

**Proposal 33 Revised 12/27/07**

**FISHERY MANAGEMENT PLAN or REGULATORY AMENDMENT PROPOSAL**  
**North Pacific Fishery Management Council – Steller Sea Lion Mitigation Committee**  
Provide the following information – attach additional pages as necessary:

**Name of Proposer:** H&G Environmental Workgroup in conjunction with Adak Seafoods (Dave Fraser)

**Date:** December 27, 2007.

**(Note: Proposals 7 and 24 were merged into Proposal 33 in June of 2007. This further revises Proposal 33 to delete the component that proposes increased fishing in SSL CH)**

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**Fishery Management Plan: BS/AI groundfish**

**Brief Statement of Proposal:** We propose to remove the current requirement to split the vessels registering to fish in the Harvest Limitation Area Atka mackerel fisheries into separate groups that are randomly assigned to start fishing in separate HLA areas. Instead, vessels wishing to fish in HLA fisheries must enter into a binding inter-cooperative agreement that will allow an inter-cooperative to schedule their HLA fishing. The inter-cooperative agreement will be used to control weekly average and daily peak harvest rates such that these stay below the average rates that occurred in the fishery from 2001-2007. Area and seasonal TAC splits, the 60% inside HLA and 40% outside, and the no concurrent cod fishery during an HLA mackerel fishery are to be maintained (note change for earlier version of this proposal.) This proposal will allow the mackerel fishery to be fished under cooperatives which was the intent of Amendment 80. Under such management, significant potential exists for the Atka mackerel fishery to evolve into a specialized fishery for a sub-set of the vessels that formerly fished each season HLA fishery. If this occurs, even lower weekly average and daily peak catch rates should occur and the fishery will embody the “low and slow” mackerel fishery that was the objective of the original SSL mackerel “platoon system”.

**Objectives of Proposal (What is the problem?):** This proposal seeks to revise SSL regulations to allow inter-cooperative agreements within the Amendment 80 sector to control daily catch rates of Atka mackerel inside sea lion critical habitat in Aleutian Islands sub-areas (HLA in sub-area 542 and 543). At a minimum, mackerel weekly average and daily peak catch rates will remain below what occurred in the fishery in the years following the implementation of the Harvest Limitation Area regulations (2001) and prior to implementation of Amendment 80 (2008). Under economically rational management, potential for even lower catch rates for mackerel exists but these potential efficiencies can not be developed under the current management regime. To understand the need for and components of this proposal, the reader needs to first have some basic knowledge of the Harvest Limitation Area regulations currently affecting directed fishing for Atka mackerel inside the HLA. Information essential to under understanding the HLA is provided below.

**Current regulations for Atka mackerel and cod trawling in the Harvest Limitation Area:** The term “HLA” refers to the portion of Aleutian Islands sub-areas 542 and 543 that falls within SSL critical habitat (CH) for those management sub-areas. For purposes of understanding how the Atka mackerel fishery is managed within the HLA, there are two separate inside of CH fisheries for mackerel that we will refer to as 542 HLA and 543 HLA. The HLA fishing areas are generally preferred by Atka mackerel fishermen because the average size of mackerel inside the HLA is usually much larger than outside the HLA and therefore more valuable. Also, mackerel inside the HLA 542 also tends to be larger and more valuable than in HLA 543. These price differentials and the competitive aspects of the different fishing

areas for mackerel were in fact the basic reason why the original sea lion regulations were developed. Prior to the SSL regulations, fishermen tended to fish inside of AI sub-area 542 SSL critical habitat areas first then moving to (all vessels together) AI 543 inside-CH fishing areas once the 542 TAC was taken. As fishermen competed for mackerel catches at each successively less valuable catch area, high daily catch rates raised concern about potential for “localized depletions” of mackerel, a known prey of SSL.

To reduce potential for prey competition with SSL from the mackerel fishery, regulations were put in place to 1) seasonally split the mackerel TAC into two equal seasons (50% during the A season and 50% during the B season) and 2) require that no more than 60% of each seasonal allowance be harvested inside SSL CH in each AI sub-area (now called 542 HLA and 543 HLA). Further, vessels wishing to fish inside the separate HLA areas of 542 and 543 were required to pre-register to participate in the HLA Atka mackerel fishery. Upon pre-registering, the regulations require that vessels electing to fish in the HLA areas be split into two groups (or “platoons”) with half starting in HLA 542 and the other half in HLA 543. Assignments to start in a particular HLA area are done randomly. After a designated time that cannot exceed 14 days, the HLA areas are closed and then re-opened to allow the groups (platoons) that started in their first randomly assigned HLA to switch HLA fishing areas. Upon switching areas, vessels are provided a set time (not to exceed 14 days) to catch the portion of the sub-area TAC that is allowed to be caught inside the separate HLA fisheries.

One final aspect of the HLA regulations is that cod and mackerel trawling cannot occur simultaneously in the HLA areas. So once the both mackerel “platoons” have had their maximum 14 day openings during the A season, the HLA area overall is closed for mackerel fishing and cod trawling is allowed in those areas.

**Amendment 80 removes the race for fish (except for Atka mackerel):** In the fall of 2007, NMFS approved sweeping changes to the way the flatfish, cod, rockfish are managed for non-AFA CPs (H&G fleet) of the Bering Sea. The purpose of Amendment 80 was to allow the non-AFA CP (H&G vessels) to form cooperatives to remove the race for fish to reduce overcapitalization, decrease bycatch, increase retention rates, and increase product quality. Unfortunately, the new regulations effectively do not really apply to fishing inside the HLA areas. This is because SSL regulations were deemed to trump Amendment 80. So while fishermen inside or between coops no longer have to compete for catch, the 14 day maximum HLA fishing periods that remain in place mean that mackerel fishermen have to essentially fish at the same rates as the competitive fishery that existed before. This is because if they do not catch the HLA fish in the 14 days, they risk not having access to it as HLA fish (A season HLA mackerel rolls to outside HLA mackerel in B season).

This is particularly true during A season where the pressure to close down mackerel to allow cod fishing creates the risk that any mackerel not caught during the two platoon fisheries inside the HLA areas will not be able to be harvested because insufficient time exists for HLA re-openings prior to the April 15 end of the mackerel A season. Thus through the interaction of Amendment 80 and SSL regulations, the H&G fleet’s potential ability to optimize the economics of the cooperative system is clearly reduced. At the limit, one economically efficient strategy that makes sense but cannot occur due to the HLA regulations is the stacking the H&G Coop’s mackerel quota onto a smaller number of boats that might catch the fish at a greatly reduced daily catch rate. This proposal seeks to allow such potential efficiencies that would lead to a “lower and slower” effect mackerel fishery. At a minimum, this proposal will result in a direct control of daily mackerel catch rates below those that occurred in the years prior to Amendment 80’s approval (daily peaks and weekly averages).

The rationale for this proposal can be seen through the analysis NMFS Protected Resources Division did to evaluate the effects of the 2000-2001 SSL regulations three years after their implementation. Section III (Page 26) of the NMFS’ **Final June 2003 Supplement SSL Analysis (section entitled**

**“Impacts to the Steller sea lion prey field-Temporal”** states that: “One of the more effective conservation measures was the change in seasonal management of the Atka mackerel fisheries”. In detailing the weekly and average daily and peak catch rate data (Table III-5 in the June 2003 Supplemental), the authors concluded that “On average, the platoons reduced the 2002 average catch rate per day to about 70% of the 2001 value (range 49%-88%; roughly a 30% reduction). Maximum daily catch rates were also reduced by the same amounts (range 61%-77%). Although the goal was a 50% reduction in rates, platoon management appeared to be a success with substantial reductions in catch rates in critical habitat” (Supplemental, page 26). This proposal works from the perspective that the failure to attain the Atka mackerel catch rate reduction sought in the original SSL regulations was in part due to the continuation of incentives to race for fish. While that race would normally have been removed with Amendment 80, rates reflecting that race continue do to the continuation of the SSL regulations. So we have now a race against the maximum 14 day openings that is still in place.

To place an actual control on daily catch rates for mackerel in the HLA areas (average and peak) and realize potential for the even lower rates that were the objective of the original SSL-mackerel regulations (platoons), the following changes to the HLA regulations are sought:

**1- Use of Inter-cooperative agreements established via Amendment 80 fishing cooperatives in lieu of current Harvest Limitation Area regulations.** These will be used to control daily harvest rates for HLA mackerel fishing (HLA 542 and HLA 543) as stated above. Weekly and peak daily rates for the mackerel fishery will be established once NMFS provides updated data for catch rates from 2001-2007 as part of their review of this proposal.

**2- Directed fishing for Atka mackerel by Amendment 80 qualified vessels inside any HLA fishing area** (inside SSL CH mackerel fishing) in either HLA AI sub-area **will by only be allowed for vessels participating in the inter-cooperative agreements** established as part of the regulations implementing this proposal.

**3- The non-amendment 80 CV fishery** (up to 10% of the mackerel TAC in sub-area 542) will be able to access CH fishing only if a separate but equally effective mechanism to work within the inter-cooperative agreements and daily harvest limits.

**4- Absent an inter-cooperative agreement limiting trawl CVs,** NMFS can evaluate whether catch rates from these CVs are of concern in terms of SSL management. If they are not of concern, the NMFS can exempt this sector from regulations implementing this proposal and allow them to continue fishing inside of the HLA areas. If they are of concern, then vessels participating in the limited access fishery would be required to:

- a)** Register with NMFS for the fishery for each week of intended participation (In any week in which more than 3 vessels register, NMFS would limit participation by lottery)
- b)** Be subject to a trip limit when directed fishing for Atka mackerel of one delivery per day not to exceed 100 tons, for a maximum of 3 deliveries per week.

**5- Under this proposal, A and B season mackerel TAC management and the current TAC splits for inside and outside the HLA fishing areas (currently 60%, 40%) are be maintained as in current regulations. Additionally, current restrictions on concurrent inside CH mackerel and cod fishing west of 178 degrees West longitude regulations would also be maintained.** Inter-cooperative agreements established within the Amendment 80 mackerel sector will allow the mackerel fishery to work with NMFS In-season managers to schedule cod openings for AI cod fishermen when mackerel fishing is not taking place within a given HA area. The mackerel inter-cooperative will not allow any directed fishing for Atka mackerel inside an HLA when cod fishing was open in that specific HLA area.

**Need and Justification for Council Action (Why can't the problem be resolved through other channels?):** Platoon management of the Atka mackerel fishery in AI sub-area 542 and 543 has to date achieved some of its intended protections in terms of lowering daily harvest rates. But with the continued race for fish even after Amendment 80 has been implemented (see above) the Atka mackerel fishery is constrained by regulations that prevent efficiencies and attainment of lower weekly and daily peak catch rates. Additionally, current regulations create obstacles to simple efficiencies such as minimizing fuel used for the fishery by scheduling vessel deployment to logical fishing areas. Instead, the random assignment of vessels to areas requires vessels to travel to more distant fishing grounds even if other vessels that are already fishing in those more distant fishing area and could take their mackerel and allow the mackerel quota they are entitled to harvest to be taken by vessels that are more proximate. This makes no longer makes economic sense given the Amendment 80 tools and it creates a bigger “carbon footprint” for the fishery than is otherwise necessary.

Current SSL regulations do not create or guarantee direct controls of daily harvest rates. The current platoon management of the mackerel fishery simply splits the mackerel effort between the two HLA sub-areas. It does not guarantee that HLA harvest rates remain below recent harvest rates if somehow increasing catching or processing rates became possible. So with this proposal, fishery managers will have a concrete way of controlling mackerel harvest rates at rates below what was deemed in the 2001 Biological Opinion and 2003 Supplemental not to result in adverse effects on SSL prey foraging. Further, if stacking the HLA TAC on a subset of traditional mackerel fishery participants makes sense economically, then this can occur under this proposal and the benefit of this would be that the fishery could evolve to a smaller number of participants with catch rates well below 2001-2007 rates. This was the objective of the SSL regulations in 2001 (See above).

**Foreseeable Impacts of Proposal (Who wins, who loses?):** We believe Atka mackerel stock concerns and SSL foraging opportunities are greatly enhanced through enactment of this proposal. The mackerel fishery will achieve NMFS’ “low and slow” catch rate objectives and avoid daily spikes in catch rates that continue to occur under the present platoon management system. The affected fishing fleet can viably adjust its fishing around these measures because Amendment 80 cooperative formation provides the appropriate tool and economic incentives for the mackerel fishery. In-season managers will no longer have to micro-manage the openings and closings of the mackerel and cod fisheries because this will be done cooperatively and rationally between NMFS and the mackerel inter-cooperative agreements.

**Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?** The only alternative solution would be to change the HLA regulations through application for an exempted fishing permit. This might allow the changes sought here to be implemented on a faster track than through the SSL regulation package process. But an EFP would be of limited duration and would not allow the SSL regulations to be changed permanently.

**Supporting Data & Other Information. What data are available and where can they be found? Be specific and cite references.** Daily mackerel harvest rates in MT are depicted in Table 1 below. These data were obtained from NMFS in-seas managers in 2006. It is important to note that these data obtained from NMFS do not include the days in each AI sub-area where there were fewer than three vessels in a given AI sub-area. This is due to NMFS confidentiality regulations. We assume, however, that days with fewer than 3 vessels in a sub-area would likely have lower rates than the ones with three or more vessels- so the effect of the incomplete data downwardly biases the daily rates in the table. **These data need to be updated so that we can incorporate the weekly and daily peak rates as “not to exceed” limits within this proposal.**

**Offsetting Measures. OPTIONAL - What protection measures might be increased in the region to offset the proposed action?** Offsetting measures are already built into our proposal itself because the inter-cooperative management of mackerel to cap daily harvest rates is essentially a reduction in the current potential effects on the SSL prey field.

Signature:



**Table 1.**

Atka Mackerel in Atka Mackerel target - Critical Habitat Average and High in A and B Seasons, 2003-2006

|     |          | 2003   |         |                          | 2004   |         |                          | 2005   |         |                          | 2006   |         |                          |
|-----|----------|--------|---------|--------------------------|--------|---------|--------------------------|--------|---------|--------------------------|--------|---------|--------------------------|
|     |          | CH Avg | CH High | No. of days above 600 mt | CH Avg | CH High | No. of days above 600 mt | CH Avg | CH High | No. of days above 600 mt | CH Avg | CH High | No. of days above 600 mt |
| 542 | A Season | 480    | 877     | 3 of 12                  | 326    | 474     | 0 of 18                  | 379    | 604     | 1 of 22                  | 398    | 509     | 0 of 19                  |
|     | B Season | 465    | 736     | 3 of 14                  | 416    | 658     | 2 of 18                  | 495    | 738     | 5 of 18                  |        |         |                          |
| 543 | A Season | 403    | 680     |                          | 347    | 387     |                          | 227    | 327     |                          |        |         |                          |
|     | B Season | 418    | 474     |                          | 178    | 304     |                          | 74     | 106     |                          |        |         |                          |