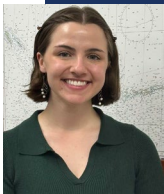


C3 MRA MODIFICATIONS

JON MCCRACKEN, TAYLOR HOLMAN, JOSH KEATON



KEY DEFINITIONS

MRA - Maximum Retainable Amount of species that are closed to directed fishing

Directed fishing - When a species is retained over the MRA

Targeting - Species intended to be harvested on a haul by haul basis

Retained – Fish either processed on a catcher processor or retained in a refrigerated seawater tank or vessel hold for catcher vessels.

Bycatch - Any discarded catch

Incidental Catch - Retained catch of species while targeting a different species

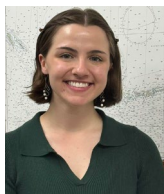
Harvest - all retained and all discarded catch

“Topping-off” - Targeting a species that is closed to directed fishing in order to retain as close to the MRA as possible.

TAC - Total Allowable Catch **Note: All harvest (total retained and discarded catch) accrues towards the TAC**

Trip – Period for MRA calculation.

Intrinsic Rate – Natural rate of a species encountered in normal fishing operations for a specific target species



More detailed information will be provided in this presentation on some terms

WHAT IS AN MRA?

Maximum Retainable Amount (MRA)

Maximum round weight of a species closed to directed fishing that may be **retained** onboard a vessel. Determined by percentages in regulation.

Example: MRA percentage $20/100 = 20\%$

Retained species open to directed fishing (basis species) = **100 mt** (round weight)

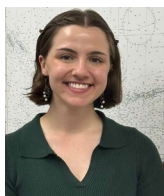
Retained species closed to directed fishing (incidental species) = **20 mt** (round weight)

- Note that MRA calculations include only retained fish.
 - By creating limits on retention, MRAs **remove incentives** for vessels to catch species closed to directed fishing (in excess of MRA) due to operational costs to discard.
 - MRAs do not prevent a vessel from catching species closed to directed fishing, or targeting them (via topping off), so long as the vessel remains under the MRA.

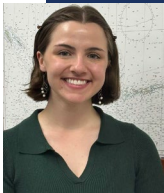


MRA APPLICATION

- The accounting period for most MRAs is known as “instantaneous,” because most **MRAs cannot be exceeded at any point in time during the fishing trip.**
 - Example: If a vessel has **not yet caught any basis species during that fishing trip, all incidental species caught by the vessel must be discarded** until the vessel has caught and retained a volume of basis species during that fishing trip.
- A **groundfish fishing trip**, as defined in regulation, begins when harvesting, receiving, or processing of groundfish has begun on a vessel.
 - For CVs, a fishing trip ends when all fish or fish product has been offloaded or transferred from that vessel.
 - For C/Ps and motherships, five conditions end a fishing trip, based on whichever condition occurs first:
 - A. The effective date of a notification prohibiting directed fishing in the same area;
 - B. The offload or transfer of all fish or fish product from that vessel;
 - C. The vessel enters or leaves an area where a different directed fishing prohibition applies;
 - D. The vessel begins fishing with a different type of authorized fishing gear; or
 - E. The end of a weekly reporting period (Saturday)



DESCRIPTION OF ALTERNATIVES



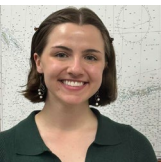
DESCRIPTION OF ALTERNATIVES: ALT. 1 & ALT. 2

Alternative 1: No Action (Status quo).

Alternatives 2-5 are not mutually exclusive.

Alternative 2: This alternative would revise MRA regulations to clarify (1) the definition of a fishing trip, (2) calculations for MRAs, and (3) applications of MRAs. These changes would not change how the MRA regulations are currently implemented.

- **Option 1:** Modify the definition of a fishing trip to make it clear that motherships are responsible for the overall MRA of any catcher vessel delivering unsorted codends.
- **Option 2:** Clarify that MRAs are calculated by fishery management program due to different fishing prohibitions in place for each fishery management program.
- **Option 3:** Correct regulation citations for American Fisheries Act (AFA) vessels and AFA replacement vessels.
- **Option 4:** Clarify that when Community Development Quota (CDQ) uses an AFA vessel to harvest Amendment 80 species BSAI pollock and BS Atka mackerel MRAs are calculated at the time of the offload and clarify the species used as basis species for CDQ.
- **Option 5:** Clarify that MRAs take precedence over improved retention/improved utilization (IR/IU) regulations when vessels fish in areas with different fishing prohibitions.
- **Option 6:** Update IR/IU regulations for Amendment 80 vessels to reflect past Council actions.



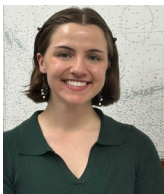
Alternative 2 is based on NMFS recommendations. Agency staff consider the enforcement impacts of this Alternative to be positive, and straightforward. Options 1-6 are not considered to be a priority for committee discussion.

DESCRIPTION OF ALTS: ALT 2, OPTION 7

Originally included in June 2024 Council motion, as Alternative 3. Included in this analysis per staff recommendation.

Option 7: Revise the definition of directed fishing at 50 CFR 679.2 for vessels participating in the pelagic trawl EM program such that vessels deploying pelagic trawl gear are directed fishing for pollock if the amount of pollock is 80 percent or greater of total catch.

- Discard prohibition in trawl EM category conflicts with directed fishing regulation. Vessels are simultaneously prohibited from retaining any incidental catch volumes above the MRA, and from discarding any catch volumes under the trawl EM program regulations.
- Pelagic trawl vessels frequently incidentally encounter Pacific Ocean Perch (POP), especially as biomass has increased. In the event of a high incidental catch haul, Option 7 would remedy this regulatory bind by modifying the directed fishing definition, which would allow retention of incidental POP volumes above the MRA.



ALTERNATIVE 3

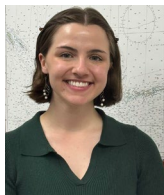
Alternative 3: Revise the triggers that end a fishing trip from five to two triggers in the definition of a fishing trip for C/Ps and motherships (not including current offload-to-offload species - BSAI pollock, Bering Sea (BS) Atka mackerel, and weekly reporting period species in the Central GOA Rockfish Program).

Three triggers would be removed:

1. The effective date of a different fishing prohibition in the area the vessel is fishing,
2. When a vessel enters or leaves an area with a different fishing prohibition, and
3. The end of a weekly reporting period.

Two triggers would remain:

1. When all fish or fish product is offloaded, and
2. If the vessel changes authorized gear type.



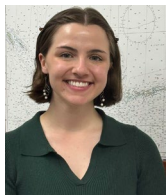
ALTERNATIVES 4 & 5

Alternative 4: Add additional species to an offload-to-offload MRA application in the BSAI and GOA for all vessel sectors. Continue to exclude AFA vessels for BSAI pollock and BS Atka mackerel from the offload calculation.

Option 1: add BSAI Pacific cod, GOA Pacific cod, GOA pollock, BS skates, Central GOA Rockfish Program, and GOA shallow-water flatfish

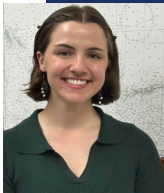
Option 2: include all groundfish species, except as noted above

Alternative 5: Provide exemptions in regulation from MRA requirements in cases of medical emergencies, mechanical emergencies, or poor weather that ends a fishing trip.



MANAGEMENT & ENFORCEMENT CONSIDERATIONS

CHAPTER 4, PAGE 73



CONSIDERATIONS UNDER ALTERNATIVES 3/4

NMFS does not foresee an issue with removing instantaneous MRA provisions for CVs.

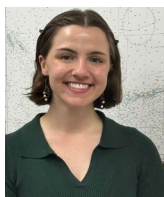
NMFS identified two issues for implementation of Alternatives 3 or 4:

- Issue 1: Current regulations restrict a CP to the lowest MRA fished for the fishing trip. This may lead to increased regulatory discards in certain scenarios, including discards of IR/IU species. Described in Section 4.2.

50 CFR 679.20(e)(3)(ii) For catcher/processors fishing in an area closed to directed fishing for a species or species group, the maximum retainable amount for that species or species group applies at any time for the duration of the fishing trip

- Issue 2: Possible increased harvest of Steller sea lion (SSL) prey species inside protection areas. Described in Section 4.3.

NMFS recommends that the Council consider the different ways in which the C/P and mothership regulations could be modified, to help remedy or minimize the identified issues. **Several paths the Council may take are highlighted in the following slides.**

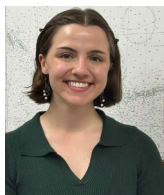


CONSIDERATIONS UNDER ALTERNATIVES 3/4

Path A: Alternative 3 or 4 is adopted without further regulatory changes. Current regulations (50 CFR 679.20(e)(3)(ii)), which require a CP to be restricted to the lowest MRA for the duration of fishing trip, would remain in place.

Path B: Alternative 3 or 4 is adopted, and regulation restricting a CP to the lowest MRA for the entire trip is removed. The CP would be restricted to the MRA of the area they are currently fishing, and would be able to use basis species caught from outside that area in their MRA calculations.

- Would reduce/eliminate any additional regulatory discards that may occur under Path A.
- More risk for adverse impacts to SSLs; could result in increased harvest of SSL prey species inside protection areas.
 - A CP could use basis species from outside the protection area to target more SSL prey species inside the protection area, or could change behavior that results in targeting of SSL prey species inside protection areas more often than status quo.
- Could result in more harvest of a species if a management action is taken to close a species to directed fishing while a CP is in the middle of a trip.
 - Provides additional opportunity to target the species that is now closed.
 - Example:
 - On day 5 of a 10 day trip NMFS takes action to close Pacific cod to directed fishing.
 - The CP can use all the basis species on board prior to the closure as part of the MRA calculation for the remainder of the trip.
 - The CP can use Pacific cod harvested prior to the closure as a basis species to harvest more Pacific cod.
- Inefficient way to control harvest after a fishery closure.



CONSIDERATIONS UNDER ALTERNATIVES 3/4

Path C: MRAs for CPs and motherships are calculated offload-to-offload each time a different directed fishing prohibition is in effect. If a CP or mothership retains a species when directed fishing is open and when directed fishing is closed during the same trip, then separate MRA calculations would be required at the time of offload.

- Path C1: Require separate MRA calculations for each circumstance for every species.
 - i.e. All catch harvested outside a protection area is kept separate from all catch harvested inside a protection area for the purposes of offload MRA calculations.
- Path C2: Require separate MRA calculation for each circumstance but only for species with a different directed fishing prohibition.
 - e.g. CP fishes outside (Pacific cod open) and inside (Pacific cod closed) a protection area in the same trip. The CP can use all basis species for the entire trip to calculate all MRAs in both areas, except that the Pacific cod MRA can only be calculated using the basis species harvested within the protection area.

Path D: Develop other ideas to mitigate harvest from protection areas.

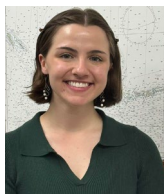
- Close protection areas to all fishing.
- Prohibit targeting (topping off) of prey species in protection areas.
- Hard caps for prey species in protection areas.
- Use of IPAs to limit catch in protection areas for catch share programs.
- Other ideas?



ANNUAL / SEASONAL CALCULATION SEC 4.4

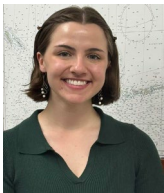
Could consider moving to an annual or seasonal MRA for pollock.

- May improve retention & utilization by smoothing short-term bycatch fluctuations.
 - Amendment 80 still has large pollock discards under offload-to-offload.
- Might further reduce regulatory discards.
- Eases compliance burdens and reduces conflicting regulations.
- Supports Alternative 5 by accommodating uncontrollable trip disruptions.
- Could consider a pilot program for Amendment 80 sector before broader implementation.
 - Quick analysis showed potential application and limited impacts overall.
- May need safeguards to maintain catch limits and monitor spatial impacts.
 - Incentive plan approach to prevent increase in bycatch.



ALTERNATIVE 5

- Alternative 5 would provide exemptions from MRA requirements in cases of medical, mechanical, or poor weather emergencies
 - Current regulations state the MRAs apply at any time during the duration of fishing trip, therefore if a vessel returns to port for a medical, mechanical, or a weather emergency and they are over the MRA limit, it is a violation.
 - Between 2021 and 2024, OLE documented 4 instances of medical or mechanical issues that forced an unexpected return to port which resulted in an MRA overage
 - Based on low rate of occurrence, OLE recommends assessing overages on a case-by-case basis.
 - If Alternative 4 is selected, and additional species go to offload-to-offload MRAs, the occurrence of overages due to medical/mechanical/weather issues could be exacerbated.
 - USCG Form CG-2692 could be utilized as a standard means of confirming an emergency for any adopted exemption
 - **An exemption made due to weather would be far more subjective and therefore difficult to enforce.**



SUMMARY OF MANAGEMENT CONSIDERATIONS

	Regulatory Complexity	Enforcement	Regulatory Discards
Alternative 1, No Action	Status quo conditions.	Status quo conditions.	Status quo conditions
Alternative 2, Options 1-6	Improves clarity in current regulations & reflects current operations/OLE guidance.	Clarifies regulations; easier for OLE to interpret and enforce.	Status quo conditions.
Alternative 2, Option 7	Removes conflicting regulatory requirements for PTR EM vessels that harvest above the MRA (simultaneous retention and discard prohibitions)	Removes regulatory bind; easier for vessels to remain in compliance.	May reduce discards for PTR EM vessels in regulatory bind, if vessel chooses to violate discard regs. rather than directed fishing regs. under status quo.
Alternative 3	Reduction in trip ending triggers decreases MRA calculation complexity for C/Ps and motherships.	Concerns surrounding OLE's ability to enforce area closures. Vessels targeting incidental species (i.e. topping off) inside protection areas are not in violation of any regulation under this Alt.	Likely to result in reductions in regulatory discards. Reduction in regulatory discards is viewed as economically & environmentally beneficial.
Alternative 4, Options 1 & 2	Likely simpler to calculate MRAs for C/Ps and motherships, & simpler to enforce MRAs for CVs. May reduce confusion for operators.	Concerns surrounding OLE's ability to enforce area closures. Vessels targeting incidental species (i.e. topping off) inside protection areas are not in violation of any regulation under this Alt.	Likely to result in reductions in regulatory discards. Reduction in regulatory discards is viewed as economically & environmentally beneficial.
Alternative 5	May require codifying parameters that constitute an emergency.	Exemptions due to weather may be difficult to define & enforce; examine further at Enforcement Committee meeting.	May reduce discards in rare cases.

SPECIFIC ITEMS FOR COMMITTEE ATTENTION

- Alternatives 3 & 4:
 - General enforcement impacts of moving to offload-to-offload trips and/or MRA accounting periods
 - i.e. enforcing directed fishing prohibitions, at-sea versus shoreside enforcement presence/requirements,
 - Enforcement impacts of Council selecting Path A/B/C (slides 21-22)
 - A: Status quo, C/Ps & motherships limited to lowest MRA for duration of fishing trip
 - B: Restrict C/Ps & motherships to different MRAs/prohibited statuses during fishing trip, allow basis species from entire trip to be used in MRA calculations
 - C: Restrict C/Ps & motherships to different MRAs/prohibited statuses during fishing trip, separate MRA calculations defined at time of offload. (similar to change made by the Council in the December 2006 MRA regulatory package)
 - Enforcement impacts of instantaneous vs offload-to-offload MRAs on CVs
- Alternative 5, defining weather emergencies
- Enforcement impacts of annual/seasonal MRA calculations





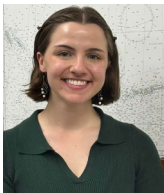
APPENDICES

HISTORY OF MRA ACTIONS

- Full timeline of pertinent actions regarding MRAs is available in Appendix I.
- Three actions are associated with a changing an MRA calculation interval from instantaneous to offload; similar to Alternative 4.
 - 69 FR 32901, 2004: Changed BSAI pollock MRA from instantaneous to offload, for non-AFA vessels, to allow for greater utilization of pollock and reduce discards
 - 74 FR 7209 (proposal), and 74 FR 65503 (withdrawal), 2009: Proposed to revise MRA accounting interval to offload-to-offload for certain species, for the H&G trawl C/P sector (now called A80).
 - Before taking final action on the item in December of 2006, the Council determined that a relaxed interval would increase incentives to harvest SSL prey species in protection areas. The Council revised the preferred alternative to 1) trigger a new trip if an H&G trawl C/P entered or left certain SSL protection areas in the BSAI, and 2) leave MRA accounting intervals at status quo in SSL protection areas.
 - NMFS withdrew the proposed rule after receiving withdrawal requests from representatives of the sector. Industry noted that the proposed rule, as amended, would no longer assist the sector in increasing the value of groundfish catches.
 - 79 FR 70286: Changed BS Atka mackerel MRA from instantaneous to offload, for non-AFA vessels, to allow for greater utilization of BS Atka mackerel.

MANAGEMENT IMPACTS UNDER ALTERNATIVES

- Impact to management under any scenario is likely limited.
- NMFS already assumes continued harvest after a closure, including topping-off and discarding, in current management.
- NMFS can further disincentivize catch by prohibiting retention of a species if the TAC is reached (set MRA to zero).
 - This does not prevent catch and discard of that species under any Alternative.
- Only species that have an intrinsic rate higher than the MRA are concerns and likely not impacted under any alternative
 - Intrinsic rate: natural rate of a species encountered in normal fishing operations for a specific target species
 - e.g. The intrinsic rate of sablefish in trawl fisheries is often higher than the 1% MRA allowed. Allowing more retention is unlikely to increase overall harvest or reduce discards if a vessel is already maximizing retention of that species.
 - Hold capacity likely provides an upper cap on additional harvest.



SUMMARY OF ECONOMIC IMPACTS

	Economic Impacts
Alternative 1, No Action	Status quo conditions.
Alternative 2, Options 1-6	No impacts.
Alternative 2, Option 7	No impacts.
Alternative 3	Expected to be positive. Magnitude of impact varies & is reliant on changes in strategic vessel behavior.
Alternative 4, Options 1 & 2	Expected to be positive. Magnitude of impact varies & is reliant on changes in strategic vessel behavior.
Alternative 5	Neutral to positive. Vessels may avoid regulatory violations in rare cases.

SUMMARY OF ENVIRONMENTAL IMPACTS

	Target & Non-target Species	Marine Mammals (SSL)
Alternative 1, No Action	Status quo conditions.	Status quo conditions.
Alternative 2, Options 1-6	No impacts.	No impacts.
Alternative 2, Option 7	No impacts.	No impacts.
Alternative 3	Potential for increased harvest of incidental catch species inside protection areas. Magnitude and distribution of impact dependent on changes in vessel behavior around protection areas.	Potential for increased harvest of SSL prey species in SSL protection areas. Magnitude and distribution of impact dependent on vessel behavior.
Alternative 4, Options 1 & 2	<p>Limited potential & risk of approaching ABC and OFL for certain species. Risks mitigated by existing fishery mgmt. mechanisms; therefore not considered to be environmentally significant.</p> <p>Potential for increased harvest of incidental catch species inside protection areas. Magnitude and distribution of impact dependent on changes in vessel behavior around protection areas.</p>	Potential for increased harvest of Pacific cod in SSL protection areas. Magnitude and distribution of impact is dependent on vessel behavior.
Alternative 5	No impacts.	No impacts.