

## Proposed Federal Trawl Bycatch Management - Coordination between State and Federal Fisheries

**Objectives:** 1) facilitate a program to reduce trawl bycatch in both State and federal waters; 2) allow trawl pollock participants to continue to operate in both State and federal waters (0 – 200 nm); 3) increased monitoring (100% observer coverage) of trawl vessels in both State and federal waters; and 4) maintain an effective catch accounting system to ensure catch and bycatch limits are not exceeded.

### Approach for consideration:

Pacific cod and other federally allocated species: Prohibit non-pelagic trawling in state waters.<sup>1</sup>

Pollock: Retain parallel fishery management with some new conditions (*provisions below apply to pollock*).

- Allow parallel pollock fisheries<sup>2</sup> to open at the same time that federal waters open (status quo).<sup>3</sup> Vessels would need to register for the parallel fishery by the December prior to the fishing year.
- All vessels fishing for pollock in federal waters must have a federal fishing permit (FFP)(status quo). Although not required by State regulation, all vessels currently fishing for pollock in the State parallel fishery also have an FFP as those vessels fish federal waters at least some part of each year. FFPs are currently issued on a 3-year cycle; each permit is in effect from the date of issuance through the end of the cycle and cannot be surrendered and reissued but one time in the 3-year cycle.
- All pollock harvest accrues to the federal total allowable catch (TAC) whether in state or federal waters (status quo).
  - A **federally licensed vessel's** harvest/bycatch accrues to either the cooperative quota or limited access pool.
  - A **non-federally licensed vessel** could only trawl in state waters for pollock, during the parallel pollock fishery (status quo). There are no such vessels operating to-date in the parallel pollock fishery.
- Similar to status quo, NMFS would set an incidental catch allowance (ICA) to account for incidental catch needs of pollock in other fisheries. NMFS could choose to set the ICA to also account for any potential harvest by non-federally licensed vessels in state waters during the parallel fishery, as informed by the parallel fishery registration process.
- Parallel waters would close to all vessels by emergency order when the directed pollock TAC is achieved, or if the ICA is taken, in order to avoid exceeding an annual catch limit (ACL) for pollock.
- The risk of non-federally licensed vessels fishing in state waters is relatively low because: 1) no vessels have operated this way in the past; 2) it is unlikely a vessel would surrender their FFP to fish only in state waters or attempt to create a business plan around the parallel pollock fishery only;<sup>4</sup>

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<sup>1</sup> All state-waters in Cook Inlet, Kodiak, and Chignik are currently closed to non-pelagic trawl (NPT) gear. In the South Alaska Peninsula Area east of Scotch Cap Light most state-waters are closed except two areas that remain open to NPT. In the South Alaska Peninsula Area west of Scotch Cap Light most state waters are open to NPT; since 2007 NPT effort in this area has been minimal to none (confidential given the number of vessels).

<sup>2</sup> South Alaska Peninsula, Chignik, Kodiak, and Cook Inlet.

<sup>3</sup> Commissioner of the Alaska Department of Fish and Game (ADF&G) opens parallel fisheries through emergency order under the Parallel Groundfish Fishery Emergency Order Authority at 5 AAC 28.086. These emergency orders establish parallel fishing seasons that allow vessels to fish for groundfish within State waters with the same season as the Federal seasons. In addition, the Commissioner is authorized to open or close the fisheries under emergency order to adapt to unanticipated openings or closures of the Federal fisheries.

<sup>4</sup> If a federally licensed vessel chooses to fish inside state waters after using its federal cooperative quota, it would have to surrender its FFP. This is very unlikely for trawl vessels operating in multiple federal fisheries (cod, flatfish, rockfish), as FFPs are issued on a 3-year cycle and cannot be surrendered and reissued but one time in the cycle.

and 3) a vessel must have an FFP to participate in the federal program even if the vessel only wants to lease its quota to other vessels in the cooperative to fish.

**This approach is contingent on:**

- The Council adopting requirements attached to an FFP that apply in a parallel fishery. To prevent federally permitted vessels that have already used their federal quota from fishing inside 3 miles with essentially no limit (and risk exceeding the ACL or bycatch limits), the Council must have regulatory language that, for FFP holders, prohibits harvest beyond the amount allocated to federal license holders.
- The BOF adding some provisions to the parallel GOA trawl pollock fisheries (see below).

**Advantages:**

- Allows for the bycatch controls associated with federally licensed vessels in the federal program to apply in the parallel fishery. Thus, it represents an option to allow a single system to work for bycatch control in the trawl fisheries.
- Allows for federally permitted participants to go back and forth between state and federal waters seamlessly, similar to status quo, until the parallel fishery is closed to all vessels.
- Increases monitoring and observer coverage on all trawl vessels in state and federal waters.
- Reduces management and monitoring complexities and costs for both the state and NMFS. All harvest accrues to the TAC, which simplifies state/federal waters accounting by NMFS.

**Disadvantages:**

- Although pollock harvest by non-federally licensed vessels has not occurred in state waters in the past, there is some risk that such harvest could occur, which could close the parallel fishery to all vessels earlier than expected and earlier than federal waters closes.
- Requires coordination with NMFS relative to the timing of closing the parallel fishery (if the TAC has been achieved or there is risk of exceeding an ACL due to unallocated harvest), similar to status quo.

**BOF action required to support this approach, if desired:**

- Prohibit non-pelagic trawling for Pacific cod and other federally allocated species in remaining open areas in state waters (South Alaska Peninsula).
- Require registration for the parallel trawl pollock fishery by the December prior to the fishing year, so the agencies will know the maximum number of vessels that may participate.
- Add provisions for 100% observer coverage<sup>5</sup> by NMFS-permitted observer providers and full retention of Chinook salmon bycatch for any vessel registered to fish trawl pollock in the parallel fishery.
- Amend 28.086 to provide the Commissioner explicit emergency order authority to close state waters in order to avoid exceeding a pollock ACL.

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<sup>5</sup> Note: VMS is already required for all vessels (except jig gear) targeting Pacific cod, pollock, or Atka mackerel during parallel fisheries west of 144 W long (5 AAC 28.087(c) and (d)). Parallel groundfish registration and federal reporting are also already required under 28.020.