



# C5 BSAI and GOA Groundfish Proposed Specifications, Spatial Management Policy

October 2022 Council Meeting

## Action Memo

- Council Staff: Sara Cleaver (GOA), Dr. Diana Stram (BSAI)
- Other Presenters: Dr. Kalei Shotwell (AFSC, BSAI Plan Team Co-Chair), Dr. Jim Ianelli (AFSC, GOA Plan Team Co-Chair), Chris Lunsford (AFSC, GOA Plan Team Co-Chair), Dr. Steve Barbeaux (AFSC, BSAI Plan Team Co-Chair)
- Action Required:
1. Review Joint, BSAI, and GOA Plan Team reports
  2. Recommend proposed BSAI and GOA groundfish harvest limits, prohibited species catch limit apportionments, and halibut discard mortality rates for 2023-2024
  3. Review Spatial Management Policy Papers and take action as needed

## 1. Plan Team Reports

The Council's BSAI and GOA Groundfish Plan Teams met jointly on September 19-20, and separately on September 21-22, 2022, to review and recommend, for proposed rulemaking, groundfish harvest specifications for the upcoming 2023 and 2024 fishing years. The Teams reviewed reports from assessment authors to identify items for inclusion in stock assessments that will be presented at the November Groundfish Plan Team meetings. The joint Teams also received an overview of the climate and oceanography sections of the ecosystem status report (ESR) that will be finalized for the November Plan Team meetings. The complete list of items covered at the joint and individual meetings can be found on each Plan Team [agenda](#). The Joint BSAI/GOA Groundfish Plan Teams report will be presented during this agenda item, along with the individual BSAI and GOA Groundfish Plan Team reports. All three reports are attached to the agenda.

## 2. Proposed Harvest Specifications

At this meeting the Council will recommend, for proposed rulemaking, BSAI and GOA groundfish harvest specifications for the upcoming two-year period (2023 and 2024) which will notify the public of expected Council action to set final harvest specifications in December 2022. Proposed harvest specifications for the year after next (2024) are typically set equal to the proposed upcoming year (2023) harvest specifications. Proposed harvest specifications for 2023 and 2024 are listed as Table 1 in the BSAI 2023 Plan Team Proposed ABC-OFLs and in the GOA 2023 Plan Team Proposed ABC-OFLs attachments.

In addition to harvest specifications, the Council will recommend, for proposed rulemaking, gear and target fishery apportionments of prohibited species catch (PSC) limits for halibut, red king crab, Tanner crab, opilio crab, and herring. The Council will also recommend updated halibut discard mortality rates

(DMRs). Final harvest specifications in December 2022 will be based on stock assessment reports included in the Groundfish SAFE reports for the BSAI and GOA that will be released in late November 2022.

In December 2021, the Council adopted final harvest specifications for 2022 and 2023, which were published as a final rule in the Federal Register in March 2022 (87 FR 11626, March 2, 2022 (BSAI); 87 FR 11599, March 2, 2022 (GOA)). These existing 2023 specifications will be effective for the beginning of the 2023 groundfish fishing year.

## **Bering Sea/Aleutian Islands Groundfish**

The BSAI Groundfish Plan Team recommendations for the proposed 2023 and 2024 BSAI groundfish annual harvest specifications are shown in the BSAI Plan Team's Proposed ABC-OFLs attachment on the agenda. The Team adopted proposed 2023 and 2024 BSAI Overfishing Limits (OFLs) and Acceptable Biological Catch limits (ABCs) (**Table 1**) which match the existing final 2023 harvest specifications that were published in the Federal Register in March 2022, and rollover the same limits for 2024.

### TAC considerations for State waters Pacific cod fishery

In setting TACs for 2023 and 2024, the Council accounts for guideline harvest levels (GHLs) for groundfish fisheries in State waters. The Alaska Board of Fisheries took action in 2018 that modified how GHLs in the Bering Sea and Aleutian Islands are set for Pacific cod. The GHL in the AI will be set at 39% of the AI Pacific cod ABC (to a maximum of 15,000,000 pounds). The GHL in the BS will be set at 12% of the eastern BS Pacific cod ABC. An additional 45 t will be set aside for the Area O jig fishery.

### Flatfish flexibility ABC reserve

Under Amendment 105, an ABC reserve is specified for flathead sole, rock sole, and yellowfin sole. These species are allocated to CDQ groups and the Amendment 80 cooperative using formulas from the annual harvest specifications process. The ABC reserve for each species is specified by the Council by evaluating the difference between the ABC and TAC for each species (i.e., the ABC surplus) and considering whether the amount needs to be reduced by a discretionary buffer based on social, economic, or ecological considerations. The Council then designates some, all, or none of the ABC surplus as the ABC reserve. The Council provides its rationale for setting the ABC reserve at a particular level each year. The 2023 and 2024 CDQ and Amendment 80 ABC reserves have been provided by NMFS staff based on 2023 TAC levels and past Council action to set ABC reserve at the maximum amount. The proposed 2023 and 2024 ABC Surplus, ABC Reserves, CDQ ABC Reserves, and Amendment 80 ABC Reserves in the BSAI for flathead sole, rock sole, and yellowfin sole are shown in **Table 7** of the BSAI 2023 Plan Team Proposed Tables attachment on the agenda.

### BSAI Prohibited Species Catch (PSC) Limit Apportionments

Final BSAI harvest specifications include PSC limit apportionments for halibut, red king crab, Tanner crab, opilio crab, and herring and gear type and target fishery apportionments, which are set in Federal regulations. The overall crab and herring PSC limits are determined under the authority of regulations outside of the groundfish harvest specification process, based on biomass from survey results. However, the Council does apportion the crab PSC limit by target fishery in the groundfish specification process. The 2023 and 2024 crab PSC limits have been revised using current biomass estimates, and herring PSC limits will be revised when the most current biomass estimates are known. Proposed harvest specifications for these PSC limits, and apportionments based on 2022, are shown as **Tables 8, 9, 10, and 11** of the BSAI 2023 Plan Team Proposed Tables attachment on the agenda.

Federal regulations at §679.21(e)(3)(ii)(B)(1) state that the Red King Crab Savings Subarea is closed to nonpelagic trawl gear if ADF&G does not set a TAC for red king crab in the Bristol Bay area in the

previous year. If a GHL is not set for the 2022/2023 Bristol Bay red king crab season, the area would be closed to nonpelagic trawl gear in 2023.

#### BSAI Halibut Discard Mortality Rates

At the September meeting the Joint Groundfish Plan Teams reviewed halibut Discard Mortality Rates (DMRs) for implementation in 2023 and 2024 in the BSAI and GOA, and supported the Halibut DMR Working Group's recommendations. Proposed 2023 and 2024 Pacific halibut DMRs for the BSAI are shown in **Table 12** of the BSAI 2023 Proposed Tables attachment on the agenda.

#### Three-River Index for EBS Pollock Fishery Chinook Salmon PSC Threshold

Under BSAI Groundfish FMP Amendment 110, in addition to other bycatch reduction measures, the Council recommended, and NMFS implemented a reduction to overall Chinook PSC levels for the EBS pollock fishery sectors in times of low Western Alaskan Chinook salmon abundance. Low Western Alaskan Chinook salmon abundance is assessed annually using a three-system index of combined in-river adult Chinook salmon run sizes from the Unalakleet, Upper Yukon, and Kuskokwim Rivers. The PSC limits are reduced when this index of Western Alaskan salmon abundance is below a threshold of 250,000 Chinook salmon. Cap levels are then reduced from a performance standard of 47,491 to 33,318 and a PSC limit from 60,000 to 45,000. This reduction in cap levels in times of low abundance is designed to provide increased incentives for the pollock fleet to reduce bycatch to the maximum extent practicable to help in efforts to rebuild critically low Western Alaskan Chinook salmon stocks. Reduced cap levels are enacted in all years when the index is below the designated threshold of 250,000 Western Alaskan Chinook salmon, which indicates very poor run sizes. All other provisions of Chinook salmon bycatch management will also be in place in these years.

The Alaska Department of Fish and Game (ADFG) provides post-season abundance estimates to NMFS by October 1 to determine if adult Chinook abundance in the index system falls at or below the threshold level of 250,000. The performance standard and hard cap applicable to the Bering Sea pollock fishery will then be lowered in the year following the year in which the index was  $\leq 250,000$ . A letter from ADFG to NMFS is posted under this agenda item. The letter (attached to the eAgenda) reports that **the three-system index of in-river adult Chinook salmon run sizes from the Unalakleet, Upper Yukon, and Kuskokwim Rivers is 158,646 and is below the threshold level of 250,000**. Therefore, the performance standard will remain at 33,318 Chinook salmon and the PSC limit will remain at 45,000 Chinook salmon, as identified at 50 CFR 679.21.

### **Gulf of Alaska Groundfish**

The GOA Groundfish Plan Team's harvest recommendations for 2023 and 2024 are shown in the GOA 2023 Plan Team's Proposed ABC-OFLs attachment on the agenda. The Team adopted proposed 2023 and 2024 GOA OFLs and ABCs (**Table 1**) which match the existing final 2023 harvest specifications that were published in the Federal Register in March 2022 and rolled over the same limits for 2024.

#### Pacific cod TAC adjustments

The Council will need to recommend Pacific cod TACs for the GOA that are a 25% to 30% reduction from ABC to account for State GHL fisheries. Using the area apportionments from the proposed 2023 Pacific cod ABCs recommended by the Plan Team, the 2023 and 2024 Federal TACs for Pacific cod would be adjusted as listed in **Table 2** of the GOA 2023 Plan Team Proposed Tables attachment on the agenda.

#### GOA Prohibited Species Catch (PSC) Limit Apportionments

In addition to harvest specifications, the Council will recommend, for proposed rulemaking, gear and target fishery apportionments of prohibited species catch (PSC) limits for halibut. Recommended 2023

and 2024 halibut PSC apportionments (**Tables 9, 10, 11** in the GOA 2023 Plan Team Proposed Tables attachment) are based on the recommended 2023 apportionments for the Gulf of Alaska groundfish fisheries. Salmon PSC limits in the GOA groundfish fisheries are not specified on an annual basis because they are set in regulation.

The GOA Groundfish FMP (Section 3.6.2.1) sets out the procedure for modifying halibut PSC limit apportionments during the annual harvest specifications process. To adjust the PSC limit apportionments, the Council and NMFS must consider biological and socioeconomic factors about the halibut stock and groundfish fisheries that intercept halibut as bycatch. To accommodate these considerations, the FMP identifies a time-specific procedure for adjusting PSC apportionments to target fishery categories in the GOA, and seasonal allocations thereof, which requires this information to be provided for Council review in October, so the Council can set different apportionments in December. No additional information pertaining to GOA halibut PSC apportionments was requested by the Council for review.

#### GOA Halibut Discard Mortality Rates

At the September meeting the Joint Groundfish Plan Teams reviewed halibut Discard Mortality Rates (DMRs) for implementation in 2023 and 2024 in the BSAI and GOA and supported the Halibut DMR Working Group's recommendations, noting that the GOA nonpelagic trawl CP sector now has the sample size to calculate the GOA trawl CP DMR instead of using the BSAI DMR. The revised recommendation using the two-year average is 83%. Proposed 2023 and 2024 Pacific halibut DMRs for the GOA are shown in **Table 12** of the GOA 2023 Proposed Tables attachment on the agenda.

### **Spatial Management issues**

In October 2013, the Council adopted a policy that established a process for determining spatial management (i.e., subarea allocations of annual harvest specifications (OFL, ABC, and/or TAC)) of stocks and stock assemblages for groundfish, crabs and scallops. To date this policy has only been enacted in limited instances, for the BSAI Blackspotted and Rougheye rockfish (BS/RE) complex and the GOA Other Rockfish complex. Issues arising with both applications have led to a need for additional clarification from the Council about how and when it should be applied, at whose instigation, and whether it is meeting the Council's intent. Two papers are posted to the Council agenda regarding this issue:

- The first paper summarizes the overall origin and intent of the spatial management policy with additional details on the issues with respect to the BSAI BS/RE complex and GOA Other Rockfish complex issues, and questions for additional clarification.
- The second paper is specific to regulatory changes necessary to address the GOA Other Rockfish issue.