

RCS

Submitted by Todd M. Loomis regarding Proposal 37
October 21, 2013

Dear Members of the Board of Fish;

The federal allocations of Atka mackerel in the Aleutian Islands are shown in the attached table from the federal harvest specifications. Proposal 37 seeks an allocation of GHL from the unused jig allocation. This allocation was set at 0.5% of the federal TAC (after subtraction of CDQ) or 70 mt (154,324 lbs) in 2013. The jig allocation is projected to decrease slightly to 69 mt in 2014 (see Table 4). While the jig allocation can go up to 2%, it has been set at 0.5% for many years and any increase in the jig allocation for the purpose of funding a GHL fishery will come directly out of the fully utilized federal fishery and the current participant's allocations. Most of these participants have been harvesting mackerel in the Aleutians for more than two decades.

I am deeply concerned about the implications of creating a new seine fishery within Steller sea lion critical habitat in NMFS areas 541 and 542 (blue circles in the attached figure). Within NMFS area 541, there is no mackerel fishing permitted (or currently conducted in the case of jig) within 20 nm as illustrated in the attached figure. Within area 541, all fishing presently occurs outside of the blue shaded areas (i.e., outside 20 nm). Within NMFS area 542, the only locations you can fish for mackerel inside 20 nm are between 178 W and 179 W and then only within the habitat open areas between 10 – 20 nm (represented by the green/gold overlap). You can also see in the attached table that the federal allocations inside critical habitat in 542 are extremely limited (see footnote 6 and highlighted allocations for the Central Aleutians). This complex allocation is coupled with very stringent management as participants in the 542 critical habitat fishery are required to carry 2 federal observers, be fishing under a cooperative or CDQ allocation, and have VMS on their vessels. This new seine fishery would occur entirely within critical habitat with none of these tools would be used to monitor catch. It is also possible the presence of a new fishery inside 20 nm could lead to reconsultation under the ESA.

Given the small amount of mackerel available under the jig allocation, the impacts of increasing the jig allocation, and concerns about a new fishery inside critical habitat and the potential for triggering a new ESA consultation I urge the board to take no action on Proposal 37.

Respectfully,



Todd M. Loomis
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TABLE 4—FINAL 2013 AND 2014 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector	Season	2013 allocation by area			2014 allocation by area		
		Eastern Aleutian District/ Bering Sea	Central Aleutian District	Western Aleutian District	Eastern Aleutian District/ Bering Sea	Central Aleutian District	Western Aleutian District
TAC	n/a	16,900	7,520	1,500	16,500	7,379	1,500
CDQ reserve	Total	1,808	805	161	1,766	790	161
	A	904	402	80	883	395	80
	Critical Habitat ³	n/a	40	n/a	n/a	39	n/a
	B	904	402	80	883	395	80
ICA	Total	1,000	75	40	1,000	75	40
	Jig ⁴	70	0	0	69	0	0
BSAI trawl limited access	Total	1,402	664	0	1,367	651	0
	A	701	332	0	683	326	0
	B	701	332	0	683	326	0
Amendment 80 sectors	Total	12,619	5,976	1,300	12,299	5,863	1,300
	A	6,310	2,988	650	6,150	2,932	650
	B	6,310	2,988	650	6,150	2,932	650
Alaska Groundfish Cooperative ⁵	Total ⁷	7,271	3,563	783	n/a	n/a	n/a
	A	3,636	1,782	392	n/a	n/a	n/a
	Critical Habitat ³	n/a	178	n/a	n/a	n/a	n/a
	B	3,636	1,782	392	n/a	n/a	n/a
Alaska Seafood Cooperative ⁶	Total ⁷	5,348	2,414	517	n/a	n/a	n/a
	A	2,674	1,207	259	n/a	n/a	n/a
	Critical Habitat ³	n/a	121	n/a	n/a	n/a	n/a
	B	2,674	1,207	259	n/a	n/a	n/a
	Critical Habitat ³	n/a	121	n/a	n/a	n/a	n/a

¹ Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

² Regulations at §§ 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

³ The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

⁴ Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to November 1.

⁵ Section 679.20(a)(8)(iii)(C) requires the TAC in area 542 shall be no more than 47% of ABC, and Atka mackerel harvests for Amendment 80 cooperatives and CDQ groups within waters 10 nm to 20 nm of Gramp Hook and Tag Island, as described Table 12 to part 679, in Area 542 are limited to no more than 10 percent of the Amendment 80 cooperative Atka mackerel allocation or 10 percent of the CDQ Atka mackerel allocation.

⁶ Section 679.20(a)(8)(ii) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

⁷ The 2014 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2013. NMFS will post 2014 Amendment 80 allocations when they become available in December 2013.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Pacific Cod FTAC

Sections 679.20(a)(7)(i) and (ii) allocate the Pacific cod TAC in the BSAI, after subtracting 10.7 percent for the CDQ reserve, as follows: 1.4 percent to vessels using jig gear; 2.0 percent to hook-and-line and pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line C/P; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot C/Ps; 2.3 percent to AFA trawl C/Ps; 13.4 percent to non-AFA trawl C/Ps; and 22.4 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to

the hook-and-line and pot sectors. For 2013 and 2014, the Regional Administrator establishes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries.

The FTAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to part 679 and § 679.91.

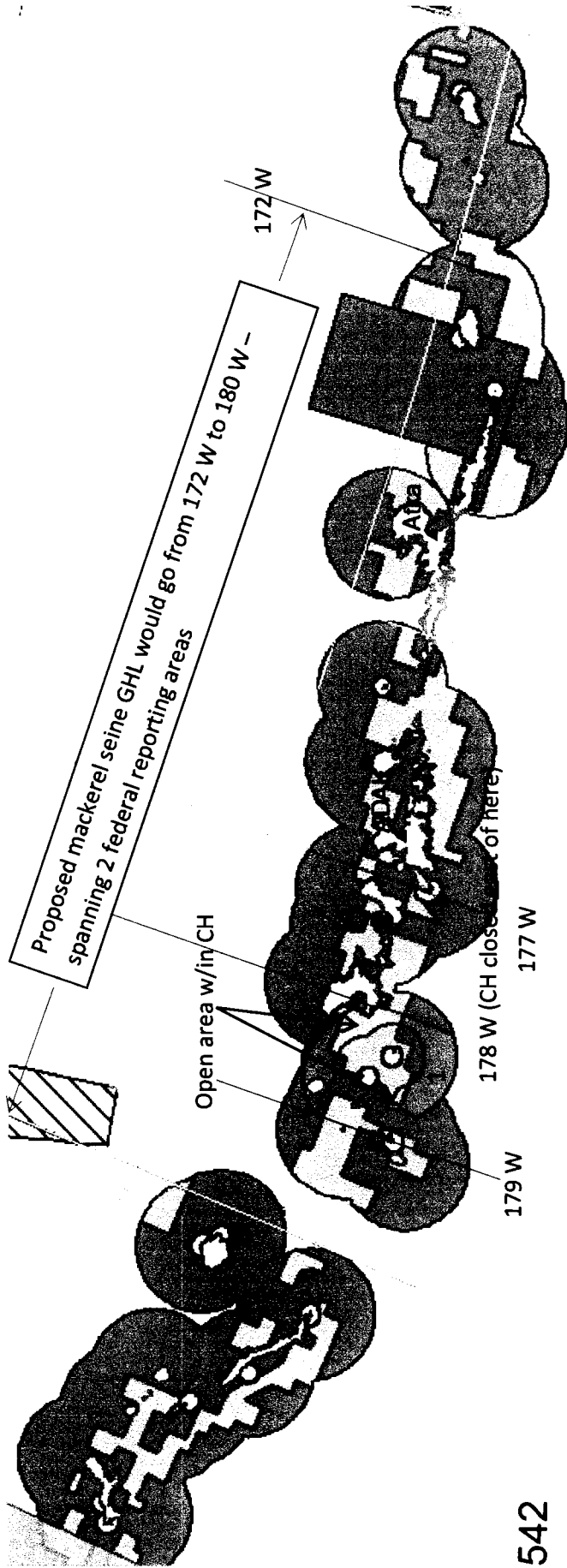
The 2014 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2013. NMFS will post 2014 Amendment 80 allocations when they become available in December 2013.

The Pacific cod FTAC is apportioned into seasonal allowances to disperse the

Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7) and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance will become available at the beginning of the next seasonal allowance.

The CDQ and non-CDQ season allowances by gear based on the 2013 and 2014 Pacific cod TACs are listed in Tables 5 and 6, and are based on the sector allocation percentages of Pacific cod set forth at §§ 679.20(a)(7)(i)(B) and 679.20(a)(7)(iv)(A); and the seasonal allowances of Pacific cod set forth at § 679.23(e)(5).

Section 679.7(a)(19) prohibits retaining Pacific cod in Area 543, and



542

2013 Federal Jig quota for NMFS Area 541 = 70 mt (154,324 lbs), there is no allocation in Area 542 for jig gear. For trawl gear, no mackerel fishing is permitted in the blue shaded areas.

542

541

1 - Where the green and gold shading overlap in 542, mackerel fishing is limited to 10% of the TAC split A/B in the federal fishery. In order to fish in this area vessels must have 2 federal observers, be in a cooperative (or CDQ) and have VMS. The green and gold overlap is the only area within 541 and 542 where mackerel fishing is allowed inside 20 nm and we cannot fish mackerel inside 10 nm.