

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 to adjust the regulations affecting the Central Aleutian Islands sub-area Atka mackerel fishery to create more effective management of daily catch rates and reduce potential for pulse fishing to compete with SSL foraging. With this increased protection via inter-cooperative management of daily mackerel catch amounts, certain very restrictive elements of the current SSL management measures are unneeded and therefore we propose they be removed. The actual elements of this proposal are: Inter-cooperative agreements established via Amendment 80 fishing cooperatives to regulate daily mackerel harvest rates inside CH in AI sub-area 542. The catch limit is not to exceed 600 MT of mackerel per day within 542 CH. Under our proposal, the vessels in the non-AFA CP sector that want to fish inside CH mackerel fishing in AI sub-area 542 can only do so through participation in catch per day limiting agreements established under Amendment 80 coops and the inter-cooperative agreements. Any mackerel fishing in 542 CH by sectors other than the non-AFA CP sector (Amendment 80 reserves up to 10% of the mackerel TAC in sub-area 542 for those other sectors) can only occur under separate but equally binding agreements to control daily harvest rates within the overall 600 MT per day inside CH limits for AI 542. Under this proposal, A and B season mackerel TAC management is continued but inside/outside CH mackerel TAC splits (currently 60%, 40%) are removed. Current restrictions on concurrent inside CH mackerel and cod fishing west of 178 degrees West longitude regulations are also removed. If the Amendment 80 mackerel fleet is unable to establish binding agreements to guarantee daily harvest rate limits for AI sub-area 542 (agreements meeting NMFS' requirements), then management for 542 CH mackerel fishing reverts back to the current platoon measures including the inside outside splits and no concurrent cod/mackerel fishing. Similarly, the mackerel fishery will remain under the current management measures until Amendment 80 is implemented.

Objectives of Proposal (What is the problem?): Platoon management of the Atka mackerel fishery in AI sub-area 542 has achieved some of its intended protections in terms of lowering/flattening daily harvest rates. But with the continued race for fish under open access, requiring mackerel boats to be subdivided into separate sub-areas has created incentives to increase in daily harvesting and on-board processing capacity. Platoon management did reduce the daily mackerel catch rate in CH within 542 (from highs ranging from 1,200 to 1,000 MT per day), but the mackerel fleet still attains daily rates of 700-800 MT on some peak periods of pulse fishing (see Table 1 below). Additionally, the indirect control of splitting the fleet into two platoons will not remain effective if additional H&G boats enter the mackerel fishery. This proposal would put a direct control on the daily catch rate of mackerel in SSL CH in sub-area 542 as well as shifting the costs of in-season management to the cooperatives established under Amendment 80. The reason we are limiting our focus to sub-area 542 is that catch data demonstrate that mackerel fleet's catch rates in 543 CH are in fact currently considerably lower than prior to platoon management and we do not feel this is likely to change in the near future. The daily mackerel catch rate of the Amendment 80 coops will be regulated using inter-cooperative agreements for the H&G sector, the main component of the 542 mackerel fleet. We anticipate that the mackerel fishery under Amendment 80 may evolve into a specialized fleet and control of daily harvest rates may diminish to be considerably below the upper bound of 600 MT per day in CH over time. As an incentive for Amendment 80 cooperative agreement formation for SSL protection, we are proposing that the non-AFA CP sector

vessels can only fish inside CH in sub-area 542 if they are participating in the Amendment 80 inter-cooperative agreements that include the 600 MT per day overall catch limit. Any other vessels fishing mackerel in 542 CH must also have binding agreements that work within this cooperative framework to put an overall catch per day limit of 600 MT of mackerel. Under our proposal, the current A and B season mackerel TAC management is retained but inside/outside CH mackerel TAC splits (currently 60%, 40%) are removed. Current restrictions on concurrent inside CH mackerel and cod fishing west of 178 degrees West longitude regulations are also removed. If the Amendment 80 mackerel fleet is unable to establish binding and effective agreements to guarantee daily harvest rate limits for AI sub-area 542 CH that meet NMFS' requirements, then management measures default to current measures for sub-area 542. Equivalent measures are not needed for the AI sub-area 543 mackerel because the pace of inside CH fishing is currently considerably lower than in the past. We recommend that the Council simply dissolve the platoon management for sub-area 543 given the high in-season and industry costs that generate little or no effect in terms of reducing inside CH fishing catch rates in 543 where few vessels are actually fishing.

Need and Justification for Council Action (Why can't the problem be resolved through other channels?): Current SSL regulations do not create direct controls of daily harvest rates. Platoon management of the mackerel fishery splits the effort between the two AI sub-areas but in sub-area 542 CH, indirect controls on catch rates have not consistently resulted in daily harvest rates that are half of the rates prior to platoon management. Inter-cooperative management of the 542 mackerel fishery is the only way to achieve direct control of harvest rates while retaining a viable fishery economically. Further, the regulations preventing the cod fishery from fishing inside SSL protection areas west of 178 degrees West longitude until the mackerel inside CH fishery is completed are no longer justified. This is because the original objective of preventing two concurrent fisheries that could markedly affect the SSL prey field is no longer a concern with implementation of this proposal. Under this proposal the potential effect of the Atka mackerel on sea lion foraging is dramatically reduced. The "no concurrent" cod and mackerel fishing regulations resulted in gross inefficiency for the affected fishing industry as well as high in-season management costs and difficulty. With the direct control of daily harvest rates for mackerel, the probability of affecting the SSL prey field will be greatly reduced and there is no longer sufficient justification for continuing the restriction on concurrent cod and mackerel fishing. The benefit of removing the no concurrent cod and mackerel regulations is that the AI trawl cod fishery will be able to fish a much larger area than is currently possible and this spreading of the effort will reduce the chance of affecting the SSL prey field. We also believe the divisions of the 542 mackerel TAC into inside and outside CH are no longer justified under a direct control on daily harvest regime in this proposal. Most of the adult mackerel biomass in area 542 is inside SSL CH. We believe that the current requirement for fishing 40% outside CH is disproportional to the stock structure in sub-area 542 and thus may not be good for the mackerel resource itself.

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 the "low and slow" catch rate objectives that NMFS has established for SSL protection. The daily and weekly spikes and pulses of high catch rates that were first addressed by platoon management would be further reduced under this proposal- no matter how many vessels start fishing mackerel in the future. The affected fishing fleet can viably adjust its fishing with the proposed daily catch limits because Amendment 80 cooperative formation provides the appropriate tool and economic incentives for the mackerel fishery. The cod fishery that is currently forced to concentrate its effort east of 178 degrees West longitude also be able to spread over a much larger fishing area which will likely reduce the potential effects on the SSL prey field. In-season managers will no longer have to micro-manage the openings and closings of the mackerel and cod fisheries. This approach is an overall gain for Atka mackerel, mackerel and cod fishermen, and above all SSL protections due to direct and effective controls on daily harvest rates in SSL CH in sub-area 542.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? The current mackerel platoon management system is the alternative

solution. Prior to 2001, all the vessels in the mackerel fleet fished together sequentially in each of the AI sub-areas. This created daily harvest rates in each sub-area that often exceeded 1,000 MT with some days approaching 1,200 MT. The platoon system addressed some of the potential for these very high pulses of daily and weekly removals but has also created incentives for increasing catching and processing power as well as inefficiency for the private sector and management. The platoon system also had no effective ability to directly control harvest rates or to be an effective control if the mackerel fleet expanded or increased its fishing/processing capacity.

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-season managers. It is important to note that due to NMFS confidentiality regulations, these data do not include the days in each AI sub-area where there were fewer than three vessels in a given AI sub-area.

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 to affect 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				