

# Public Testimony Sign Up Sheet

Agenda Item D-(b) GOA 01 *Sp*

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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  
Executive Director

DOR (for)

ESTIMATED TIME  
8 HOURS  
(all D-1 items)

DATE: March 30, 2005

SUBJECT: GOA Other Species calculation

**ACTION REQUIRED**

Initial Review of EA/RIR/IRFA to change the TAC calculation for the other species complex in the GOA groundfish FMP

**BACKGROUND**

At the December 2004 meeting, the Council initiated an amendment to modify the total allowable catch (TAC) calculation for the other species complex in the GOA groundfish FMP following recommendations from the Plan Teams, the SSC, and the Council's Non-Target Species Committee. Currently there is no OFL or ABC specified for the other species complex, and the TAC for the complex is fixed as 5% of the sum of the target species TACs in the GOA. Concerns were raised regarding the potential to increase the harvest of specific members of the complex, particularly following the removal of individual species to target categories.

The other species complex currently contains the following species: squid, sculpins, sharks and octopus. As currently configured, the other species complex is open to directed fishing up to the TAC for the complex. The other species complex TAC can be taken on any single species within the complex-wide TAC. This has caused conservation concerns given the removal of several species over time from the complex, which under the current calculation has served to increase the complex TAC by placing additional species into target categories upon which the TAC for the other species complex is based. Additionally, given the configuration of the complex, it is possible to target one member of the complex up to the full complex-level TAC, inhibiting in-season management's ability to control directed fishing within the complex, and raising concerns given the lack of available stock information on most members of the complex.

The executive summary of the analysis is attached as Item D-1(b)(1). The full EA/RIR/IRFA for this proposed amendment was mailed to you on March 21<sup>st</sup>.

The following three alternatives, including one sub-option, are examined in the analysis:

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

Alternative 2: Set the other species complex TAC at less than or equal to 5% of the sum of the target species TACs.

Alternative 3: Set the other species complex TAC at a level anticipated to meet incidental catch in other directed fisheries throughout the fishing year.

Sub-option: Revise the maximum retainable amount for the other species complex by fishery.

Under Alternatives 2 and 3, the Council would be able to set TAC at lower levels than under Alternative 1. Under Alternative 2, the TAC would be set below 5%, and the opportunity could be provided to allow for limited directed fishing within the complex. Under Alternative 3, the TAC would also be set below 5%, but would be specifically established to meet only incidental catch needs in other directed fisheries. Under this alternative, there would be no directed fishing allowed in the other species complex.

This action is considered to be an interim, short term, measure towards the development for a longer term FMP amendment to revise the management strategy for non-targeted groundfish species, which is being developed by the Council's Non-target Species Committee. The immediate and cumulative effects are rated as insignificant for all the components of the GOA ecosystem for all of the alternatives considered.

This EA/RIR/IRFA is presented for Initial Review at this meeting. This analysis is tentatively scheduled for Final Action at the June 2005 meeting, such that regulatory changes may be in place in time for the 2006 specification process.

## Executive Summary

This Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) addresses an amendment to the GOA groundfish FMP to modify the total allowable catch (TAC) calculation for the other species complex. Currently, the TAC for the other species complex is calculated as equal to 5% of the sum of the target species TACs for the GOA.

The other species complex currently contains the following species: squid, sculpins, sharks and octopus. As currently configured, the other species complex is open to directed fishing up to the TAC for the complex. The other species complex TAC can be taken on any single species within the complex-wide TAC. This has caused conservation concerns given the removal of several species over time from the complex, which under the current calculation has served to increase the complex TAC by placing additional species into target categories upon which the TAC for the other species complex is based. Additionally, given the configuration of the complex, it is possible to target one member of the complex up 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.

Three alternatives and one sub-option are considered in this analysis:

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

Alternative 2: Set the other species complex TAC at less than or equal to 5% of the sum of the target species TACs.

Alternative 3: Set the other species complex TAC at a level anticipated to meet incidental catch in other directed fisheries throughout the fishing year.

Suboption: Revise the maximum retainable amount for the other species complex by fishery.

The alternatives under consideration were developed by the Council in order to potentially modify the TAC calculation for the other species complex. This analysis is limited in scope to an evaluation of this TAC calculation only. These alternatives are 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.

An Environmental Assessment (EA) of this action (Chapters 3 and 4) was prepared pursuant to the requirements of the National Environmental Policy Act. This EA evaluates the environmental and economic impacts of the alternatives under consideration. This action is considered to be an interim, short term, measure towards the development for a longer term FMP amendment to revise the management strategy for non-targeted groundfish species, which is being developed by the Council's Non-target Species Committee.

The immediate and cumulative effects are rated as insignificant for the resource components of the GOA ecosystem for all of the alternatives considered. It was noted that under Alternative 1, the status quo, directed fisheries could be developed on individual stocks such as spiny dogfish or octopus. If a large proportion of the TAC were harvested by targeting on a individual stock within the other species complex the result could be detrimental over the long term to that targeted stock, there could be a slight impacts on the other species themselves, seabirds, marine mammals, the ecosystem, and the fishing economy.

However, for various reasons, including the small size of current incidental catches, and the ability of NMFS to take emergency action if a directed fishery emerged and threatened overfishing, the demonstrated ability of the Council to move a species from the other species complex, and give it target species status if necessary, and the Council's ongoing activity to address the needs of non-target species in general, these impacts were rated insignificant.

Under Alternatives 2 and 3, the Council would be able to set TAC at lower levels than under Alternative 1. Under Alternative 2 it would set it below 5%, and would have the opportunity to set it high enough to allow a directed fishery; under Alternative 3, it would set it below 5%, but only high enough to allow incidental harvests. These alternatives give the Council more tools to address the impacts of potential directed fisheries on these species, and have also been rated as having insignificant impacts.

Several different approaches to revising the MRA for the other species complex by fishery are discussed.

A Regulatory Impact Review (RIR) was prepared for this action (Chapter 5) pursuant to the requirements of Presidential Executive Order 12866. Alternative 1 is the status quo; it provides for incidental catches at current levels and would permit the emergence of a directed fishery for some of these species, but it provides limited protection from overfishing for the stocks in the other species complex. If a directed fishery emerged and threatened overfishing, NMFS would have to take emergency action to protect the stock, and/or the Council would have to move the stock from the complex to a target species status. The Council has done this in the past for Atka mackerel and skates. Alternative 2 allows for incidental catches of other species, and gives the Council the option whether or not to allow a directed fishery for one of the species. It also gives the Council an additional tool to address the potential overfishing of one or more of the other species. Alternative 3 would preclude directed fishing for other species. It provides the greatest protection against overfishing these stocks pending the implementation of more comprehensive non-target species measures. The RIR discusses the ways in which the TAC alternatives would interact with potential MRA measures.

An Initial Regulatory Flexibility Analysis (RFA) was prepared for this action (Chapter 6) pursuant to the requirements of the Regulatory Flexibility Act. An estimated 803 small catcher vessels and 13 small catcher-processor vessels fishing for groundfish in the GOA may be directly regulated by this action. Average gross revenues for these vessels from federally-managed fisheries off Alaska in 2003 were \$170,000 for the catcher vessels, and \$1,530,000 for the catcher-processors. Alternatives 1 and 2 provide for TACs that would cover existing incidental catches and the potential emergence of a directed fishery. Neither of these alternatives would have an adverse impact on small entities. Alternative 3 could interfere with the development of a new directed fishery for one or more of the species in the other species complex. While this alternative would have no adverse impacts on directly regulated small entities under current conditions, it could have if interest developed in targeting one of these species. It is impossible to predict whether or not a directed fishery will emerge. The analysis reviewed the potential interactions between the TAC alternatives and MRA sub-options. The analysis did not identify any new projected reporting, record keeping or other compliance requirements associated with the proposed FMP amendment. The analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

Stram/Pearson  
STAFF 4/05

GOA other species catch information for 2005 (Gulfwide):

From January 1<sup>st</sup>-March 31<sup>st</sup>

Retained and Discarded (aggregate other species catch)

Discarded:	741mt
<u>Retained:</u>	<u>618mt</u>
Total:	1,359mt

Break-out by species (available for retained amounts only: at-sea or landed):

Sculpins:	4mt
Sharks:	12mt
Octopus:	64mt
<u>Squid:</u>	<u>538mt</u>
Total:	618mt