

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 **Date:** August 18, 2006
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Fishery Management Plan: BS/AI groundfish

Brief Statement of Proposal: We propose that the maximum retainable allowance (MRA) for cod in non-cod target trawl fisheries for flatfish be increased from the current level (20%) to 30%. The cod target fishery has been open to directed fishing for nearly the entire year over the last three years. Cod prices are at all time highs and IRIU regulations require full retention of Pacific cod. Despite this, discards of cod ranging for 2-6% of the overall cod catch have occurred for the non-AFA trawl CP sector. We suspect that MRA regulations requiring discard of cod from non-cod target tows undertaken in SSL protection zones may be responsible for these discards.

Objectives of Proposal (What is the problem?): The objective of this proposal is to increase the fleet's ability to retain the cod they catch in BS/AI target fisheries that do not target cod. Some areas adjacent to rookeries or foraging areas have long supported flatfish fishing for rock sole, yellowfin sole and arrowtooth flounder. Flatfish tows in SSL protection areas or "trawl exclusion zones" (TEZ) such as rookeries and SSL foraging areas do not produce enough cod or other SSL prey species catch to have any potential effect on SSL prey base. Despite this, if any portion of a tow occurs in these areas where targeting cod is not allowed, vessels may retain no more than the 20% MRA of cod. This may mean that vessels may be required to discard cod to be in compliance with the SSL regulations in that area. While we have not examined haul by haul data to evaluate the frequency of this occurrence, the hypothesis that cod discards by H&G vessels are in part or fully attributable to the possibly too restrictive MRA for cod relative to flatfish targets is quite plausible. The outcome of this adjustment to the MRA for cod will probably not affect the amount of cod removed in non-target fishing in SSL protection zones -- just what is retained rather than discarded. Once Amendment 80 cooperative management is in place for the non-AFA CP sector, incentives for multi-species target fishing with high retention will likely increase. Even if MRA management is modified or removed under Amendment 80, cod retention in SSL protection zones may still affect the fleet's ability to retain the cod it catches while targeting other species in SSL TEZ protection areas since sea lion regulations may trump other regulations (even IR/IU rules requiring full retention of cod).

The MRA percentage is currently calculated on an instantaneous basis against the other species retained on board the vessel from that fishing trip. When a vessel enters an SSL TEZ for purposes of targeting non-cod species, a new trip must be logged for purposes of calculating MRAs and determining a target fishery. We strongly suspect this is responsible for the 2-6% discard rates of cod (Table 1 below) for the non-AFA CP sector given the high price of cod and IR/IU regulations that would otherwise prevent discards of cod. To remedy this situation, we propose that the MRA for cod while fishing in SSL protection zones be increased to 30%. Information from knowledgeable captains suggests that this would accommodate likely incidental catches of cod in these SSL TEZs for tows that encounter appreciable amounts of cod. Captains also believe that an increase in the cod MRA for SSL protection zones will be important under Amendments 79 and 80 where multi-species fishing strategies with high retention rates via fishing cooperatives will be critically important to the non-AFA trawl CP sector.

Need and Justification for Council Action (Why can't the problem be resolved through other channels?): If regulations to modify the time period for determining percentage retention are modified to something other than instantaneous retention (for example, on a weekly or trip by trip basis), then this problem affecting the H&G sector's ability to retain all the cod it catches may be partially resolved. Unless other regulatory changes are made, however, the problem may remain. This is because current regulations affecting entry into SSL zones (an area with a different directed fishing standard) trigger the start of a new trip for purposes of retention calculations. Even if cod retention is measured on a trip basis in non-SSL protection zones, the SSL regulations for rookeries and foraging areas may trump the trip by trip or weekly calculations of cod retention. This is because a new trip will have to be logged for purposes of determining retention percentages and fishing target. Moreover, this proposal addresses a key MSA concern in that it reduces regulatory discards (National Standard 9) in a manner consistent with the conservation purposes of the Act (National Standard 1).

Foreseeable Impacts of Proposal (Who wins, who loses?) Vessels engaging in fishing for non-cod species in SSL protection zones can keep more of the cod they catch, rather than discarding it as required under current MRA regulations. NMFS in-season managers' annual reports to the NPFMC should monitor discards of cod catch following implementation of this change to confirm that cod retention has improved. Additionally, these annual reports should be used to monitor cod removals from SSL TEZs to ensure that cod harvest remain at low levels such that SSL foraging continues to be unaffected by non-SSL prey species fishing.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? Please see discussion above under "justification for Council action".

Supporting Data & Other Information. What data are available and where can they be found? Be specific and cite references. Table 1 below details cod discards over the last three years for the non-AFA trawl CP sector. While we have not examined haul-by-haul data on cod retention, we believe that the 2-6% annual cod discard rates for the sector have resulted from SSL regulations affecting cod retention in non-cod fisheries. Cod prices are at all time highs and cod has been open to directed fishing for most of the year over the last three years. This means that unless cod retention is specifically affected by regulations (such as in SSL protection areas), we can expect that all cod would be retained as per IR/IU regulations.

Offsetting Measures. OPTIONAL - What protection measures might be increased in the region to offset the proposed action? None are proposed.

Signature:



Table 1: BSAI Pacific cod in the non Pacific cod target for NPT CPs (no CDQ) from catch accounting (data from NMFS in-season managers)

YEAR	SPECIES	Discard	Retained	Total	% Discarded
2003	PCOD	583	11,652	12,235	5%
2004	PCOD	305	14,196	14,501	2%
2005	PCOD	473	13,054	13,527	3%
2006	PCOD	544	8,706	9,250	6%

BSAI Pacific cod in all targets for NPT CPs (no CDQ)

YEAR	SPECIES	Discard	Retained	Total	% Discarded
2003	PCOD	722	32,885	33,607	2%
2004	PCOD	440	38,757	39,198	1%
2005	PCOD	550	32,708	33,258	2%
2006	PCOD	563	28,810	29,374	2%