



**2020 Board of Fisheries Work Session
North Pacific Fishery Management Council Update
Karla Bush, ADF&G Extended Jurisdiction
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This report reflects actions taken by the North Pacific Fishery Management Council (Council) since the 2019 Board of Fisheries Work Session and Council actions currently under development. Information in this report is referenced from Council documents available at: www.npfmc.org

Crab

Harvest specifications: In October 2020, the Council established the annual harvest specifications for the Bristol Bay red king crab, Bering Sea Tanner crab, Bering Sea snow crab, and St. Matthew Island blue king crab stocks. Federal harvest specifications include setting an annual Overfishing Limit (OFL) and an Acceptable Biological Catch (ABC) limit. Under the cooperative State/Federal structure of the crab Fishery Management Plan (FMP), the State is responsible for setting the annual Total Allowable Catch (TAC) limit such that all crab removals remain below the ABC.

Due to the COVID-19 pandemic, the Federal Bering Sea trawl surveys were cancelled in 2020. This cancellation led to concerns over how to model crab stocks without these data. While the impact of this loss of data can never be known, the increased uncertainty in biomass estimates resulting from the lack of 2020 surveys led to larger “buffers” between the OFL and ABC to account for this uncertainty for some crab stocks.

For the 2020/2021 season, the Bristol Bay red king crab OFL is 4.72 million pounds and the ABC is 3.54 million pounds; the Bering Sea Tanner crab OFL is 46.28 million pounds and the ABC is 37.26 million pounds; the Bering Sea snow crab OFL is 407.6 million pounds and the ABC is 203.8 million pounds; and the St. Matthew Island blue king crab OFL is 110,000 pounds and the ABC is 80,000 pounds.

St. Matthew Island blue king crab rebuilding: The St. Matthew Island blue king crab stock was declared overfished in October 2018, because the estimated spawning biomass was below the minimum stock size threshold specified in the crab FMP. The Magnuson-Stevens Fishery Conservation and Management Act requires that a rebuilding plan must be implemented within two years of the overfishing declaration. In June 2020, the Council adopted a rebuilding plan that allows the St. Matthew Island blue king crab fishery to open based on the current state harvest strategy and considers the needs of the fishing fleet and the community of St. Paul where most of the crab is typically delivered. Environmental stressors affecting survival and recruitment are considered to be the primary factors contributing to the decline of the stock, rather than directed fishing or bycatch mortality.

Crab Partial Deliveries: The Council took final action in December 2019 to remove the prohibition on resuming fishing for Crab Rationalization (CR) crab once a landing has commenced and until all CR crab are landed. The prohibition on partial deliveries was

implemented with the CR program regulations to address enforcement concerns related to possible changes in fishing behavior and discarding crab at sea. Experience with the CR fishery has shown that this is not a concern. The purpose of this action is to provide operational flexibility to the crab fleet.

Groundfish

BSAI parallel waters: The Council took final action in December 2019 to require federally permitted catcher vessels (CVs) participating in the Bering Sea/Aleutian Islands (BSAI) Pacific cod parallel state waters fishery to adhere to the same rules and regulations as the federal fishery. This implements regulations that mirror those in place for the Gulf of Alaska (GOA) Pacific cod parallel fishery and BSAI catcher processors (CPs) participating in the parallel fishery. The Pacific cod parallel fishery is opened by the state, in state waters, through an emergency order and this action specifically applies to federally permitted vessels that fish in state waters. A federal permit is not required for vessels to participate in the parallel fishery and vessels that do not have a federal permit are not impacted by this action.

Federal sector Pacific cod allocations are established by gear type for CVs and CPs. However, current legal interpretations of AS 16.05.251 do not allow the state to allocate catch within a fishery based on whether the vessel operates as a CV or CP. This has created a loophole where some vessels can continue fishing in the parallel state waters fishery after the federal fishery closes for the corresponding gear and operation type but remains open to another sector operation type using the same gear.

The Council's action closes this loophole for federally permitted vessels and will improve implementation of previous Council decisions on sector allocations and address concerns regarding catch accounting of harvest when a federal sector allocation has been achieved.

BSAI Pacific cod catcher vessel management: In October 2019, the Council initiated analysis for a proposed BSAI Pacific cod trawl CV cooperative style-rationalization program. The Council included provisions to promote sustained participation of Aleutian Islands processors and communities, including management options to set-aside a portion of the federal BSAI trawl catcher vessel A season harvest amount for delivery to a shore plant in the Aleutian Islands management region which would benefit shore-based processors in Adak and possibly Atka. In anticipation of improved bycatch management under a rationalization program, the Council included an option to reduce halibut and crab bycatch limits to the BSAI trawl CV Pacific cod sector by 10% to 25%.

The Council also included options to limit spillover effects from the BSAI Pacific cod trawl CV rationalization program on other BSAI and GOA fisheries. The Council noted that in the GOA, it is critical to develop meaningful sideboards or other measures to ensure that Gulf-dependent fishery participants and communities are not negatively impacted by the BSAI rationalization program.

Halibut

BSAI Halibut Abundance Based Management of bycatch limits: Earlier this week the Council reviewed proposed management measures that would index the Amendment 80 sector's Pacific halibut bycatch limits in the BSAI groundfish fisheries to halibut abundance. The Amendment 80

sector includes trawl catcher processor vessels in the BSAI that target groundfish species other than pollock. Currently halibut bycatch limits for groundfish fisheries are set in the BSAI Groundfish FMP at a fixed amount of halibut mortality, in metric tons. When BSAI halibut abundance declines, halibut bycatch becomes a larger proportion of total halibut removals and can result in lower catch limits for directed halibut fisheries, particularly in halibut management Area 4CDE. While other groundfish sectors are also subject to bycatch limits, this action is limited to the Amendment 80 sector as that sector is responsible for the majority of BSAI halibut mortality in the groundfish fisheries.

Both the Council and the International Pacific Halibut Commission have expressed concern about impacts on directed halibut fisheries under the status quo and identified abundance-based halibut bycatch limits as a potential management approach to address these concerns. The Council intends to establish an abundance-based halibut bycatch management program in the BSAI for the Amendment 80 sector that meets the requirements of the Magnuson-Stevens Act, particularly to minimize halibut bycatch to the extent practicable under National Standard 9 and to achieve optimum yield in the BSAI groundfish fisheries on a continuing basis under National Standard 1. In addition to linking the Amendment 80 sector bycatch limit to halibut abundance the Council intends to develop a program that provides incentives for the fleet to minimize halibut mortality at all times. This action could also promote conservation of the halibut stock and may provide additional opportunities for the directed halibut fishery.

Salmon

Salmon Fishery Management Plan for Cook Inlet: The Cook Inlet salmon action was initiated in 2017 in response to a Ninth Circuit Court finding that the 2012 Salmon FMP was not in compliance with the Magnuson-Stevens Act (MSA) because it removed from the FMP three traditional salmon net fisheries requiring conservation and management that overlap with portions of federal jurisdictional waters. The Court ruling stated that the Council cannot delegate management of the fishery in the Exclusive Economic Zone (EEZ or Federal waters) to the State by omitting it from the FMP and was brought about by litigation from the United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund who want federal management in Cook Inlet.

The Council is considering alternative approaches for amending the FMP so that it includes Federal waters of Cook Inlet and manages the commercial salmon fisheries that operate in those waters, as necessary. The Council continues to recognize the State's long-standing expertise and infrastructure for salmon management and the fact that the State has been adequately managing the salmon fisheries in Alaska since Statehood.

In October 2020, the Council received an initial review analysis of two action alternatives and amended the alternatives by restructuring an option under Alternative 3 into a separate alternative (Alternative 4). The Council is scheduled to take final action at the December 2020 meeting to meet the Court's established deadline.

The alternatives for this action are:

Alternative 1: No Action. No amendment to the Salmon FMP. This alternative would maintain status quo. Alternative 1 is not a viable alternative given the Ninth Circuit decision, however, NEPA requires that Federal agencies analyze a no action alternative.

Alternative 2: Federal management of the commercial fishery in the EEZ with specific management measures delegated to the State. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP’s fishery management unit in the West Area and establish a Federal management regime for the salmon fishery that delegates specific management measures to the State of Alaska, to use existing State salmon management infrastructure, in compliance with the Magnuson-Stevens Act and Ninth Circuit ruling. Alternative 2 would identify the management measures that would be managed by the Council and NMFS, the management measures that would be delegated to the State to manage with Federal oversight, and the process for delegation and oversight of management.

Alternative 3: Federal management of the commercial fishery in the EEZ. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP’s fishery management unit in the West Area and apply Federal management to the portion of the fishery that occurs in the EEZ.

Alternative 4: Federal management of the commercial fishery in the EEZ with the EEZ closed to commercial fishing. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP’s fishery management unit in the West Area and apply Federal management by extending the existing West Area prohibition on commercial salmon fishing in the EEZ to the Cook Inlet EEZ.

In developing these alternatives, the Council established an ad hoc Cook Inlet Salmon Committee for this action to get input from stakeholders on the required provisions for an FMP amendment to manage the commercial salmon fishery in the Federal waters of Cook Inlet.

Under Alternative 2 (Federal management with some delegation to the State), management of the fishery in-season is not expected to change significantly except that a new annual process would be created to meet MSA requirements to prevent overfishing in the EEZ. Under this alternative, two categories of management measures would be established in the FMP. Category 1 measures are fixed in the FMP and implemented by Federal regulation; category 2 management measures would be delegated to the State for implementation consistent with the FMP, MSA, and other applicable law:

Category 1 (Federal)	Category 2 (State)
<ul style="list-style-type: none"> • Status Determination Criteria (optimum yield, overfishing and overfished) • Annual Catch Limits and Accountability Measures • Essential Fish Habitat • Standardized Bycatch Reporting • Recordkeeping and Reporting • Legal gear 	<ul style="list-style-type: none"> • Escapement goals • Fishing Seasons • Closed Waters • Management Area, District, Subdistrict, Section, and Statistical Area Boundaries • Legal Gear • Inseason Management • Limited Entry Permits • Recordkeeping and Reporting • Other

The FMP establishes a process for Council and National Marine Fisheries Service (NMFS) oversight and review of State management measures implemented by the State under its delegated authority and applicable to the EEZ under Alternative 2. This process is intended to ensure that the State’s exercise of its delegated authority is consistent with the provisions of the

FMP, the MSA, and other applicable Federal law. The FMP also allows any member of the public to petition NMFS to conduct a consistency review of any State management measure that applies to salmon fishing in the Cook Inlet EEZ if that person believes the management measure is inconsistent with the provisions of the FMP, the MSA, or other applicable Federal law and does not include requests for review that seek a different policy outcome.

Alternative 2 and 3 also create a “Salmon Plan Team” with members from ADF&G staff, scientific/academic salmon fishery experts, and Federal scientists to review the salmon stock status in the Cook Inlet EEZ annually. While this could create a burden on State staff resources, it may also provide federal resources and additional scientific expertise to improve scientific knowledge and management of the fishery. Alternative 2 places additional burdens on participants in the EEZ in terms of additional reporting requirements through a federal logbook program.

Alternative 3 (Federal management with no delegation to state) assumes that NMFS has the ability and capacity to manage salmon fisheries in-season. This alternative would require setting a preseason catch limit for the portion of the fishery occurring in the EEZ. Establishing an EEZ catch limit requires a process to coordinate expected salmon harvests in both State and Federal waters before the season begins to accommodate publication of Federal catch specifications. Due to this, and the uncertainty inherent to a forecast-based catch limit for salmon, the catch limit for the EEZ would have to be set conservatively to avoid being exceeded. Once the preseason catch limit was reached, the EEZ portion of the fishery would close. This alternative assumes that the state escapement goals would still be used by NMFS for management purposes in the EEZ. Alternative 3 would also require the EEZ to be open on alternate days from the State waters fishery for Federal enforcement and catch accounting purposes. Additional reporting and monitoring requirements for fishermen and processors are expected under Alternative 3.

Alternative 4 (Federal management with a prohibition on commercial fishing) extends the current EEZ closure to commercial fishing in the West Area of the FMP to the Cook Inlet EEZ. Closing the Cook Inlet EEZ to salmon fishing was a potential outcome of Alternative 3 but those impacts were not explicitly analyzed in the initial review document. The updated structure of the alternatives more clearly delineates the Council’s policy options for amending the FMP to incorporate the Cook Inlet EEZ and allows for a more transparent analysis of the potential impacts and comparison among alternatives. Analysis of this alternative will include the expected impacts on the drift gillnet fleet, communities, and all other affected resource components. The analysis will also include an evaluation of whether Cook Inlet salmon can be fully harvested in State waters and other issues such as the potential for gear conflicts.

The State continues to provide information on management of the Upper Cook Inlet salmon fishery and the possible impacts of each alternative. The Council will carefully consider these impacts to fishery participants, state management, and federal/state resources to implement the amendment, and balance those with the additional value or benefit of the required changes to management of the EEZ waters of upper Cook Inlet.