


MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director
DATE: May 29, 2009
SUBJECT: Crab management

ESTIMATED TIME 12 HOURS (all C-3 items)

ACTION REQUIRED

(a) Initial review of Emergency Exemptions from regional landing requirements in the BSAI Crab rationalization program.

BACKGROUND

At its October 2008 meeting, the Council received a discussion paper from staff outlining potential options to define an emergency exemption from regional landing requirements established by the BSAI crab rationalization program. Based on that discussion paper and public testimony, the Council directed staff to analyze alternatives for creating such an exemption. Under the alternatives, the exemption could allow a harvester to make a delivery outside of an IFQ's designated region, if delivery in the designated region is prevented by an unavoidable circumstance. The alternatives adopted for analysis would rely on civil contracts between harvesters, processors, and the designee of affected communities or regions, to define the circumstances that would qualify for the exemption and other terms (such as any compensation for lost economic activity or revenues that might arise out of the exemption from the regional landing requirement). The exemption would be granted for a specific delivery by the IFQ holder filing an affidavit attesting to a circumstance that qualifies for the exemption. The reliance on civil contracts and affidavits is intended to avoid administrative complexities, which could limit the utility of the exemption, if the exemption were directly administered by NOAA Fisheries. A copy of the motion defining the alternatives is attached (Item C-3(a)(1)).

At its February 2009 meeting, the Council received an analysis of its alternatives, and a copy of the executive summary of the analysis is attached (Item C-3(a)(2)). The Council received testimony from the public suggesting that industry and community representatives may suggest possible changes to the alternatives after further consideration and discussion of the possible exemption. Based on that testimony, the Council elected to schedule a second initial review of this action in June 2009 to allow for changes to the alternatives.