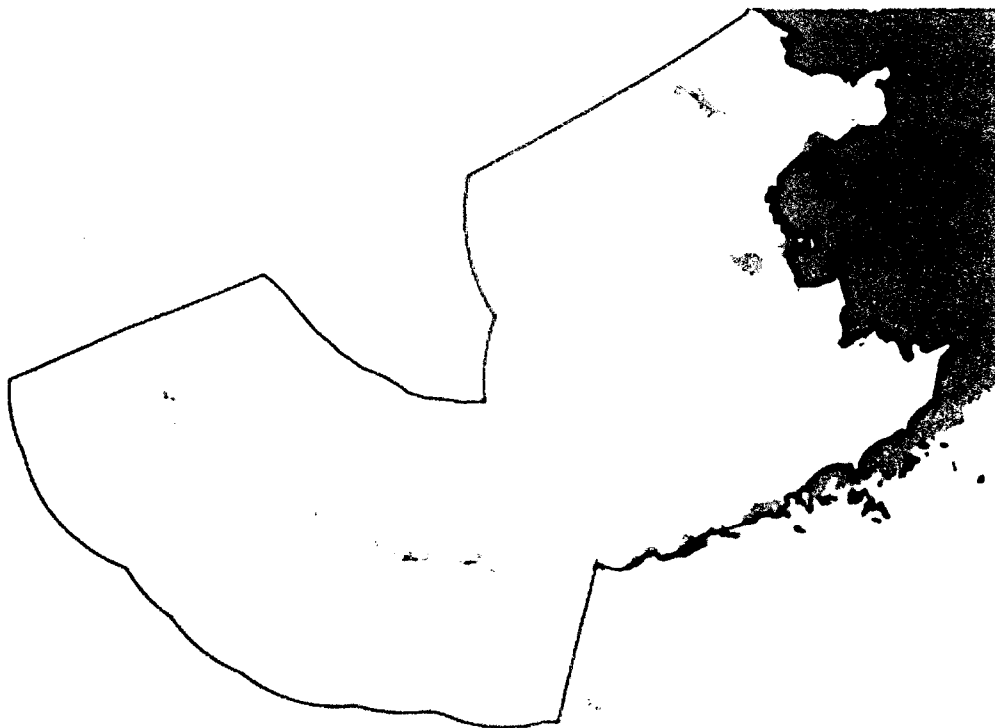


Chapter 1 Introduction

This Fishery Management Plan (FMP) governs groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) Management Area. The geographical extent of the FMP management unit is the United States (U.S.) Exclusive Economic Zone (EEZ) of the Bering Sea, including Bristol Bay and Norton Sound, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands which is between 170° W. longitude and the U.S.-Russian Convention Line of 1867 **Figure 1-1**.

The FMP covers fisheries for all stocks of finfish and marine invertebrates except salmonids, shrimps, scallops, snails, king crab, Tanner crab, Dungeness crab, corals, surf clams, horsehair crab, lyre crab, Pacific halibut, and Pacific herring. In terms of both the fishery and the groundfish resource, the BSAI groundfish fishery forms a distinct management area. The history of fishery development, target species and species composition of the commercial catch, bathymetry, and oceanography are all much different in the BSAI than in the adjacent Gulf of Alaska. Although many species occur over a broader range than the BSAI management area, with only a few exceptions (e.g., sablefish), stocks of common species in this region are believed to be different from those in the adjacent Gulf of Alaska.

Figure 1-1 Management Area for the Bering Sea and Aleutian Islands



1.1 Foreign Fishing

Title II of the Magnuson-Stevens Act establishes the system for the regulation of foreign fishing within the U.S. EEZ. These regulations are published in 50 CFR 600. The regulations provide for the setting of a total allowable level of foreign fishing (TALFF) for species based on the portion of the optimum yield that will not be caught by U.S. vessels. At the present time, no TALFF is available for the fisheries covered by this FMP, because the U.S. has the capacity to harvest up to the level of optimum yield of all species subject to this FMP. Also, U.S. fish processors have the capacity to process all of the optimum yield of BSAI groundfish.

*Submitted by
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Table ES-2 Summary of Management Measures for the BSAI Groundfish Fishery

Management Area	<p>U.S. Exclusive Economic Zone (EEZ) of the eastern Bering Sea and that portion of the North Russian Convention Line of 1867.</p> <p>Subareas: The area is divided into two subareas, the Bering Sea and the Aleutian Islands.</p>
Stocks	<p>All stocks of finfish and marine invertebrates in the management area except salmonids, shrimps, scallops, snails, king crab, Tanner crab, Dungeness crab, corals, surf clams, horsehair crab, lyre crab, Pacific halibut, and Pacific herring.</p> <p>Those stocks and stock complexes that are commercially important and for which an annual TAC is established include: walleye pollock, Pacific cod, sablefish, yellowfin sole, Greenland turbot, arrowtooth flounder, rock sole, flathead sole, Alaska plaice, "other flatfish", Pacific ocean perch, northern rockfish, shortraker and rougheye rockfish, "other rockfish", Atka mackerel, shark, octopus, sculpin, skate, and squid.</p>
Optimum Yield (OY)	<p>The OY of the BSAI groundfish complex (consisting of stocks listed in the 'target species' category, as listed in Table 3-1) is 85% of the historical estimate of MSY, or 1.4 to 2.0 million mt.</p>
Procedure to set Total Allowable Catch (TAC)	<p>Based on the annual Stock Assessment and Fishery Evaluation (SAFE) report, the Council will recommend to the Secretary of Commerce TACs and apportionments thereof for each target species. The Secretary will implement annual TACs which may address up to 2 fishing years, following public comment and Council recommendations at the December Council meeting.</p> <p>Reserve: 15% of the TAC for each target species (except Aleutian Islands Pacific ocean perch, Atka mackerel, flathead sole, Pacific cod, rock sole, yellowfin sole, pollock and fixed-gear sablefish), is set aside to form the reserve, used for correcting operational problems of the fleets, adjusting species TACs for conservation, or apportionments. The reserve is not designated by species or species groups.</p>
Apportionment of TAC	<p>Pollock: The amount of pollock that may be taken with non-pelagic trawls may be limited; pollock TAC shall be divided into roe-bearing ("A" season) and non roe-bearing ("B" season) allowances.</p> <p>Sablefish: Vessels using fixed gear may harvest no more than 50% of the TAC in the Bering Sea and 75% of the TAC in the Aleutian Islands, vessels using trawl gear may harvest no more than 50% of the TAC in the Bering Sea and 25% of the TAC in the Aleutian Islands.</p> <p>Pacific cod: After subtraction of the CDQ allowance, the remaining TAC shall be allocated: 1.4% for vessels using jig gear, 2.3% for catcher processors using trawl gear listed in Section 208(e)(1)-(20) of the AFA, 13.4% for catcher processors using trawl gear as defined in Section 219(a)(7) of the Consolidated Appropriations Act, 2005 (P.L. 108-447), 22.1% for catcher vessels using trawl gear, 48.7% for catcher processors using hook-and-line gear, 0.2% for catcher vessels ≥60' LOA using hook-and-line gear, 1.5% for catcher processors using pot gear, 8.4% for catcher vessels ≥60' LOA using pot gear, and 2.0% for catcher vessels <60' LOA that use either hook-and-line gear or pot gear. Allocations may be seasonally apportioned.</p> <p>Atka mackerel: After subtraction of the CDQ allowance, and incidental catch amount, up to 2% of the eastern Aleutian Islands and Bering Sea TACs will be allocated to vessels using jig gear, the remaining TAC is apportioned among vessels using trawl gear. Allocations may be seasonally apportioned.</p> <p>Aleutian Islands Pacific ocean perch, flathead sole, rock sole and yellowfin sole: After subtraction of the CDQ allowance, and incidental catch amount, the remaining TAC is apportioned among vessels using trawl gear.</p> <p>Shortraker and rougheye rockfish: after subtraction of reserves, the Aleutian Islands TAC will be allocated 70% to vessels using trawl gear and 30% to vessels using non-trawl gear.</p>
Attainment of TAC	<p>The attainment of a TAC for a species will result in the closure of the target fishery for that species. Further retention of that species will be prohibited.</p>

5.3.2 BSAI King and Tanner Crab FMP

Domestic fishing for crab for the most part predates the domestic groundfish fishery, and since the inception of the BSAI Groundfish FMP the consideration of crab bycatch in the groundfish fisheries has been paramount. The crab species are considered prohibited in the BSAI groundfish fisheries, with any catch required to be returned immediately to the sea with a minimum of injury so as to discourage targeting on those species. Other management measures have also been instituted to minimize the bycatch of crab in the groundfish fisheries, including area closures, gear modifications, and catch limits. Some participants in the BSAI crab fishery also target groundfish. The crab FMP contains sideboard measures constraining AFA pollock fishery participants from increasing their participation in the crab fishery.

5.3.3 Scallop FMP

There is very little interaction between the scallop FMP and the BSAI groundfish FMP. Virtually none of the vessels in the scallop fishery target groundfish. The scallop FMP contains sideboard measures constraining AFA pollock fishery participants from participating in the scallop fishery.

5.3.4 Salmon FMP

Pacific salmon are also a prohibited species in the BSAI groundfish FMP. There is no fishing of salmon allowed in the EEZ, therefore there is no overlap of participants or grounds conflicts. The BSAI groundfish FMP includes management measures to reduce the bycatch of salmon in federal waters, including catch limits and area closures.

5.4 Relationship to State of Alaska Fisheries

The Constitution of the State of Alaska states the following in Article XIII:

- Section 2 General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of the people.
- Section 4 Sustained Yield. Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.
- Section 15 No Exclusive Right of Fishery. has been amended to provide the State the power “to limit entry into any fishery for purposes of resource conservation” and “to prevent economic distress among fishermen and those dependent upon them for a livelihood”.

The relationship of the BSAI Groundfish FMP with State of Alaska fisheries is discussed below.

5.4.1 State groundfish fishery

A parallel groundfish fishery occurs where the State allows the federal species TAC (total allowable catch) to be harvested in State waters. Parallel fisheries occur for pollock, Pacific cod, and Atka mackerel species, for some or all gear types. In addition, the State also has state managed fisheries for Pacific cod and rockfish species. Opening state waters allows the effective harvesting of fishery resources because many fish stocks straddle State and Federal jurisdiction and in some cases a significant portion of the overall federal TAC is harvested within State waters. Although the State cannot require vessels fishing inside state waters during the Federal fishery to hold a Federal permit, it can adopt regulations similar to those in place for the Federal fishery if those regulations are approved by the Board of Fisheries and meet State statute. An example of Federal fishery regulations that were concurrently adopted by the Board of Fisheries are the Steller sea lion protection measures implemented in 2001.

6.2 Management and Enforcement Considerations

This section provides information about management and enforcement of the groundfish fisheries off Alaska. Management and enforcement responsibilities include the following:

- Data collection, research, and analysis to prepare annual stock assessments;
- The annual groundfish specifications process through which TAC limits and prohibited species catch (PSC) limits are established;
- The ongoing process of amending the FMPs and regulations to implement fishery management measures recommended by the Council or NMFS;
- Monitoring of commercial fishing activities to estimate the total catch of each species and to ensure compliance with fishery laws and regulations;
- Actions to close commercial fisheries once catch limits have been reached; and
- Actions taken by NMFS Enforcement, the U.S. Coast Guard (USCG), and NOAA General Counsel to identify, educate, and, in some cases, penalize people who violate the laws and regulations governing the groundfish fisheries.

Management of the groundfish fisheries in the BSAI and enforcement of management measures governing those fisheries comprise a complex system for overseeing fisheries that range geographically over an extensive area of the North Pacific Ocean and Bering Sea.

NMFS manages the fisheries off Alaska based on TAC amounts for target species and PSC amounts for species that may not be retained. The TAC and PSC amounts are further subdivided by gear type, area, and season. As the complexity of the management regime has grown, the number of TAC and PSC subdivisions has grown as well. For example, in 1995 for the BSAI there were 40 TAC allocations, 38 PSC allocations and two community development quota (CDQ) allocations. In 2003 for the BSAI, there were 152 TAC allocations, 78 PSC allocations, and 34 CDQ allocations. Each allocation represents a possible need for NMFS to take management actions, such as closing fisheries, reallocating incidental catch amounts, or investigating overages. When a directed fishery in one area is closed, the boats that participated in the fishery often move to another area or change to another target. This, in turn, often leads to the need for additional management actions.

Though the number of allocations has increased, the overall amount of fish harvested has not, and NMFS is required to manage increasingly small blocks of fish. To do this adequately requires the use of increasingly sophisticated catch-monitoring tools, such as observer coverage, electronic reporting, vessel monitoring systems, and the use of at-sea scales. Though these tools increase the quantity, quality, and timeliness of the data available to NMFS management, they also increase the demands on staff to effectively make use of a larger and more complex data system.

Current fishery management recognizes that a meaningful enforcement program must accompany management measures for them to be effective. As management becomes more complex, the difficulty of adequately enforcing the regulations grows. As the size and complexity of the regulatory environment increases, the burden on enforcement personnel to fully understand the nuances and implications of regulations increases as well. NMFS/Alaska Region enforcement maintains approximately 36 agents and officers stationed in nine Alaskan ports for monitoring groundfish landings: Juneau, Anchorage, Dutch Harbor, Homer, Ketchikan, Kodiak, Petersburg, Seward, and Sitka. In addition, enforcement personnel regularly travel to other Alaskan ports to monitor landings and conduct investigations. Enforcement personnel associated with NMFS Northwest Region assist in the monitoring of Alaska Region groundfish harvest, primarily individual fishing quota sablefish, landed at ports in the Northwest Region. Also, USCG personnel conduct enforcement activities, monitor vessel activity, conduct at-sea boardings and aircraft overflights, and assist NMFS enforcement personnel in monitoring dockside landings.

A key component of management and enforcement is education and outreach. Complex management programs are accompanied by a regulatory structure that can be difficult for the fishing industry to understand and comply with. This is exacerbated when regulations change rapidly. When fishermen believe that regulations are unduly burdensome or unnecessary, they are less likely to comply voluntarily. Thus, successful implementation of the regulations is dependent on outreach programs that explain the