

Amendment 91
to the Fishery Management Plan for Groundfish of the
Bering Sea and Aleutian Islands Management Area

1. In the Executive Summary, Table ES-2, the first sentence in the section titled “Prohibited Species” is revised to read as follows (bold shows addition):

Pacific halibut, Pacific herring, Pacific salmon and steelhead, king crab, and Tanner crab are prohibited species and must be **avoided while fishing for groundfish and must be** returned to the sea with a minimum of injury, except when their retention is **required or** authorized by other applicable law.

2. In the Executive Summary, Table ES-2, in the section titled “Prohibited Species Catch (PSC) Limits”, the entries for “Chinook salmon” and “Apportionment” are revised to read as follows (bold shows additions and strike-out shows deletions):

Chinook salmon: Attainment of the Chinook salmon PSC limit ~~established in regulation for the Bering Sea or in the Aleutian Islands subarea~~ closes the ~~Bering Sea or Aleutian Islands~~ Chinook Salmon Savings Areas to directed ~~pollock trawl~~ fishing **for pollock**. **Chinook salmon bycatch in the Bering Sea pollock fishery is managed under a system of two PSC limits (60,000 Chinook salmon and 47,591 Chinook salmon), allocations among the BS pollock fishery sectors, inshore cooperatives, and CDQ groups, and other measures designed to minimize bycatch below the higher PSC limit. Attainment of a Chinook salmon PSC allocation closes directed fishing for pollock in the Bering Sea subarea.**

Apportionment: ~~For trawl fisheries, PSC limits or portions of PSC limits may be apportioned by target fishery, gear type, area, and season.~~ **allocated to industry sectors which could be defined by program, gear type, vessel size, area, season, or target fishery.**

3. In Section 3.1.2 Stocks, revise first sentence of paragraph 1 on Prohibited Species to read as follows (bold shows additions and strike-out shows deletions):

Prohibited Species - are those species and species groups the catch of which must be avoided while fishing for groundfish and which must be returned to the sea with a minimum of injury except when their retention is **required or** authorized by other applicable law (see also Prohibited Species Donation Program described in Section ~~3.6.2.1.1~~ **3.6.1.1**). Groundfish species and species groups under the FMP for which the quotas have been achieved shall be treated in the same manner as prohibited species.

4. In Section 3.6.1 Prohibited Species, revise the first paragraph to read as follows (bold shows additions):

Pacific halibut, Pacific herring, Pacific salmon and steelhead, king crab, and Tanner crab are prohibited species and must be avoided while fishing for groundfish and must be returned to the sea with a minimum of injury except when their retention is **required** or authorized by other applicable law.

5. In Section 3.6.2 introductory paragraph, the last two sentences are combined and revised to read as follows (bold shows additions and strike-out shows deletions):

When a target fishery, as specified in regulations implementing the FMP, attains a prohibited species catch (PSC) limit apportionment or seasonal allocation as described in the FMP (Section 3.6.2.1) and specified in regulation implementing the FMP, the bycatch zone(s) or management area(s) to which the PSC limit apportionment or seasonal allocation applies (described in Section 3.6.2.2) will be closed to that target fishery (or components thereof) for the remainder of the year or season, whichever is applicable. The procedure for apportioning PSC limits ~~is detailed~~ **described in** Section 3.6.2.3. ~~PSC does not apply to PSC assigned to the CDQ Program (Section 3.7.4), to a non-AFA trawl catcher/processor cooperative under (Section 3.7.5), is not subject to fishery or seasonal apportionment or to the BS Chinook salmon PSC limit (Section 3.6.2.1.6).~~

6. Section 3.6.2.1.6 is revised to read as follows (bold shows additions and strike-out shows deletions):

3.6.2.1.6 Chinook Salmon

~~PSC limits for Chinook salmon are established for the Bering Sea and Aleutian Islands subareas in regulations implementing the FMP.~~

Aleutian Islands: The prohibited species catch (PSC) limit for Chinook salmon in the Aleutian Islands subarea is established in regulations implementing the FMP.

Bering Sea Chinook Salmon Bycatch Management Program: The annual PSC limit for Chinook salmon in the directed fishery for pollock in the Bering Sea subarea is either 47,591 Chinook salmon or 60,000 Chinook salmon. The Chinook salmon PSC limit is a hard cap which may not be exceeded. The PSC limit will be allocated seasonally 70 percent to the A season and 30 percent to the B season.

The seasonal apportionments of the Chinook salmon PSC limit will be further allocated among the four AFA sectors: the AFA trawl catcher/processor sector, the AFA mothership sector, the AFA inshore sector, and the CDQ Program based on percentage allocations specified in regulation. Allocations to the inshore sector are further allocated among the inshore cooperatives and the inshore open access fishery. Allocations to the CDQ Program are further allocated among the CDQ groups. Chinook salmon PSC allocated to the sectors, inshore cooperatives, or CDQ groups is transferable under certain circumstances described in regulation.

The 60,000 Chinook salmon PSC limit is available to the AFA sectors whose members voluntarily participate in an incentive plan agreement (IPA) approved by NMFS and that meet a Chinook salmon bycatch performance standard. An IPA is a voluntary private contractual agreement among vessel owners, CDQ groups, or both that provides incentives to avoid Chinook salmon bycatch at all levels of Chinook salmon abundance and salmon encounters rates. The 47,591 PSC limit will be in effect for all sectors if no IPA is approved by NMFS. The 47,591 PSC limit also will be in effect for any sector that exceeds its Chinook salmon bycatch performance standard. The performance standard requires that, if any sector fishing under the 60,000 Chinook salmon PSC limit exceeds its share of 47,591 Chinook salmon in three of seven consecutive years, that sector will be allocated a portion of the 47,591 PSC limit in all future years.

The process for allocating the Bering Sea Chinook salmon PSC limit among participants in the Bering Sea pollock fishery; requirements governing the transfer and use of these allocations; and requirements for an IPA, the performance standard, annual reporting, and other aspects of the Bering Sea Chinook Salmon Bycatch Management Program are specified in Federal regulations implementing the FMP.

7. In Section 3.6.2.2.1, the reference to ‘Error! Reference source not found..’ is corrected to Figure 3-13.

8. In Section 3.6.2.2.2, the reference to Figure 3-9 is corrected to Figure 3-13.

9. In Section 3.6.2.2.3, the reference to Figure 3-10 is corrected to Figure 3-14.

10. In Section 3.6.2.2.5, remove the first paragraph and revise the title and second paragraph to read as follows (bold shows additions and strike-out shows deletions in the remaining paragraph):

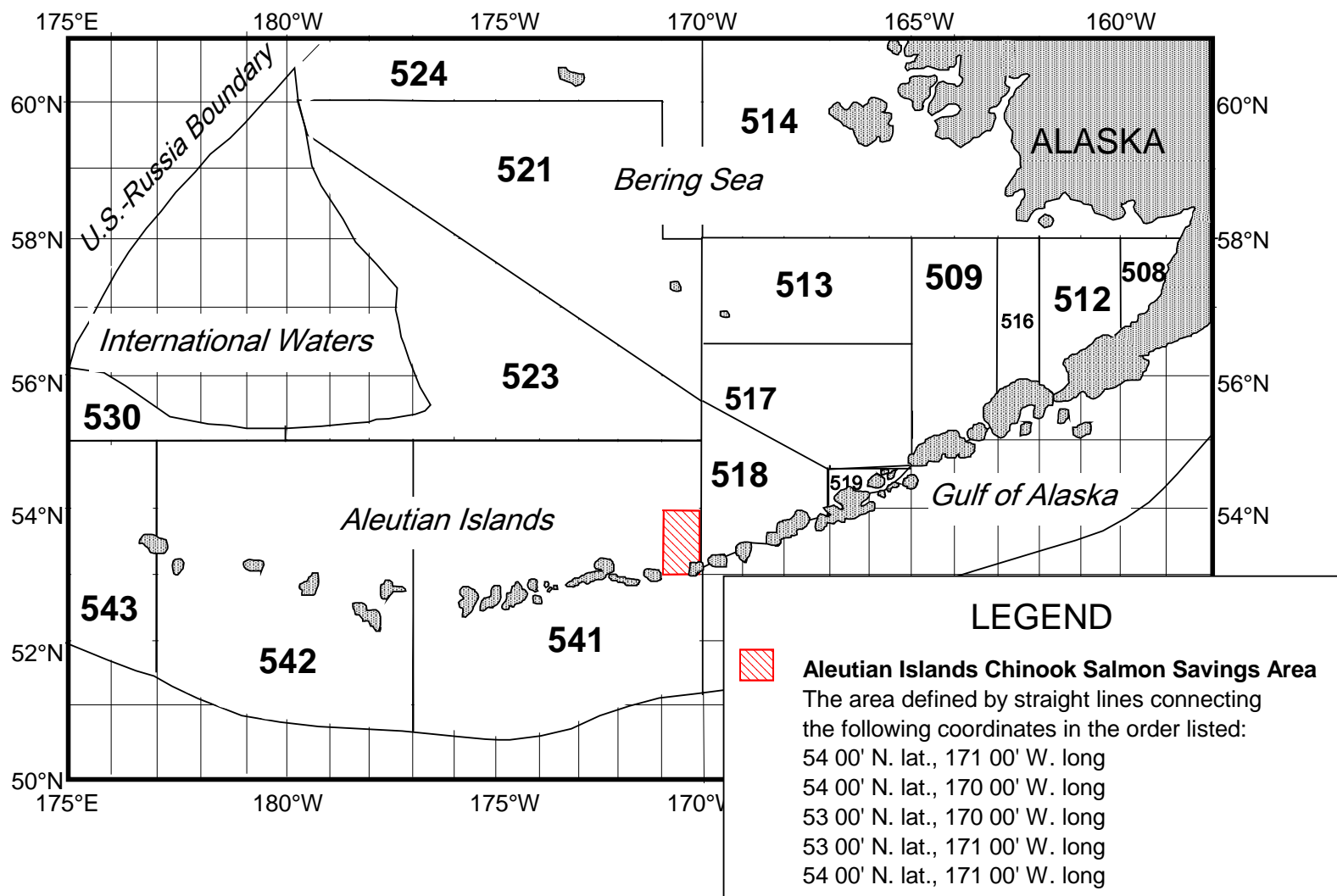
3.6.2.2.5 AI Chinook Salmon Savings Areas

~~If the Regional Administrator determines that the Bering Sea subarea PSC limit of Chinook salmon is caught while harvesting pollock with trawl gear in the Bering Sea subarea between January 1 and December 31, NMFS will prohibit directed fishing for pollock with trawl gear in the Chinook salmon savings areas 1 and 2 (described in Appendix B and Figure 3-11) during time periods specified in regulations. Vessels operating under a salmon bycatch reduction inter-cooperative agreement may participate in directed fishing for pollock by trawl gear in area 2.~~

If the Regional Administrator determines that the Aleutian Islands subarea PSC limit of Chinook salmon is caught while harvesting pollock with trawl gear in the Aleutian Islands subarea between January 1 and December 31, NMFS will prohibit directed fishing for pollock with trawl gear in **the AI** Chinook salmon savings area 4 (described in Appendix B and Figure 3-11 **3-15**), during time periods specified in regulations.

11. The title for Figure 3-15 is revised to refer to “AI Chinook Salmon Savings Area”, to remove the Chinook salmon savings Area 2 in the Bering Sea, and to no longer identify the area in the AI as “Area 1” as follows:

Figure 3-15 Aleutian Islands Chinook Salmon Savings Area.



12. The Chinook Salmon Savings Areas described in Appendix B are revised in the same manner as Figure 3-15.

13. In Section 3.6.2.3, an introductory paragraph is added between the heading and Section 3.6.2.3.1, to read as follows (bold shows additions):

This section describes the procedure for apportioning PSC limits. This procedure does not apply to PSC assigned to the CDQ Program (Section 3.7.4), to a non-AFA trawl catcher/processor cooperative (Section 3.7.5), or to the BS Chinook salmon PSC limit (Section 3.6.2.1.6).

14. Section 3.7.4.6 concerning the allocation of a portion of the Chinook salmon PSC limit to the CDQ Program is revised to read as follows (bold shows additions, strike-out shows deletions):

3.7.4.6 Prohibited Species Allocations

The following allocations of the PSC limits will be made to the CDQ Program:

Halibut: In 2008 and 2009, 343 mt of mortality.
In 2010 and thereafter, 393 mt of mortality.

Crab: 10.7 percent of each crab PSC limit in the BSAI.

Chinook salmon: 7.5 percent of the Chinook salmon PSC limit in the BSAI. **For either Bering Sea Chinook salmon PSC limit established at 3.6.2.1.6, 9.3% of the A season apportionment and 5.5% of the B season apportionment.**

Non-Chinook salmon: 10.7 percent of the non-Chinook salmon PSC limit in the BSAI.

~~PSC allocations to the CDQ Program are not allocated by gear or target fishery.~~

15. The last paragraph of Section 4.1.2.1 is revised to read as follows (bold shows additions, strike-out shows deletions):

Measures have also been implemented to reduce bycatch in the pollock fishery. Bycatch limits for chum salmon (42,000 fish), Chinook salmon (~~29,000~~ **from 47,591 to 60,000** fish in the Bering Sea subarea and 700 fish in the Aleutian Islands subarea), and herring (1 percent of total BSAI herring biomass) trigger area closures for the pollock fisheries in particular (see Section 3.6). Beginning in 1998, 100 percent retention was required for pollock under the improved retention/improved utilization (IR/IU) program. In 1999, the use of bottom trawl gear for directed pollock fishing was prohibited, to reduce bycatch of halibut and crabs.

16. The term “CDQ program” is changed to “CDQ Program” throughout the FMP and its appendices.

17. Appendix A is amended to add the following text in Section A.1 between the entries for Amendment 90 and Amendment 92:

Amendment 91 implemented on _____ revised Amendment 84:

Established the Bering Sea Chinook Salmon Bycatch Management Program to revise the Chinook salmon prohibited species catch limit in the Bering Sea pollock fishery, to provide a higher cap to vessel owners and CDQ groups participating in an incentive plan agreement, and to provide for transferable Chinook salmon PSC allocations under certain circumstances.

18. Revisions as necessary to the Table of Contents.