

## Proposed Amendment 94 Text for the BSAI Groundfish FMP

The following changes should be made to the BSAI Groundfish FMP:

1. In Appendix A, add the following description in numerical order, and fill in the implementation date when it is known:

Amendment 94, implemented \_\_\_\_\_, partly revises Amendment 89:

1. Required use of modified nonpelagic trawl gear in the Bering Sea flatfish nonpelagic trawl fishery to reduce the potential impact of nonpelagic trawl gear on bottom habitat.
  2. Created the Modified Gear Trawl Zone, in which anyone fishing with nonpelagic trawl gear must use modified nonpelagic trawl gear.
  3. Revised the northern and southern boundaries of the Northern Bering Sea Research Area, and the eastern boundary of the St Matthew Island Habitat Conservation Area.
  4. Removed reference to the Crab and Halibut Protection Zone which was superseded by the Nearshore Bristol Bay Trawl Closure.
  5. Renumbered figures and tables in the FMP and corrected cross-references.
  6. Updated the Community Development Quota eligibility list to be consistent with the Magnuson-Stevens Act.
2. In the Executive summary, add the following to the “Authorized Gear” section of the table:

**Flatfish:** Nonpelagic trawl gear modified to reduce the potential impact on bottom habitat is required when directed fishing for flatfish species in the Bering Sea subarea with nonpelagic trawl gear.

3. In the Executive Summary, add the following sentence to the “Time and Area Restrictions” section of the table. The sentence should be added to the end of the paragraph describing “Nonpelagic trawl” restrictions:

Owners and operators of fishing vessels using nonpelagic trawl gear in the Modified Gear Trawl Zone, regardless of target species, must use modified nonpelagic trawl gear as required for the Bering Sea flatfish fishery.

4. Add the following to Section 3.4.2 of the FMP:

### ***Flatfish***

Nonpelagic trawl gear used for directed fishing for flatfish species in the Bering Sea subarea must be modified to reduce the potential impacts of nonpelagic trawl gear on bottom habitat. Regulations specify modifications necessary to reduce the potential impact of nonpelagic trawl gear on bottom habitat.

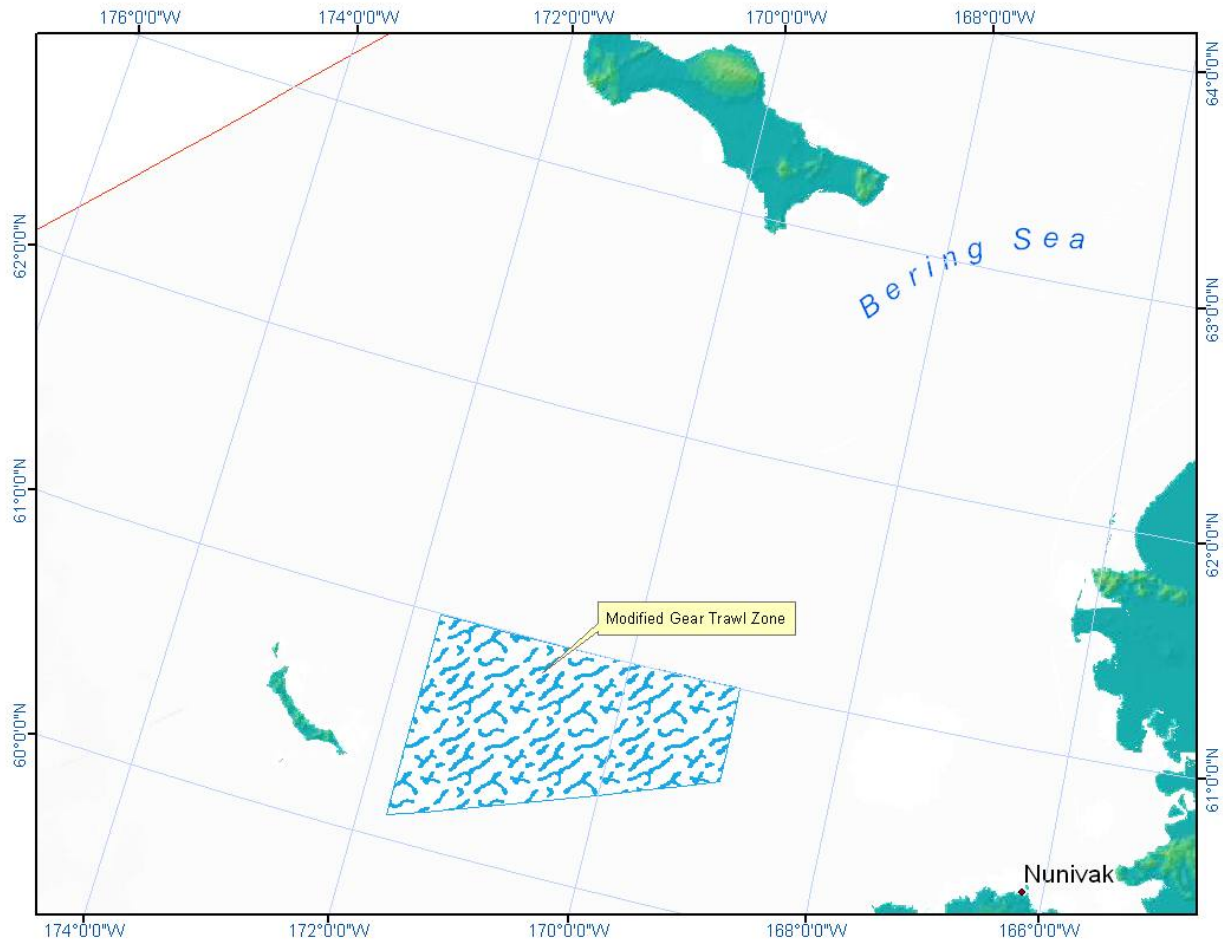
5. Add the following section describing the Modified Gear Trawl Zone as Section 3.5.2.1.13. Add the figure and caption to the end of the new section (note, figure number will be added in instruction 17):

### **3.5.2.1.13 Modified Gear Trawl Zone**

Regardless of target species, the use of nonpelagic trawl gear in the Modified Gear Trawl Zone is prohibited, except for modified nonpelagic trawl gear. The modifications must meet the

requirements described in Section 3.4.2 for flatfish in the Bering Sea subarea. See Appendix B and Figure 3-x.

**Figure 3-x Modified Gear Trawl Zone.**



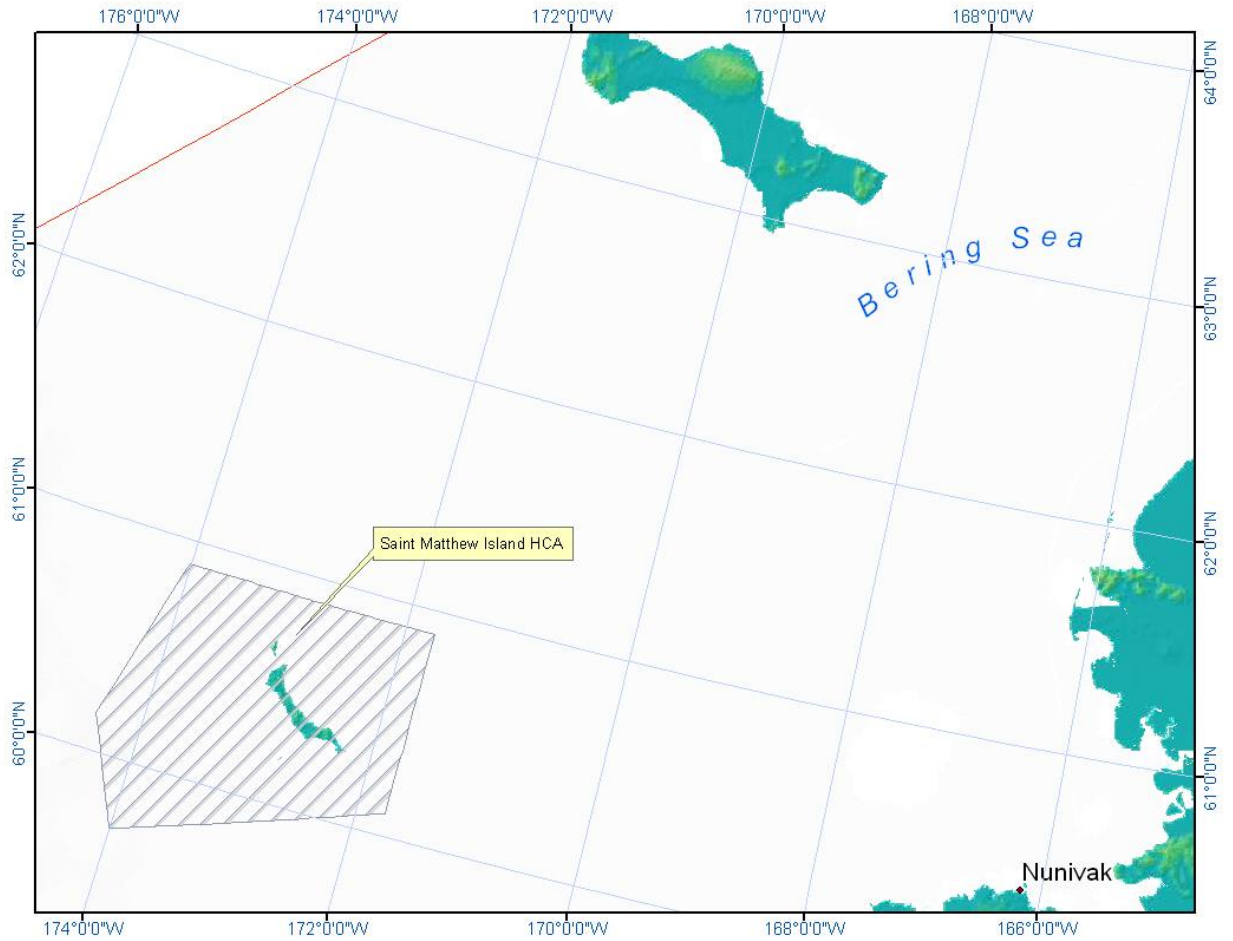
6. Add the following to the end of section B.2 in Appendix B:

**Modified Gear Trawl Zone**

Owners and operators of vessels using nonpelagic trawl gear in the Modified Gear Trawl Zone must use modified nonpelagic trawl gear, regardless of target species, as described in Section 3.4.2 for the Bering Sea subarea flatfish fishery. The area is delineated by connecting the coordinates below, in the order listed, by straight lines. The last set of coordinates is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

Longitude			Latitude		
171	45.00	W	61	00.00	N
169	00.00	W	61	00.00	N
169	00.00	W	60	35.48	N
171	45.00	W	60	06.15	N

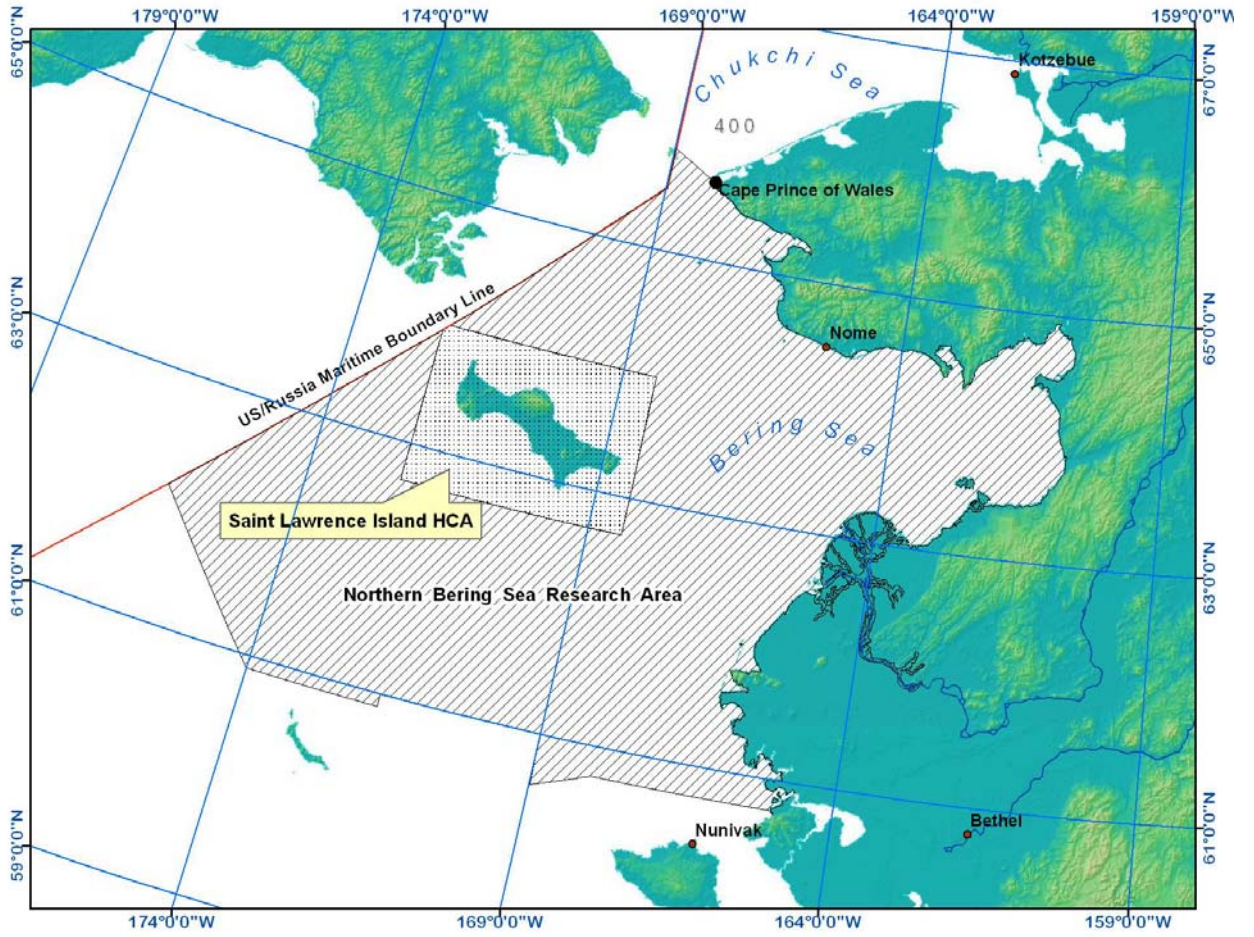
7. Replace the map for the St Matthew Island Habitat Conservation Area figure (currently labeled Figure 3-17) with the following:



8. Replace the coordinate table listed under the heading “St Matthew Island Habitat Conservation Area” in Section B.2 of Appendix B with the following:

Longitude			Latitude		
171	45.00	W	60	54.00	N
171	45.00	W	60	6.15	N
174	0.50	W	59	42.26	N
174	24.98	W	60	9.98	N
174	1.24	W	60	54.00	N

9. Replace the figure for the Northern Bering Sea Research Area (currently Figure 3-20) with the following:



10. In Appendix B.2, replace the coordinate table under the heading “Northern Bering Sea Research Area” with the following:

Longitude			Latitude		
168	7.41	W	65	37.91	N*
165	1.54	W	60	45.54	N
167	59.98	W	60	45.55	N
169	00.00	W	60	35.50	N
169	00.00	W	61	00.00	N
171	45.00	W	61	00.00	N
171	45.00	W	60	54.00	N
174	1.24	W	60	54.00	N
176	13.51	W	62	6.56	N
172	24.00	W	63	57.03	N
172	24.00	W	62	42.00	N
168	24.00	W	62	42.00	N
168	24.00	W	64	0.00	N
172	17.42	W	64	0.01	N
168	58.62	W	65	30.00	N
168	58.62	W	65	49.81	N**

\* The boundary extends in a clockwise direction from this set of geographic coordinates along the shoreline at mean lower-low tide line to the next set of coordinates.

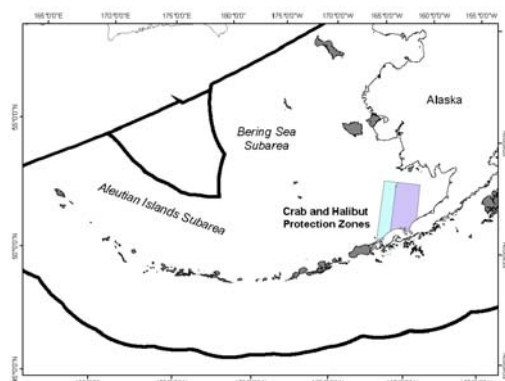
\*\* Intersection of the 1990 United States/Russia Maritime Boundary Line and a line from Cape Prince of Wales to Cape Dezhneva (Russia) that defines the boundary between the Chukchi and Bering Seas.

11. Delete section 3.5.2.1.1 “Crab and Halibut Protection Zone” and Figure 3-2. Renumber remaining sections of 3.5.2.1 accordingly.

12. Delete the following text and figure from Appendix B.2 of the FMP:

### Crab and Halibut Protection Zone

For the periods January 1 - March 14 and June 16 - December 31 of each fishing year, the Crab and Halibut Protection Zone is defined as that portion of the EEZ north of the Alaska Peninsula, south of 58° N. latitude, west of 160° W. longitude and east of 162° W. longitude. For the period March 15 - June 15 of each fishing year the Crab and Halibut Protection Zone is defined as that portion of the EEZ north of the Alaska Peninsula, south of 58° N. latitude, west of 160° W. longitude and east of 163° W. longitude.



13. Move the figures, currently in section 3.6, illustrating the Bering Sea Habitat Conservation Area, the St Matthew Island Habitat Conservation Area, the St Lawrence Island Habitat Conservation Area, the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area, and the Northern Bering Sea Research Area (currently Figures 3-16 through 3-20), and insert each in the relevant section of Sections 3.5.2.1.8 to 3.5.2.1.12.

14. Move the figures, currently in section 3.5, illustrating the Pribilof Islands Habitat Conservation Area, the Chum Salmon Savings Area, the Red King Crab Savings Area, the Nearshore Bristol Bay Closures, and the Catcher Vessel Operational Area (currently Figure 3-3 through Figure 3-7), and insert each in the relevant section of Sections 3.5.2.1.2 to 3.5.2.1.6.
15. Move the figure illustrating the Aleutian Islands Coral Habitat Protections Areas (currently Figure 3-9) into Section 3.5.2.2.1.
16. Move figures illustrating PSC limitation zones 1 and 2, the *C. Opilio* Bycatch Limitation Zone, the Herring Savings Areas, and the Chinook Salmon Savings Areas (currently Figure 3-12 to Figure 3-15, and found in Section 3.6), and insert each in the relevant section of Sections 3.6.2.2.1 through 3.6.2.2.5.
17. Renumber the figures in chapter 3 sequentially. Correct the figure cross-references so that they refer to the appropriate figure. Cross-references are found in Sections 3.1.1, and the subsections of 3.5.2.1, 3.5.2.2, 3.5.2.3, and 3.6.2.2.
18. Revise the text in Section 3.7.4 as follows. Text that is underlined would be added to the FMP, and that which is stricken out would be deleted.

### **3.7.4 Community Development Quota Multispecies Fishery**

The western Alaska Community Development Quota (CDQ) Program was established in order: (i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area; (ii) to support economic development in western Alaska; (iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and (iv) to achieve sustainable and diversified local economies in western Alaska. Requirements governing the CDQ Program are in section 305(i)(1) of the Magnuson-Stevens Act.

~~The western Alaska Community Development Quota (CDQ) Program (hereinafter the CDQ Program) was established to provide fishermen who reside in western Alaska communities a fair and reasonable opportunity to participate in the Bering Sea and Aleutian Islands groundfish fisheries; to expand their participation in salmon, herring, and other nearshore fisheries; and to help alleviate the growing social and economic crisis within these communities. Residents of western Alaska communities are predominantly Alaska Natives who have traditionally depended upon the marine resources of the Bering Sea for their economic and cultural well-being. The CDQ program is a joint program of the Secretary and the Governor of the State of Alaska. Through the creation and implementation of community development plans, western Alaska communities will be able to diversify their local economies, provide community residents with new opportunities to obtain stable, long-term employment, and participate in the BSAI fisheries which have been foreclosed to them because of the high capital investment needed to enter the fishery.~~

~~The NMFS Regional Administrator shall hold the designated percent of the annual total allowable catch of groundfish for each management subarea in the BSAI for the western Alaska community quota as noted below. These amounts shall be released to eligible Alaska communities who submit a plan, approved by the Governor of Alaska, for their wise and appropriate use.~~

~~The CDQ program is structured such that the Governor of Alaska is authorized to recommend to the Secretary that a Bering Sea rim community be designated as an eligible fishing community to~~



~~receive a portion of the reserve. To be eligible a community must meet specified criteria and have developed a fisheries development plan approved by the Governor of Alaska. The Governor shall develop such recommendations in consultation with the Council. The Governor shall forward any such recommendations to the Secretary, following consultation with the Council. Upon receipt of such recommendations, the Secretary may designate a community as an eligible fishing community and, under the plan, may release appropriate portions of the reserve.~~

~~Not more than 33 percent of the total western Alaska community quota for any single species category may be designated for a single CDQ applicant, except that if portions of the total quota are not designated by the end of the second quarter, applicants may apply for any portion of the remaining quota for the remainder of that year only.~~

#### **3.7.4.1 Eligible Western Alaska Communities**

~~The list of eligible communities eligible for the CDQ Program is in Section 305(i)(1)(D) of the Magnuson-Stevens Act.~~

~~The Governor of Alaska is authorized to recommend to the Secretary that a community within western Alaska which meets all of the following criteria be eligible for the CDQ program:~~

- ~~1. be located on or proximate to the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands or a community located on an island within the Bering Sea, which the Secretary of the Interior has certified pursuant to Section 11(b)(2) or (3) of Pub. L. No. 92-203 as Native villages are defined in Section 3(c) of Pub. L. No. 92-203;~~
- ~~2. be unlikely to be able to attract and develop economic activity other than commercial fishing that would provide a substantial source of employment;~~
- ~~3. its residents have traditionally engaged in and depended upon fishing in the waters of the Bering Sea coast;~~
- ~~4. has not previously developed harvesting or processing capability sufficient to support substantial participation in the commercial groundfish fisheries of the BSAI because of a lack of sufficient funds for investing in harvesting or processing equipment; and~~
- ~~5. has developed a community development plan approved by the Governor, after consultation with the Council.~~

~~Also, Akutan is included in the list of eligible CDQ communities.~~

#### **3.7.4.2 Fixed Gear Sablefish Allocation**

The NMFS Regional Administrator shall hold 20 percent of the annual fixed-gear total allowable catch of sablefish for each management subarea in the BSAI for the western Alaska sablefish community quota. The portions of fixed-gear sablefish TACs for each management area not designated to CDQ fisheries will be allocated as quota share and IFQs and shall be used pursuant to the program outlined in Section 3.7.1.

#### **3.7.4.3 Pollock Allocation**

Ten percent of the pollock TAC in the BSAI management area shall be allocated as a directed fishing allowance to the CDQ program. ~~This quota shall be released to communities on the~~

~~Bering Sea coast which submit a plan, approved by the Governor of Alaska, for the wise and appropriate use of the quota.~~

#### **3.7.4.4 Pacific Cod Allocation**

The Magnuson-Stevens Act requires that 10.7 percent of the Pacific cod TAC in the BSAI management area shall be allocated to the CDQ Program.

#### **3.7.4.5 Other Groundfish Allocations**

Section 305(i)(1)(B) of the Magnuson-Stevens Act governs allocations of groundfish to the CDQ Program. The Magnuson-Stevens Act requires that 10.7 percent of the TAC for each species in a directed groundfish fishery in the BSAI, except pollock and sablefish, shall be allocated to the CDQ Program. The Magnuson-Stevens Act also requires that 7.5 percent of the trawl allocation of the sablefish TAC shall be allocated to the CDQ Program.

#### **3.7.4.6 Prohibited Species Allocations**

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