

CHAPTER 6 **CONSISTENCY WITH THE WEST COAST GROUND FISH FMP AND MSA NATIONAL STANDARDS AND REQUIREMENTS**

6.1 FMP Goals and Objectives

The Groundfish FMP contains three broad goals and 17 objectives intended to achieve those goals. Many of these are similar to the MSA's National Standards described in Section 6.2.

Management Goals

Goal 1 – Conservation. Prevent overfishing and rebuild overfished stocks by managing for appropriate harvest levels and prevent, to the extent practicable, any net loss of the habitat of living marine resources.

Goal 2 – Economics. Maximize the value of the groundfish resource as a whole.

Goal 3 – Utilization. Within the constraints of overfished species rebuilding requirements, achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objectives.

To accomplish these management goals, a number of objectives will be considered and followed as closely as practicable:

Conservation

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

Objective 2. Adopt harvest specifications and management measures consistent with resource stewardship responsibilities for each groundfish species or species group. Achieve a level of harvest capacity in the fishery that is appropriate for a sustainable harvest and low discard rates,

and which results in a fishery that is diverse, stable, and profitable. This reduced capacity should lead to more effective management for many other fishery problems.

Objective 3. For species or species groups that are overfished, develop a plan to rebuild the stock as soon as possible, taking into account the status and biology of the stock, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock within the marine ecosystem.

Objective 4. Where conservation problems have been identified for nongroundfish species and the best scientific information shows that the groundfish fishery has a direct impact on the ability of that species to maintain its long-term reproductive health, the Council may consider establishing management measures to control the impacts of groundfish fishing on those species. Management measures may be imposed on the groundfish fishery to reduce fishing mortality of a nongroundfish species for documented conservation reasons. The action will be designed to minimize disruption of the groundfish fishery, in so far as consistent with the goal to minimize the bycatch of nongroundfish species, and will not preclude achievement of a quota, harvest guideline, or allocation of groundfish, if any, unless such action is required by other applicable law.

Objective 5. Describe and identify EFH, adverse impacts on EFH, and other actions to conserve and enhance EFH, and adopt management measures that minimize, to the extent practicable, adverse impacts from fishing on EFH.

Economics

Objective 6. Within the constraints of the conservation goals and objectives of the FMP, attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.

Objective 7. Identify those sectors of the groundfish fishery for which it is beneficial to promote year-round marketing opportunities and establish management policies that extend those sectors fishing and marketing opportunities as long as practicable during the fishing year.

Objective 8. Gear restrictions to minimize the necessity for other management measures will be used whenever practicable. Encourage development of practicable gear restrictions intended to reduce regulatory and/or economic discards through gear research regulated by EFP.

Utilization

Objective 9. Develop management measures and policies that foster and encourage full utilization (harvesting and processing), in accordance with conservation goals, of the Pacific Coast groundfish resources by domestic fisheries.

Objective 10. Recognizing the multispecies nature of the fishery, establish a concept of managing by species and gear or by groups of interrelated species.

Objective 11. Develop management programs that reduce regulations-induced discard and/or which reduce economic incentives to discard fish. Develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. Promote and support monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those to improve other information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.

Social Factors

Objective 12. When conservation actions are necessary to protect a stock or stock assemblage, attempt to develop management measures that will affect users equitably.

Objective 13. Minimize gear conflicts among resource users.

Objective 14. When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and the environment.

Objective 15. Avoid unnecessary adverse impacts on small entities.

Objective 16. Consider the importance of groundfish resources to fishing communities, provide for the sustained participation of fishing communities, and minimize adverse economic impacts on fishing communities to the extent practicable.

Objective 17. Promote the safety of human life at sea.

The trawl rationalization program is consistent with the management goals (Goals 1, 2, and 3) outlined in the groundfish FMP. The program is designed to improve conservation, in part, through total catch accounting (i.e., retained catch and discards) with 100 percent monitoring. The program is designed to improve the economics of the groundfish resource by increasing the profitability of participants in the fishery and increasing opportunities to harvest target species. The program is also designed to fully utilize the healthy groundfish stocks while remaining within harvest constraints of overfished species.

The trawl rationalization program is consistent with the objectives within the Groundfish FMP. The program is consistent with conservation objectives 1, 2, 4, and 5. The program is consistent with objective 1 because it continues to maintain an information flow on the status of the fishery and the fishery resource, which allows for informed management decisions as the fishery occurs. One hundred percent monitoring should provide for more informed management decisions as the fishery occurs. In addition, for the shoreside IFQ fishery, it strives to make catch (retained and discarded) information available to participants much sooner via electronic reporting. The program addresses conservation objective 2 by creating a market system where harvest capacity can be better matched with the available resource. In addition, the program may lower discard rates through increased accountability and total catch accounting. The trawl rationalization program is intended to increase stability and profitability of the fishery. The program is consistent with objective 4 because it is intended to reduce the incidental take of Pacific halibut, a nongroundfish species, which will be managed under the trawl rationalization program with halibut IBQ. The program is consistent with objective 5. Fishing in different areas and using different gear (e.g., switching to fixed-gear or modifying trawl gear) would change how much and what kind of EFH would be affected by fishing. However, the RCAs, areas closed to fishing with trawl and nontrawl gear, and EFH conservation areas will remain in place under the trawl rationalization program. Section 6.3 below describes the EFH assessment of the proposed action.

The program is consistent with economic objectives 6, 7, and 8. The program attempts to achieve the greatest possible net economic benefit to the nation from the managed fisheries (objective 6) by transitioning the trawl fishery to catch shares. The program is consistent with objective 7 by continuing to support year-round fishing and marketing opportunities and decreasing the risk of early season closures. The program is consistent with objective 8 by providing an opportunity for gear switching as an option for reducing regulatory or economic discards.

The program is consistent with utilization objectives 9, 10, and 11. The trawl rationalization program is intended to increase utilization of the groundfish resource by increasing opportunities to harvest healthy groundfish species while remaining within the constraints of overfished species (objective 9). The program continues to recognize the multispecies nature of the fishery and manage the fishery according to the species and groupings listed in the ABC/OY tables from 50 CFR 660, subpart G (objective 10). The program is consistent with objective 11, minimizing bycatch, as described in section 6.2 under MSA National Standard 9. It is also consistent with objective 11 by creating a program with 100 percent monitoring (i.e., total catch accounting) to improve estimates of total fishing-related mortality.

The program is consistent with the social factors described in objectives 14 through 17. The program is consistent with objective 14, accomplishes the change with the least disruption, because most current participants in the fishery would be eligible to receive harvest privileges. In addition, it continues year-round fishing opportunities. The program is consistent with objective 15 by creating a program where most recent participants in the fishery (many of which are small entities) would be eligible to continue participating in the fishery. Those small entities that choose to exit the fishery should receive financial compensation from selling their permit or share of the resource. In addition, for the shoreside IFQ fishery, an AMP would be allocated an amount of harvest privileges that could be used to mitigate any adverse impacts, including impacts on small entities, that might result from the trawl rationalization program. The program is consistent with objective 16, minimizing adverse economic impacts on fishing communities, as described in section 6.2 under MSA National Standard 8. The program is consistent with objective 17, safety at sea, as described in section 6.2 under MSA National Standard 10.

For Groundfish FMP objectives not discussed above, the trawl rationalization program is still consistent with those objectives. However, those objectives are not specifically addressed through the trawl rationalization program.

6.2 National Standards

An FMP or plan amendment and any pursuant regulations must be consistent with ten national standards contained in the MSA (§301).

National Standard 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

The alternatives for rationalization of the trawl fishery would support efforts to achieve OY and prevent overfishing. Both the co-op and the IFQ alternative would increase individual accountability for total catch, including bycatch, and would give fishermen greater discretion as to when and how to fish. This would be expected to provide greater opportunity to extract the full OY of higher biomass species while avoiding lower biomass species. The 100 percent monitoring and increased accountability should reduce the risk of overfishing. The no action alternative would retain the current management regime which can result in forgone harvest of higher biomass species due to closures caused by harvest of lower biomass species.

National Standard 2 states that conservation and management measures shall be based on the best scientific information available.

The analyses contained in this document constitute the best available scientific information.

National Standard 3 states that, to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The EIS for the 2009 Groundfish Specifications, describes the management units for Pacific Coast groundfish. None of the alternatives analyzed in this document would modify those management units.

National Standard 4 states that conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The trawl rationalization program was developed through the Council process, which facilitates substantial participation by state representatives. Generally, state proposals are brought forward when alternatives are crafted and integrated to the degree practicable. Decisions about catch allocation between different sectors or gear groups are also part of this participatory process, and emphasis is placed on equitable division while ensuring conservation goals. None of the alternatives analyzed would discriminate against residents of different states. However, both the co-op and the IFQ alternative would establish a foundation for making allocations of harvest privileges. These alternatives were structured to provide fair and equitable allocations of both target species and overfished species to participants. The proposed action is intended, in part, to reduce bycatch and improve total catch accounting. Some important components of the trawl rationalization program that will promote conservation are (1) 100 percent observer coverage and dockside monitoring for total catch accounting (landings and discards), (2) increased individual accountability for catch should reduce the risk of OY overages, (3) increased target catches and minimized bycatch, (4) reduced number of active fishing vessels and increased operating efficiency may reduce gear and habitat or protected species interactions, and (5) allowing trawlers to switch to longline or pot gear may reduce some habitat impacts. The alternatives include provisions to guard against accumulation of excessive shares including provisions for accumulation limits and divestiture.

National Standard 5 states that conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

None of the alternatives analyzed in this document was designed solely for the purpose of economic allocation. However, NMFS and the Council have been working in this fishery to address the need for reduction in fleet capacity. In addition to meeting the conservation and management needs of the fishery, the alternatives analyzed in this document are expected to economically rationalize the groundfish trawl fishery.

National Standard 6 states that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The approach in the co-op and IFQ alternatives would be to provide greater flexibility to individual fishermen to determine when and how to fish. This flexibility would enhance the ability of fishermen and managers to respond to unexpected circumstances. In addition, the preferred alternative includes an adaptive management reserve of harvest privileges that could be used to address unexpected contingencies.

National Standard 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Generally, by coordinating management, monitoring, and enforcement activities between NMFS and the three west coast states, duplication, and thus cost, is minimized. Monitoring and enforcement programs, such as the use of fishery observers, are very important to the success of the rationalization alternatives. While these features would increase management costs, they are necessary to effective management. The analysis does consider cost-control mechanisms such as limiting landing hours and landing sites. In addition, fisherman may form co-ops or pool their resources, including sharing quota on a single vessel and sharing observers among vessels, to reduce costs.

National Standard 8 states that conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

This document evaluates the effects of the alternatives on fishing communities (Chapter 4), and these effects have been taken into account in developing the preferred alternative. The preferred alternative represents the Council's judgment of the best way to conserve and rebuild fish stocks as soon as possible while taking into account the trawl industry and coastal fishing communities. The analysis indicates that some side effects of rationalization may include geographic shifts in fishing effort and location of processors. To the extent that these shifts do occur, some communities could experience negative impacts. The preferred alternative would minimize the negative impacts to the extent possible by limiting the amount of quota that can be consolidated. In addition, the preferred alternative includes an AMP that would be allocated an amount of harvest privileges that could be used to mitigate any adverse impacts, including community impacts, that might result from the trawl rationalization program.

National Standard 9 states that conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

The rationalization alternatives are designed to improve total catch accounting and to reduce bycatch. The alternatives should reduce regulatory discards, increase target catches, and promote greater individual responsibility for avoiding bycatch. They would also provide for greater flexibility for fishermen to decide how, when, and where to fish, including allowing trawlers to switch to longline or pot gear that may reduce some habitat impacts or minimize bycatch of certain species. In addition, closed areas that keep fishing away from areas where overfished species are most abundant would remain in place and would, therefore, reduce bycatch.

National Standard 10 states that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The preferred alternative would provide fishermen with increased flexibility in determining when, where, and how to fish. This is expected to reduce incentives to fish in unsafe conditions.

6.3 Other Applicable MSA Provisions

The preferred alternatives are intended to facilitate harvest of OY while allowing for rebuilding of overfished stocks in compliance with section 304(e) of the MSA.

Chapter 4.20 in this EIS constitutes an EFH assessment of the proposed action's impacts, as required by 50 CFR 600.920 (e)(3).

6.4 Goals and Objectives of This Proposed Action

Over the past 20 years, fishery management programs—from limited license entry to IFQs to fishing cooperatives—have evolved. In 1999, the NRC produced a study of share-based fishery management programs around the country called *Sharing the Fish* (NRC 1999), which helped refine the national discussion of the pros and cons of this type of natural resource management. Since then, Congress has allowed IFQ programs to be developed, and several such programs have been implemented around the country. The MSA was reauthorized in 2007, with specific sections added to set the national standards and requirements of LAPP—a catch-all phrase that includes ITQ, IFQ, and cooperative fishery management programs. In addition to the requirements laid out in the MSA, the Council has region-specific goals and objectives for the west coast groundfish fishery in the groundfish FMP and in Amendment 20 of the FMP.

Table 6-1 summarizes guidelines, objectives, and goals identified for this action (Section 1.2.3), in the groundfish FMP (Chapter 2.0 in the FMP), and in the MSA (including Section 301(a), National Standards for fishery conservation and management, and Section 303A, LAPPs). The guidance is organized into 11 topic areas: conservation; net benefits and efficiency; disruption; excessive shares; fairness and equity, sector health; labor (captains, crew, and processing plant workers); communities; small vessels, small entities, and new entrants; auctions and cost recovery; and program performance monitoring and modification. This guidance was used to develop the alternatives and to evaluate the effects of the alternatives.

Table 6-1. Policy guidance from MSA, Groundfish FMP, and Amendment 20 (A-20) goals and objectives.

Guidance	Reference
Conservation	
Allocations Reasonably Calculated to Promote Conservation	MSA - National Standard 4(b)
LAPPs shall assist in rebuilding overfished species	MSA - 303A(c)(1)(A)
LAPPs shall promote fishery conservation and management	MSA - 303A(c)(1)(C)(ii)
Maintain an information flow on the status of the fishery... as the fishery occurs	GF FMP Objective 1
Reduce nongroundfish mortality	GF FMP Objective 4
Minimize adverse impacts on EFH	GF FMP - Objective 5
Total catch accounting; Reduce bycatch, discard mortality, and ecological impacts	A-20 Objective 1 and 3
Consider biological stock structure, not exceeding the OY/ABC, minimizing localized concentrations of fishing effort, and accounting for total mortality	A-20 Constraints 1, 2, 3, and 4
Net Benefits and Efficiency	
Consider Efficiency	MSA - National Standard 5
Contribute to reducing capacity	MSA - 303A(c)(1)(B)
Attempt to achieve the greatest net economic benefit to the nation	GF FMP Objective 6
Maximize the value of the groundfish resource as a whole	GF FMP Goal 2
Provide for a[n] ... efficient groundfish fishery	A-20 Objective 2
Promote measurable economic benefits	A-20 Objective 6
Disruption	
Accomplish change with the least disruption of current domestic fishing practices, marketing procedures, and the environment	GF FMP Objective 14

Guidance	Reference
Excessive Shares	
No particular individual, corporation, or other entity [shall] acquire an excessive share of privileges	MSA - National Standard 4(c)
Address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery	MSA - 303A(c)(5)(B)(ii)
Ensure that LAPP holders do not acquire an excessive share by (i) establishing a maximum share to hold, acquire or use, and (ii) establishing other measures to prevent inequitable concentration	MSA - 303A(c)(5)(D)
Avoid excessive quota concentration	
Establish a review process to determine whether any illegal antitrust acts have occurred.	MSA - 303A(c)(1)(J)
Fairness and Equity	
The excessive share objectives also relate to fairness and equity considerations.	
Allocation shall be fair and equitable to all such fishermen	MSA - National Standard 4(a)
Establish procedures to ensure fair and equitable initial allocations, including consideration of (i) current and historical harvests; (ii) employment in the harvesting and processing sectors; (iii) investments in, and dependence upon, the fishery; and (iv) the current and historical participation of fishing communities;	MSA - 303A(c)(5)(A)
Issue privileges to persons who substantially participate in the fishery (as specified by the Council)	MSA - 303A(c)(5)(E)
Provide an administrative appeals process regarding initial allocation decisions	MSA - 303A(c)(1)(I)
Environmental Justice: Identify and address , as appropriate, disproportionately high and adverse human health and environmental effects of its programs... on minority populations and low income populations.	EO 12898
Avoid provisions where the primary intent is a change in marketing power balance between harvesting and processing sectors	A-20 Constraint 5
Sector Health	
Provide for a viable, profitable . . . groundfish fishery	A-20 Objective 2
Promote measurable economic . . . benefits through the seafood catching, processing, distribution elements, and support sectors of the industry	A-20 Objective 6
Maximize the value of the groundfish resource as a whole	GF FMP Goal 2
Promote year-round marketing opportunities and extend those opportunities as long as practicable during the fishing year	GF FMP Objective 7
Avoid unnecessary adverse impacts on small entities	GF FMP Objective 15
Labor: Captains, Crew, and Processing Plant Workers	
Include measures to assist... entry-level and small vessel owner-operators, captains, crew... through set-asides of allocations... or economic assistance in the purchase of quota	MSA - 303A(c)(5)(C)
Promote measurable... employment benefits through the seafood catching, processing, distribution elements, and support sectors of the industry	A-20 Objective 6
Promote the safety of human life at sea	MSA - National Standard 10 GF FMP - Objective 17
Communities	
Consider importance of fishing to communities in order to provide sustained participation and to minimize adverse impacts	MSA - National Standard 8 GF FMP Objective 16 A-20 Objective 5
Consider basic cultural and social framework of the fishery through (i) the development of policies to promote sustained participation of... fishing communities that depend on the fisheries, including regional or port-specific landing and delivery requirement; (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery	MSA - 303A(c)(5)(B)
Include measures to assist , when necessary and appropriate... fishing communities through set-asides of harvesting allocations ... or economic assistance in the purchase of quota	MSA - 303A(c)(5)(C)

Guidance	Reference
<p>If a program is created in which fishing communities are given a special standing (e.g., a direct allocation to qualified fishing communities), the Council is required to consider the following criteria:</p> <ul style="list-style-type: none"> (i) Traditional fishing or processing practices in, and dependency on, the fishery; (ii) The cultural and social framework relevant to the fishery; (iii) Economic barriers to access the fishery; (iv) Existence and severity of projected economic and social impacts associated with implementation...; (v) Expected effectiveness, transparency and equitability; and (vi) Potential for improving economic conditions in remote coastal communities... 	MSA - 303A(c)(3)(B)
<p>Minimize negative impacts resulting from localized concentrations of fishing effort (this constraint is also listed under “Conservation”)</p>	A-20 Constraint 3
Small Vessels, Small Entities, and New Entrants	
<p>Promote sustained participation of small owner-operated fishing vessels</p>	MSA - 303A(c)(5)(B)(i)
<p>Include measures to assist, when necessary and appropriate, entry level and small vessel owner-operators . . . through set-asides of harvesting allocations... or economic assistance in the purchase of quota ¹¹⁹</p>	MSA - 303A(c)(5)(C)
<p>Avoid unnecessary adverse impacts on small entities</p>	GF FMP Objective 15
Auctions and Cost Recovery	
<p>Auctions, or other systems to collect royalties, shall be considered for initial or any subsequent allocation</p>	MSA - 303A(d)
<p>Assess and provide a program of fees paid by the quota holders that will cover the costs of management, data collection and analysis, and enforcement activities</p>	MSA - 303A(e)
Program Performance Monitoring and Modification	
<p>Take into account the management and administrative costs of implementing and overseeing the IFQ or co-op program and complementary catch monitoring programs, and the limited state and federal resources available.</p>	A-20 Constraint 9
<p>Regular review and monitoring of the program for progress in meeting the goals, 5 year formal review</p>	MSA - 303A(c)(1)(G)
<p>Privileges may be revoked, limited or modified at anytime. Provide for revocation</p>	MSA - 303A(b)(2) MSA - 303A(c)(1)(K)

¹¹⁹ An Assisted Purchase Program may be developed to aid in financing quota purchase by small vessel fishermen and first time purchase by entry-level fishermen (MSA - 303A(g)(1)).