1 Bycatch Practicability Analysis

The Council is required by MSFCMA §303(a)(11) to establish a standardized bycatch reporting methodology for federal fisheries and to identify and implement conservation and management measures that, to the extent practicable and in the following order: (A) minimize bycatch and (B) minimize the mortality of bycatch that cannot be avoided. The MSFCMA defines bycatch as "fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch-and-release fishery management program" (MSFCMA §3(2)). Economic discards are species that are discarded because they are undesirable to the harvester. This category of discards generally includes certain species, sizes, and/or sexes with low or no market value. Regulatory discards are species required by regulation to be discarded, but also include fish that may be retained but not sold.

NMFS outlines at 50 CFR §600.350(d)(3)(i) ten factors that should be considered in determining whether a management measure minimizes bycatch or bycatch mortality to the extent practicable. These are:

1. Population effects for the bycatch species;
2. Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem);
3. Changes in the bycatch of other species of fish and the resulting population and ecosystem effects;
4. Effects on marine mammals and birds;
5. Changes in fishing, processing, disposal, and marketing costs;
6. Changes in fishing practices and behavior of fishermen;
7. Changes in research, administration, enforcement costs and management effectiveness;
8. Changes in the economic, social, or cultural value of fishing activities and non-consumptive uses of fishery resources;
9. Changes in the distribution of benefits and costs; and
10. Social effects.

Agency guidance provided at 50 CFR §600.350(d)(3)(ii) suggests the Councils adhere to the precautionary approach found in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries (Article 6.5) when faced with uncertainty concerning these ten practicability factors. According to Article 6.5 of the FAO Code of Conduct for Responsible Fisheries, using the absence of adequate scientific information as a reason for postponing or failing to take measures to conserve target species, associated or dependent species, and non-target species and their environment, would not be consistent with a precautionary approach.

1.1.1 Population Effects for the Bycatch Species

1.1.1.1 Background

1.1.1.2 Commercial Fishery

1.1.1.3 Recreational Fishery

1.1.1.4 Practicability of Management Measures in Directed Fisheries Relative to their Impact on Bycatch and Bycatch Mortality

1.1.2 Ecological Effects Due to Changes in the Bycatch of the Species

1.1.3 Changes in Bycatch of Other Fish Species and Resulting Population and Ecosystem Effects

1.1.4 Effects on Marine Mammals and Birds

1.1.5 Changes in Fishing, Processing, Disposal, and Marketing Costs

1.1.6 Changes in Fishing Practices and Behavior of Fishermen

1.1.7 Changes in Research, Administration, and Enforcement Costs and Management Effectiveness

1.1.8 Changes in the Economic, Social, or Cultural Value of Fishing Activities and Non-Consumptive Uses of Fishery Resources

1.1.9 Changes in the Distribution of Benefits and Costs

.

1.1.10 Social Effects

1.1.11 Conclusion