS' proposed changes (Table 7-1) for regulatory clarity should be moved forward to an analysis.
2. All or some of the industry proposed changes to modify trip triggers and instantaneous MRAs (Table 7-2) should be moved forward to an analysis.
 - What information would be beneficial in an analysis? This could include (but is not limited to) regulatory discards, further analysis regarding closed areas, IR/IU, unforeseen medical/mechanical/weather issues during a trip, and if modifications should apply to all vessel sectors and management programs.





Questions?

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