

COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

AS AMENDED THROUGH AMENDMENT 15

[Excerpt]

**PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE AMBASSADOR PLACE, SUITE 101
PORTLAND, OR 97220
(503) 820-2280
(866) 806-7204
WWW.PCOUNCIL.ORG**

FEBRUARY 2016

5.0 BYCATCH, INCIDENTAL CATCH, AND ALLOCATION

This FMP establishes incidental catch allowances for CPS and an allocation formula for Pacific sardine.

5.1 Incidental Catch Allowances

"Bycatch" is defined in the MSA as "fish which are harvested in a fishery, but not sold or kept for personal use and includes economic discards and regulatory discards." In the CPS fisheries, fish are caught and sold incidental to catching other species, because they sometimes school together. Incidental catch allowances permit fishermen to land a certain percentage of fish that would otherwise be considered bycatch. Incidental catch allowances can be expressed as an amount or percentage of catch, landings, or deliveries.

Incidental catch allowances will be set by the Council, based on recommendation from the CPSMT, and consistent with Sections 5.1.1 through 5.1.6 of this FMP. Estimates of total incidental catch expected under the incidental catch allowances will be factored into HG, quota, or other ACT recommendations. As described in Section 4.8, estimates of total incidental catch will normally be combined with the directed fishery HG to arrive at a total OY. The purpose of this adjustment is to ensure that overfishing does not occur due to incidental catch.

Incidental catch allowances are the primary method for managing bycatch in the CPS fishery. Other management approaches, such as fishing seasons or area restrictions, might also be required to reduce bycatch or incidental catch. The incidental catch allowances described here do not exclude the possibility of trip limits or other regulations imposed to reduce bycatch, prolong the directed fishery, or for other purposes.

5.1.1 Incidental Catch Allowances When Stocks are Overfished

When a stock is overfished according to the definition of overfishing in this FMP, incidental catch allowances for commercial fishing shall be set at 0 percent to 20 percent of landed weight, as recommended by the Council.

5.1.2 Incidental Catch Allowances When Stocks are Not Overfished

When a stock is not overfished according to the definition of overfishing in the FMP, incidental catch allowances for commercial fishing shall be set at 0 percent to 45 percent of landed weight, as recommended by the Council.

5.1.3 Pacific (chub) Mackerel Landed Incidentally

When the Pacific (chub) mackerel resource is not overfished, and total landings for the directed fishery established under an HG have been caught, the Council may set an allowable incidental trip limit of one mt or lower.

5.1.4 Incidental Catch Allowances for Live Bait When Stocks are Overfished

When a stock is overfished according to the definition of overfishing in the FMP, incidental catch allowances for live bait fishing shall be set to no more than 15 percent of landed weight, as determined by the Council.

5.1.5 Incidental Catch Allowances for Live Bait When Stocks are Not Overfished

When a stock is not overfished according to the definition of overfishing in the FMP and an ACL is not anticipated to be exceeded, no restrictions are placed on live bait harvest.

5.1.6 Guidelines and Criteria for Setting Incidental Catch Allowances

In setting incidental catch allowances, Council will consider existing regulations, goals and objectives of this FMP, best available data, scientific and management advice available, guidelines given below, and other policies established by the Council. If decision by the NMFS Regional Administrator about incidental catch allowances is necessary due to time constraints, it will be made based on consultation with the Council Chair, Director of the California Department of Fish and Game, CPSMT, CPSAS, other representatives appointed by the Council, and interested parties as appropriate.

5.1.6.1 Overfished Stocks

In order of priority, the Council's goals in setting incidental catch allowances for overfished stocks should be to (1) minimize fishing mortality on overfished stocks, and (2) minimize discards of overfished stocks. Incidental catch allowances for overfished stocks should approximate rates of incidental catch when fishing is conducted in a manner that minimizes catch of the overfished stock.

The Council must set incidental catch allowances for all overfished stocks. Once set, incidental catch allowances for overfished stocks remain in force until they are changed. Incidental catch allowances for overfished stocks can be revised during the fishing season if conditions warrant or new information becomes available.

5.1.6.2 Stocks Not Overfished

Incidental catch allowances for stocks that are not overfished are enforced once a directed fishery HG has been reached, and the directed fishery has been closed. Goals in setting incidental catch allowances for stocks that are not overfished should be to (1) avoid unnecessary discard, (2) ensure that HG is taken, but not exceeded, and (3) promote efficiency and profitability in the fishery. Estimates of total incidental catch (based on past or current incidental catch rates, incidental catch allowances, HGs and other conditions in the fishery) are normally considered when HGs are set. Thus, incidental catch allowances should be set at the same time and in concert with HGs.

Incidental catch allowances are meant to accommodate catches that are difficult to avoid during normal fishing directed at other species. Therefore, incidental catch allowances should be set at levels that approximate incidental catch rates during normal fishing activities and do not result in landings in excess of an ACL or ABC.

5.1.7 Incidental Catch Allowance for Shared EC Species

Shared EC Species could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.