

MEMORANDUM

TO: AP and Council Members
FROM: Chris Oliver *foe*
Executive Director
DATE: April 6, 2010
SUBJECT: Miscellaneous Groundfish Issues

ESTIMATED TIME 6 HOURS (All D-3 items)
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ACTION REQUIRED

- (c) Review progress on the Northern Bering Sea Research Plan

Background

The Alaska Fisheries Science Center (AFSC), at the request of the Council, is developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council, became effective in 2008, and is currently closed to bottom trawl fishing. The primary goals of the plan would be to use the research area to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities. The AFSC is in the early stages of developing the research plan.

As part of outreach on the NBSRA and in order to receive input from surrounding communities, NMFS and the Council hosted a NBSRA Research Plan Community and Subsistence Workshop on February 24 - 25, in Anchorage. The general purpose of the workshop was to gather input from subsistence fishing communities for the development of the NBSRA research plan. The intent was to try to delineate areas of subsistence harvest or habitat of marine species in the NBSRA, understand the nature of subsistence activities, register concerns about the impact of commercial bottom trawling, and collect ecological knowledge of the NBSRA.

The workshop was open to the public, but organizers targeted local subsistence users and tribal representatives to attend. About 60 people attended, including residents of 20 different villages, and representatives of tribal governments, environmental organizations, CDQ groups, industry, regional non-profit corporations, and Federal and State government. Nine separate presentations from NOAA and the USFWS were provided over the course of the workshop, with substantial time devoted to questions and discussion. The workshop agenda is provided as **Item D-3(c)(1)**, and the list of participants is provided as **Item D-3(c)(2)**.

The workshop report will not be available until early to mid-April, and will be sent to participants for review prior to being finalized. The Council will be provided with this final report prior to the June Council meeting. In addition, NOAA organized a summary of the issues conveyed during the workshop

and provided this summary to workshop participants at the conclusion of the meeting for review and revision. This summary list is attached as **Item D-3(c)(3)**.

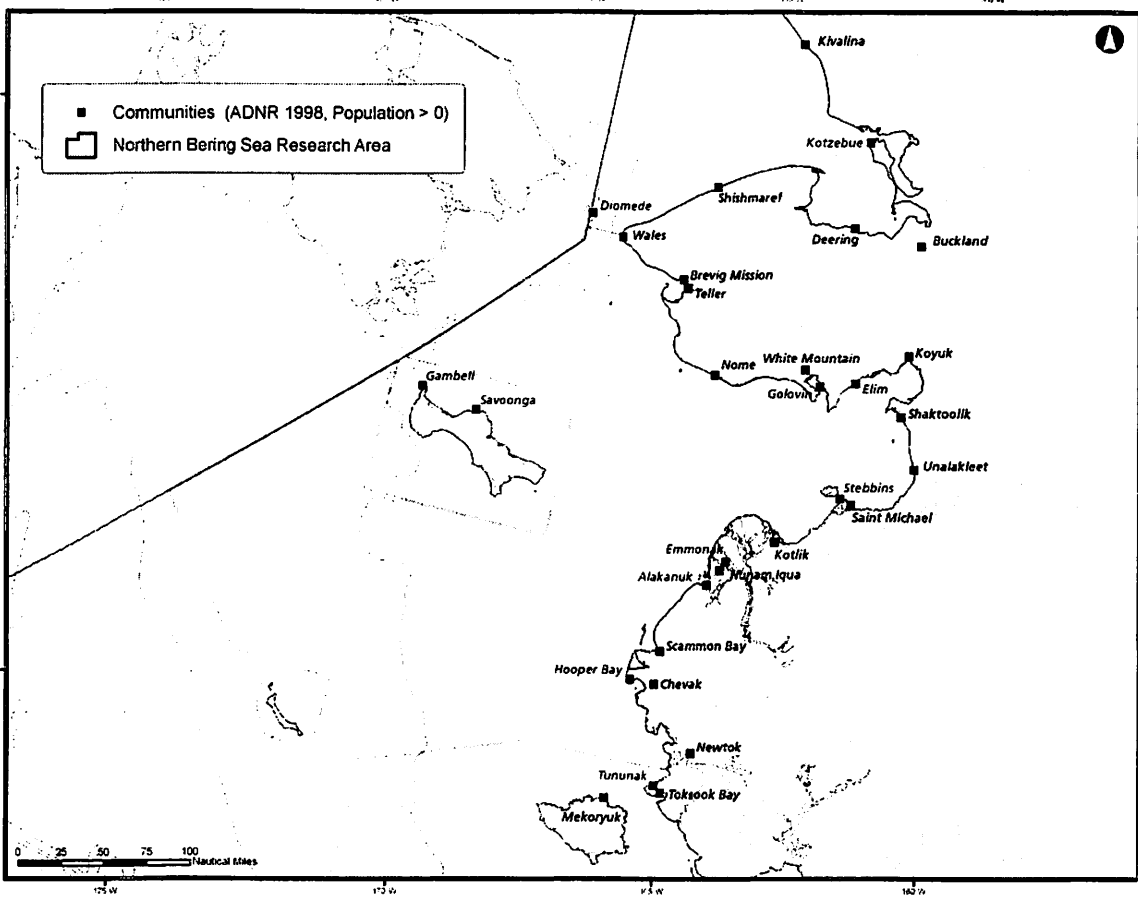
Note that while several key issues were emphasized by various participants during the course of the workshop, there were three primary concerns that appeared to garner consensus by community and tribal representatives. First, participants strongly recommended that NMFS foster ongoing participation and communication with affected communities and tribes, and that an outreach effort be conducted in the communities throughout the development of the NBSRA research plan. Participants recommend that the agency develop a process to involve Native communities in the development and implementation of the plan. Second, community and tribal representatives generally supported a position for the least amount of disturbance possible in the NBSRA. Participants did not support any commercial bottom trawling in the NBSRA, including the NOAA trawl survey planned for summer 2010, at least until such time that tribal consultation and community outreach have been conducted in the Bering Straits region. Finally, recognizing that the Council is not scheduled to review and take action on an NBSRA research plan until late 2011, community and tribal members strongly supported slowing down the process for developing the research plan. Participants related that the agency needs to move forward on the suggestions and recommendations put forward at the workshop, and adjust the schedule appropriately.

The AFSC has written a letter to participants in the workshop and northern Bering Sea communities and tribal entities, following up on some of the issues raised with respect to the extension of the Bering Sea summer trawl survey planned for late July - early August 2010. The letter is attached as **Item D-3(c)(4)**, and clarifies the objectives and impacts of the proposed survey. The AFSC has invited one or two biologists representing the communities to participate in the survey, and also proposes holding an open house in Nome during the survey time period as an education and outreach opportunity.

The AFSC has also proposed revisions to the current schedule, which are provided as **Item D-3(c)(5)**. The revisions would delay the proposed science workshop until results are back from the survey, resulting in an overall delay to the scheduled delivery date of the draft research plan to the Council from October 2011 to February 2012. The science workshop would be scheduled to coincide with the Alaska Marine Science Symposium in January 2011, which is intended to draw more attendees who are actively conducting research in the region. The AFSC also supports an extended timeline in order to have more time to engage with Alaska Native and rural community representatives, and conduct a follow-up community and subsistence workshop in 2011.

Note that NMFS recently attended a tribal consultation on the NBSRA and other issues in Unalakleet, with ten tribes. The recommendations from that tribal consultation are outlined in a letter received from Kawerak, Inc., the regional nonprofit serving the Bering Straits villages **(Item D-3(c)(6))**. NMFS also recently received three new requests for tribal consultation specifically on the 2010 bottom trawl survey in the NBSRA, from tribal representatives of the villages of St. Michael, Shishmaref, and Savoonga. The request from St. Michael is attached as **Item D-3(c)(7)**.

At this meeting, the Council is scheduled to review progress on the development of the Northern Bering Sea Research Plan and the community and subsistence workshop. No action is required; however, the Council may wish to comment on the revised schedule.





Alaska Fisheries Science Center

NATIONAL MARINE FISHERIES SERVICE - NOAA FISHERIES



Northern Bering Sea Research Area Research Plan Community and Subsistence Workshop

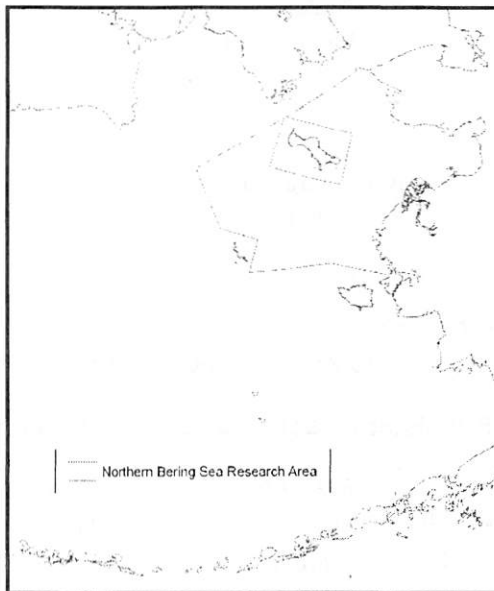
February 24 - 25, 2010

Anchorage Chamber of Commerce Conference Room
1016 West Sixth Avenue, Suite 304, Anchorage, AK

The Alaska Fisheries Science Center (AFSC), at the request of the Council, is developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council, became effective in 2008, and is currently closed to bottom trawl fishing. The primary goals of the plan would be to use the research area to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities.

Purpose of workshop

Communication with local communities is necessary to ensure their interests are represented in enacting policies and managing resources in the NBSRA. The purpose of this meeting is to gather input from subsistence fishing communities for the development of the NBSRA research plan. The purpose is to delineate areas of subsistence harvest or habitat of marine species in the NBSRA, understand the nature of subsistence activities, register concerns about the impact of commercial bottom trawling, and collect ecological knowledge of the NBSRA. The workshop is open to the public.



For more information on the research plan outline and schedule, visit our website:

http://www.fakr.noaa.gov/npfmc/current_issues/ecosystem/NBSRA.htm

Or contact:

Dr. Cynthia Yeung, Alaska Fisheries Science Center, project lead, cynthia.yeung@noaa.gov

Diana Evans, North Pacific Fishery Management Council, diana.evans@noaa.gov

Nicole Kimball, North Pacific Fishery Management Council, nicole.kimball@noaa.gov

Melanie Brown, National Marine Fisheries Service, melanie.brown@noaa.gov

(See a draft agenda for the Community and Subsistence Workshop on the back of this flyer.)

NBSRA info: http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ecosystem/NBSRA.htm

North Pacific Fishery Management Council, 605 W 4th Ave, Suite 306, Anchorage, AK 99501

Tel: (907) 271-2809, Fax: (907) 271-2817, www.alaskafisheries.noaa.gov/npfmc

Northern Bering Sea Research Area Research Plan Community and Subsistence Workshop

Anchorage Chamber of Commerce Conference Room, 1016 West Sixth Avenue, Suite 304
(corner of 6th Ave & K Street in downtown Anchorage)

AGENDA

Wednesday, February 24 8:30 am – 4:30 pm

8:30 - 9 AM COFFEE

I. Introduction

II. Overview of NBSRA concept and planning (agency staff)

- Establishment of the NBSRA *Melanie Brown, National Marine Fisheries Service, Alaska Region*
- Research planning *Cynthia Yeung, Alaska Fisheries Science Center, NOAA*
- Current scientific knowledge
 - Managed species
 - Crabs *Dan Urban, Alaska Fisheries Science Center, NOAA*
 - Ice-associated seals *Mike Cameron, NOAA National Marine Mammal Laboratory*
 - Walrus *Jonathan Snyder, US Fish and Wildlife Service*
 - Seabirds *Tamara Zeller, US Fish and Wildlife Service*

BREAK

- Bottom trawling
 - Trawl surveys *Bob Lauth, Alaska Fisheries Science Center, NOAA*
 - Trawl impact studies *Bob McConnaughey, Alaska Fisheries Science Center, NOAA*
 - Gear modifications *Craig Rose, Alaska Fisheries Science Center, NOAA*

LUNCH 12 – 1 PM

III. Comments and questions on the morning's topics (open)

IV. Subsistence activities and traditional knowledge (communities)

- Overview of communities by representatives
- Open dialogue with community members
 - Descriptions of communities
 - *populations, economy, activities, culture and traditions*
 - Information to aid research and management planning
 - *species distributions / habitats; harvest methods, effort and catch; ecological observations*

Thursday, February 25 9 am – 12 pm

V. Open Discussion on Community Concerns

- Possible topics:
 - Ecology
 - Critical habitats
 - Potential impacts of bottom trawling
 - Management and economic considerations
 - Research priorities
 - Ecosystem monitoring
 - Partnership and cooperation in research and management
 - Communications and outreach
 - Timing for future comment/feedback
 - NBSRA Research Plan schedule

NBSRA Community & Subsistence Workshop Participant list

February 24 - 25, 2010

Anchorage, AK

Participants	Representation	E-mail
Aggie Blandford	NSEDC	aggie@nsedc.com
Allen Atchak	Stebbins	stebbins_ira@yahoo.com
Andrew Hartsig	Ocean Conservancy	ahartsig@oceanconservancy.org
Angelique Anderson	CVRF	angelique_A@coastalvillages.org
Art Ivanoff	Unalakleet	artcivanoff@hotmail.com
Axel Jackson	Native Village of Shaktoolik	ksagoonick@kawerak.org
Bob Lauth	AFSC	bob.lauth@noaa.gov
Bob McConnaughey	AFSC	bob.mcconnaughey@noaa.gov
Charles Saccheus	Native Village of Elim	eli.tc@kawerak.org
Charlie Lean	NSEDC	charlie@nsedc.com
Christine Perkins	Kawerak	cperkins@kawerak.org
Craig Rose	AFSC	Craig.rose@noaa.gov
Cynthia Yeung	AFSC	cynthia.yeung@noaa.gov
Dan Urban	NMFS	dan.urban@noaa.gov
David Bill Sr.	Tooksok Bay	david_bill1938@yahoo.com
David Carl	Kipnuk	Ktc99614@yahoo.com
David O. David	Kwigillingok	kwktribal@yahoo.com
Deborah Vo	CVRF	dvo@ydfda.org
Diana Evans	NPFMC	Diana.evans@noaa.gov
Dorothy Childers	Alaska Marine Conservation Council	Dorothy@akmarine.org
Erik Obrien	State of Alaska	erik.obrien@alaska.gov
Eric Olsen	NPFMC	eolson@gci.net
Eva Mendalook	Diomede	tc.dio@kawerak.org
Frank K. Oxereok Jr.	Wales	tc.waa@kawerk.org
Fred Phillip	Kwigillingok	fredkphillip@gmail.com
George Pletnikoff	Greenpeace/AITC	george.pletnikoff@yahoo.com
Glenn Seaman		glennseaman@gci.net
Gregg Williams	Intl. Pacific Halibut Commission	gregg@iphc.washington.edu
Heather Kinzie	A Leading Solution	
Jack Fagerstrom	Golovin	dbrown@kawerak.org
Jason Anderson	Best Uses Cooperative	jasonanderson@seanet.com
Jennifer Hooper	AVCP	jhooper@avcp.org
John A. Phillip Sr.	Kongiganak	Kong.tribe@gmail.com
John Jemewouk	Elim	jemewouk@hotmail.com
John Olson	NOAA	John.v.olson@noaa.gov
Jon Warrenchuk	Oceana	Jwarrenchuk@oceana.org
Jonathan Snyder	US Fish & Wildlife	Jonathan_snyder@fws.gov
Julia Beaty	AK Marine Conservation Council	Julia@akmarine.org
Julie Raymond-Yakoubian	Kawerak	Jraymond-yakoubian@kawerak.org
Karl Ashenfelter	White Mountain	karlsugarspot@yahoo.com
Keith Bruton	O'Hara Corporation	office@oharaseattle.com
Kenneth Kingeekuk	Native Village of Savoonga	fnkingeekuk@yahoo.com
Larson Hunter	CVRF	larson_H@coastalvillages.org
Laurie McNicholas	Nome	lauriemcnich@gmail.com
Melanie Brown	NMFS	Melanie.brown@noaa.gov
Michael Cameron	NOAA	Michael.cameron@noaa.gov
Muriel Morse	AK Marine Conservation Council	muriel@akmarine.org

NBSRA Community & Subsistence Workshop Participant list

February 24 - 25, 2010

Anchorage, AK

Nicole Kimball	NPFMC	Nicole.kimball@noaa.gov
Pat Livingston	AFSC	Pat.livingston@noaa.gov
Peter M. Moore	Emmonak	irr@hughes.net
Reggie Barr	Brevig Mission/NSEDC	
Stanley Tom	Newtok	Stanley_tom2003@yhao.com
Stewart Tocktoo	Brevig Mission Native Village	
Tamara Zeller	US Fish & Wildlife	Tamara_zeller@fws.gov
Ukallaysaq Tom Okleasik	NWAB	tokleasik@nwabor.org
Vera Metcalf	Kawerak	vmetcalf@kawerak.org
Vince Pikonganna	King Island	jknowlton@kawerak.org
Weaver Ivanoff	Unalakleet	irahouse@msn.com
William Brown	Eek Traditional Council	etcgov@yahoo.com

**Community & Subsistence Workshop on the Northern Bering Sea Research Area
Research Plan**

Issues brought up during Feb 24 – 25, 2010 workshop
(as posted on flipcharts at the end of the meeting)

Science

- Take an ecosystem approach (everything is connected)
- Don't just focus on climate effects
- Consider seasonal distribution and habitat
- Understand spawning and rearing habitat of other fish (halibut)
- Consider polar bear habitat and possible future critical habitat of these and ice seals
- Rely on previous studies to greatest extent possible
- Incorporate LTK into the plan
- Add a cultural component to the plan
- Include Native communities in the research effort
- Nearshore research is important and involve communities
- Salmon genetics – rivers of origin, tributary level – agency coordination is needed

Management aspects

- No bottom trawling or least amount of disturbance possible
- Buffer areas
- Seasonal restrictions
- Strong monitoring and enforcement
- Go slow
- Take only what you need
- Don't waste
- Respect the future

Communication and process

- Develop a process to involve Native communities in the plan and implementation of the plan
- Need a rural outreach component to the plan
- Increase communication between Native communities and agencies (active communication)
- Two way communication, not passive

Other

- Summer research - 2010 survey consultation
- AFN resolution 0935 – trawling moratorium
- Effect of current commercial fisheries on subsistence
- NMFS and NPFMC consultation often
- Representation on NPFMC
- Don't move the line (Modified Gear Trawl Zone)
- Going to communities is preferred – stay several days. Timing is important (generally not summer, spring, fall – talk to community first)
- Make financial resources available for group meetings
- Follow up community meeting within a year



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Alaska Fisheries Science Center
7600 Sand Point Way NE
Seattle, Washington 98115

MAR 26 2010

TO: Northern Bering Sea Research Area Research Plan Community and Subsistence Workshop Participants:

I am writing to thank you for your recent participation in the Northern Bering Sea Research Area Research Plan Community and Subsistence Workshop held in Anchorage, AK on February 24-25, 2010. During the discussions that took place at the workshop, representatives of the native communities in the northern Bering Sea region expressed their concern over this year's plans to extend the National Marine Fisheries Service (NMFS) Alaska Fisheries Science Center's (AFSC) annual eastern Bering Sea shelf bottom trawl survey to the northern Bering Sea as illustrated in Figure 1. I would like to provide you additional information on the objectives and plans for the survey extension and to respond to your concerns about the impact of the survey trawling and potential bycatch of salmon by our survey trawl so you can better understand the benefits of this research and the levels of removals involved.

The effects of climate change and the potential resulting loss of seasonal sea ice in the Bering Sea on the Bering Sea ecosystem are of concern to NMFS and the AFSC. In support of our needs to monitor changes in the Bering Sea, the United States Congress appropriated funds for us to extend our 2010 annual eastern Bering Sea shelf bottom trawl survey northward in conjunction with research on ice dependent marine mammals. The goal of this research is to understand the impacts of the loss of seasonal ice on the groundfish, shellfish, and ice dependent marine mammals. The northward extension of the annual trawl survey will allow us to update baseline data collected during previous NMFS trawl surveys in this region so that future changes in the northern Bering Sea and Bering Sea ecosystems, due to changes in climate and loss of seasonal sea ice, can be measured and studied. This updated baseline information will also help in monitoring and forecasting the impacts of potential activities such as increased shipping and oil and gas exploration on the Bering Sea ecosystem. The primary purpose of the 2010 survey is to study the effects of the loss of seasonal ice; however, information from analysis of data from the survey will also be helpful in the development of the North Pacific Fishery Management Council's Northern Bering Sea Research Plan.

Bottom trawl surveys of the northern Bering Sea region have been conducted by NMFS and ADF&G in previous years so the work we are planning for 2010 should be



considered as a continuation of previous research rather than a new survey activity. This northern area, including Norton Sound, was first surveyed by the NMFS AFSC in 1976 and was repeated once every three years through 1991, generally as an extension to the annual Bering Sea shelf survey. This AFSC triennial survey was discontinued after 1991 due to reduced funding for surveys. The Alaska Department of Fish and Game (ADF&G) resumed the triennial bottom trawl survey of the Norton Sound portion of the northern Bering Sea survey in 1996 and this effort is ongoing.

The research trawls currently being used by the AFSC and ADF&G for these surveys are very similar and are essentially the same research trawl in size and design that was used in the earlier AFSC surveys described above. The same trawl also has been used by the Norton Sound Economic Development Corporation (NSEDC) for studies they have conducted in limited areas outside of Norton Sound. We estimate that the total seafloor area that will be trawled by our research trawl (known as an 83-112 Eastern otter trawl) during the 2010 northern Bering Sea survey will be approximately 1.75 square nautical miles (6.0 square kilometers) out of the total northern Bering Sea survey area of 68,807 square nautical miles (236,000 square kilometers). The area of seafloor impacted represents no more than three one-thousandths of one percent (0.003%) of the total northern Bering Sea survey area (Fig. 1). As a result, we believe the impact on the seafloor and to Alaska Native subsistence fisheries will be negligible.

The northern Bering Sea survey will take place in late July to early-August and will be conducted by three ships that are under contract and the full control and direction of AFSC scientists. The survey will be conducted using standard survey protocols and data collected will include weights and counts of all animals taken by species and the collection of individual lengths, weights, and other biological measurements and samples from selected species taken in each trawl haul.

We understand that the potential bycatch of salmon by our research trawl is of concern to Alaska Native communities. However, in the past 35 years, we have caught an average of only seven salmon per year from our entire Bering Sea survey, including the historical AFSC triennial surveys in the northern Bering Sea. According to the ADF&G Fisheries Biologist in charge of the Norton Sound triennial bottom trawl survey, salmon bycatch was zero during the last three surveys in 2002, 2006, and 2008. Since the small research trawls, methods, and time period for our survey are similar to those used by the ADF&G survey, it is unlikely that bycatch of salmon will be a concern during our 2010 survey.

We are inviting Alaska Native communities to participate as part of our scientific field staff in the 2010 northern Bering Sea survey. We can accommodate one or two biologists representing the communities during the northern Bering Sea portion of this year's survey. The AFSC is offering to provide travel expenses for these participants. We would also like to propose holding an open house in Nome during the survey for one day on one of our survey ships to provide an education and outreach opportunity to the Alaska Native community and public and to provide information about the survey and research in the northern Bering Sea. You can contact Mr. Russ Nelson who is the

Director of the AFSC's Resource Assessment and Conservation Engineering Division at Russ.Nelson@noaa.gov or (206) 526-4170 if you would like additional information regarding our survey plans for this summer and if you wish to accept our invitation for participation in the survey and would like to pursue our suggestion of holding an open house on one of the survey ships in Nome. Mr. Nelson will also be the contact for information on the results of this year's survey which will be available late this year or early in 2011.

Sincerely,



William A. Karp
Deputy Science and Research Director
Alaska Region

Attachment

cc: F/AKR: J. Kurland
F/AKC1: R. Nelson
F/AKC2: P. Livingston

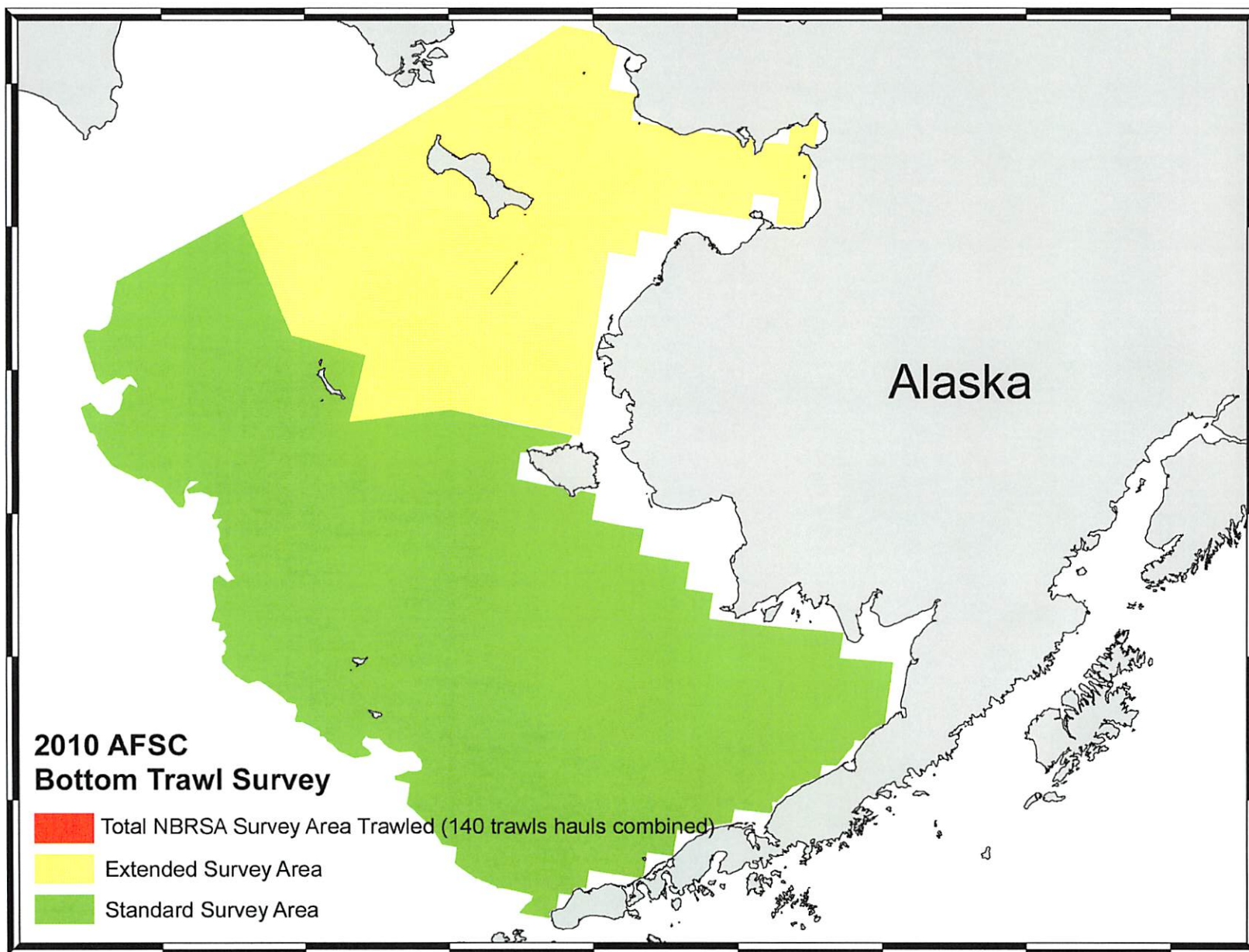


Figure 1.--Map showing the standard (green) and extended (yellow) AFSC bottom trawl survey areas. The arrow located south of St. Lawrence Island points to a tiny red square that represents, to the proper scale, the total survey area to be trawled by the AFSC in the NBRSA for all 140 trawl hauls combined.

**Northern Bering Sea Research Area (NBSRA) Research Plan Tentative
Schedule**
revised as of March 29, 2010

July 2009 – May 2010

- Compilation of available ecological and fisheries baseline data
- Planning for public workshops

February 8- 16, 2010, NPFMC meeting (Portland, OR) –
updates on:

- Preparations for NBSRA Community & Subsistence Workshop
- Baseline ecological and fisheries data research
- Expansion of NMFS eastern Bering Sea summer bottom trawl survey into NBSRA
- NPRB call for bottom habitat research proposals

February 24-25, 2010, NBSRA Community & Subsistence Workshop (Anchorage, AK) -
agenda includes:

- Communication of research plan objectives and current status of plan development to the public and stakeholders
- Solicitation for ecological and subsistence information from the public for research planning
- Discussion of concerns regarding scientific research and commercial bottom trawling

Participants to include Alaska Native tribal representatives, village representatives, subsistence users, commercial fishing industry

July-August 2010 – NMFS Bering Sea bottom trawl survey

January 2011 (*originally proposed for May 2010*), NBSRA Science Meeting (Anchorage, AK) –
agenda includes:

- Communication of research plan objectives and current status of plan development to researchers
- Solicitation for data contributions and expert knowledge for research planning
- Discussion of issues regarding the experimental design to be included in the research plan

Invitees to include researchers from government and non-government institutions who have expertise in Bering Sea fisheries and ecology, industry, and those interested in research in the NBSRA

March 2011, NBSRA Community & Subsistence Workshop (Anchorage, AK) –
brief communities on progress and receive feedback on:

- results of summer Bering Sea bottom trawl survey
- outcome and recommendations from the NBSRA Science Workshop

April 2011, Public evening session (Anchorage, AK) –

- Updates on baseline information for the NBSRA and progress in plan development
- Present preliminary findings of 2010 NMFS bottom trawl survey in NBSRA
- Solicit comments and feedback, including industry input on possible areas of interest for commercial fishing

April 2011, NPFMC meeting (Anchorage, AK) –
updates on:

- Progress in baseline data research and mapping of resources/habitats
- Status of research plan development

September 2011 – NPFMC review of draft NBSRA Research Plan

February 2012 (*originally proposed for October 2011*) – Finalize NBSRA Research Plan, begin NPFMC management action to implement changes to the NBSRA

The AFSC requests an extension of the timeline for plan development for the following reasons:

1. There is a need to delay planned Science Workshop originally scheduled for May 2010 because it coincides with the start of the field season in the Bering Sea, which will divert many of the potential attendees who are actively working in the region. Also, the NMFS Bering Sea bottom trawl survey will be conducted in July-August, 2010. Preliminary results will not be available until late 2010 or early 2011. These results would be useful for inclusion at the Science Workshop.
2. Many potential attendees are academics active in Bering Sea research funded by NPRB/NSF. Since there are no provisions for non-government travel for the Science Workshop, the best chance of achieving the desired attendance will be to convene the Science Meeting in conjunction with the Alaska Marine Science Symposium, January 2011 in Anchorage. NPRB/NSF principal investigators are obligated to attend the Symposium. It draws many more who are interested in the region.
3. As recommended by the Council, the AFSC has been compiling existing ecological data on the NBSRA. More time is required to synthesize the data for use in the Science Workshop.
4. Upon completion of the NBSRA Community & Subsistence Workshop on Feb 24-25, 2010, it is clear that an additional workshop involving this group should be held after the Science Workshop. The communities expressed strongly at the February 2010 workshop their wish for frequent communications with NMFS and the Council on research and management issues in their region, and their discomfort with the current timeline for plan development. The AFSC would like to conduct another Community and Subsistence Workshop in February 2011 after the Science Meeting, for further engagement and communication with communities.
5. The slight delay in the completion of the plan (from October 2011 to February 2012) will be in the best interest of all parties concerned.



KAWERAK, INC. • P.O. Box 948 • Nome, AK 99762



TEL: (907) 443-5231 • FAX: (907) 443-4452

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March 16, 2010

RECEIVED

MAR 22 2010

Doug Mecum
Acting Administrator, Alaska Region
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802-1668

Re: Final Tribal Consultation Recommendations from the February 16, 2010 Unalakleet Meeting

Dear Mr. Mecum,

We appreciated the opportunity to meet with John Kurland and Melanie Brown (National Marine Fisheries Service) and Bill Carp (Alaska Fisheries Science Center) in Unalakleet on February 16, 2010 during a government-to-government tribal consultation regarding salmon bycatch and the Northern Bering Sea Research Area (NBSRA).

Please find enclosed recommendations from the tribes represented (Unalakleet, St. Michael, Stebbins, Shaktoolik, Koyuk, King Island, Elim, Savoonga, Gambell and Nome) at the tribal consultation with NMFS in Unalakleet. Kawerak is submitting these recommendations on behalf of the group of tribes represented at that meeting at their request.

These recommendations are similar to those that your staff received in Unalakleet, with one major addition. After participating in the February 24-25, 2010 Northern Bering Sea Research Area Plan Community and Subsistence Workshop in Anchorage, Bering Strait region tribes expressed an additional concern about proposed NMFS research bottom trawling in the NBSRA. No tribal consultation has been carried out regarding this research and we were not informed about it at the Unalakleet meeting. Tribes request that the 2010 research be postponed at least until tribal consultation and outreach activities have been carried out with Bering Strait region tribes.

Additionally, tribes would like to emphasize that subsistence activities are critical to all Bering Strait region people. Any actions that threaten, or may potentially threaten subsistence resources, habitat and activities are of great concern to us.

Lastly, we would like to thank the staff that attended the Unalakleet consultation meeting: John Kurland, Bill Karp and Melanie Brown. We learned a great deal from their presentations and participation. Bering Strait region tribes hope to continue an open relationship with your agency as we continue to work through these important issues.

Sincerely,
KAWERAK, INC.

Loretta Bullard, President

Enclosure

CC w/enclosure:

Kawerak region Tribal Councils
President Barack Obama
Senator Lisa Murkowski
Senator Mark Begich
Secretary Gary Locke, Department of Commerce
State Senator Donald Olson
State Representative Neal Foster
Eric Olson, Chair NPFMC
Chris Oliver, Executive Director NPFMC
James Balsiger, Fisheries Administrator, Alaska Fisheries Science Center
Myron Naneng, President, AVCP
Jerry Issac, President, TCC

Recommendations

To the National Marine Fisheries Service, Alaska Fisheries Science Center, and the North Pacific Fishery Management Council from Tribes represented at the 2/16/10 Tribal Consultation in Unalakleet

Highest Priority Requests:

- Tribes want NMFS to postpone their planned 2010 bottom trawl research in the Northern Bering Sea Research Area¹ (NBSRA) at least until tribal consultation has been carried out
- Tribes do not want commercial bottom trawl fishing to be expanded northward into the NBSRA

Other Action Items/Recommendations:

- Want follow up from NMFS regarding today's meeting (2/16/10) – what will NMFS do with the feedback and concerns they heard here, what is their plan for additional action?
- Want the Department of Commerce to extend Chinook disaster relief to the Norton Sound area
- Want follow up from NMFS regarding the January 2009 Tribal Consultation in Nome on Chinook Bycatch (i.e. how were tribal concerns communicated to agency and department heads, how were concerns addressed/incorporated into final action, etc.)
- Want NMFS to support the tribal recommendations that came out of the November 9-10, 2009 Tribal workgroup meeting held in Anchorage at the RurAL CAP offices
- Want formal legal opinion from NMFS/NOAA/NPFMC attorneys regarding why the North Pacific Fisheries Management Council should not be held to the same Tribal Consultation requirements that NMFS/DoC are held to (i.e. Executive Order 13175)
- Want the Department of Commerce's response plan of action requested by the November 5 Presidential Memorandum regarding Tribal Consultation forwarded to all Kawerak region tribes
- Want NMFS/NOAA to make specific funding requests in their budgets to carry out tribal consultation responsibilities (this would include funding to hire an AK Region Tribal Liaison, funding for tribes to travel to meetings, funding for agency staff to travel to meetings, etc.)
- Want the pollock industry to be required to process and freeze all suitable salmon bycatch for delivery to and for the use of Western Alaska communities.
- Want more engagement by NMFS/NOAA into social science research – i.e. funding for research that both quantifies the economic contributions of subsistence resources to communities and the region, and examines the social and cultural importance of the resources
- Want NMFS to respond to specific request from St. Lawrence Island, King Island and Diomedes Island tribes to have the protected area surrounding their islands extend to a 100mi radius.

¹ This request was added after the Feb. 24-25, 2010 NBSRA workshop in Anchorage. Tribes were not informed of the proposed research until the workshop.



Native Village of St. Michael

P.O. Box 59050 - St. Michael, Alaska 99659 Phone: (907) 923-2304/2405
Fax: (907) 923-2406

Doug Mecum
Acting Regional Administrator
NMFS Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

March 19, 2010

Subject: 2010 Bottom trawl research in the Northern Bering Sea Research Area

Dear Mr. Mecum,

Please consider this letter as a formal request for government-to-government consultation regarding bottom trawl research in the Northern Bering Sea Research Area (NBSRA) in 2010. We request that this consultation take place at your earliest convenience, prior to any research being carried out.

We are specifically concerned about this research being planned without prior consultation with our tribal government. Additionally, we are concerned about the impacts of bottom trawling on subsistence resources we harvest, as well as the potential implications for commercial trawling if National Marine Fisheries Service goes forward with plans to conduct trawling in the NBSRA.

At this time, and until we learn more from your agency through the consultation process, we request that you postpone your plans for research bottom trawling in the NBSRA in the 2010.

If you require any additional information, please contact me at 907-923-2304/2405 or email me at smkpres07@gci.net.

Sincerely,

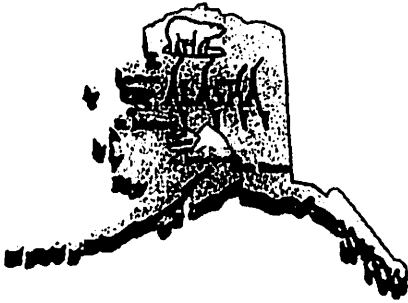
A handwritten signature in black ink, appearing to read "Shirley Martin". The signature is stylized with a large loop and a long horizontal stroke.

Shirley Martin, President
Native Village of St. Michael

Enclosure (Tribal Resolution 10-03-19)

Cc:

Loretta Bullard, President, Kawerak Inc, P.O. Box 948, Nome, AK 99762
Myron Naneng, President, AVCP, P.O. 219, Bethel, AK 99559
Jerry Isaac, President, TCC, 122 First Ave., Ste. 600, Fairbanks, AK 99701



Native Village of St. Michael

**P.O. Box 59050 - St. Michael, Alaska 99659 Phone: (907) 923-2304/2405
Fax: (907) 923-2406**

Resolution NO. 10-03-19

ENTITLED: A Resolution of the Native Village of St. Michael in opposition of proposed 2010 research bottom trawling in the Northern Bering Sea Research Area by the National Marine Fisheries Services.

WHEREAS: The tribal government of Native Village of St. Michael is a federally recognized tribe; and

WHEREAS: Our tribal government is charged with the protection of our culture, heritage, environment and the foods upon which we have depended for generations; and

WHEREAS: Our tribal government supports the informed and sustainable management of our resources; and

WHEREAS: The National Marine Fisheries Services (NMFS) has bottom trawl research in the Northern Bering Sea Research Area planned for the summer of 2010; and

WHEREAS: Tribes understand research as an activity requiring prior consultation and coordination with federally recognized tribes that may be impacted by such research or its results; and

WHEREAS: NMFS has neither formally informed tribes of, nor conducted government-to-government consultation on, their bottom trawl research proposed for 2010; and

WHEREAS: Bottom trawl fisheries are globally recognized as being destructive to benthic (bottom) habitat; and

WHEREAS: Bering Strait region residents depend on marine animals as subsistence resources, and are highly dependent on a healthy benthic habitat to provide forage for the animals used for subsistence; and

WHEREAS: The tribal government of Native Village of St. Michael is opposed to the expansion of commercial bottom trawl fisheries into the area known as the Northern Bering Sea Research Area, which encompasses the northern Bering Sea from approximately St. Matthew Island north to the Bering Strait

WHEREAS: The tribal government of Native Village of St. Michael wishes to be consulted on any proposed bottom trawl research in the Northern Bering Sea Research Area; and

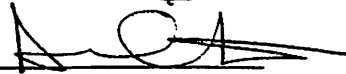
NOW THEREFORE BE IT RESOLVED: Native Village of St. Michael hereby requests the National Marine Fisheries Service to postpone all bottom trawl research in the Northern Bering Sea Research Area (including 2010 research) until formal government-to-government consultation has taken place with Bering Strait region tribes and tribal concerns have been addressed by NMFS.

CERTIFICATION

The foregoing Resolution was adopted at a duly called and convened meeting of the

St. Michael, IRA of Alaska on March 19, 2010, by vote of

6 IN FAVOR, 0 AGAINST, 0 ABSTAIN, 1 ABSENT.



Chairman



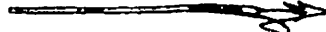
Attest:



KAWERAK, INC. • P.O. Box 948 • Nome, AK 99762



TEL: (907) 443-5231 • FAX: (907) 443-4452



March 16, 2010

RECEIVED

MAR 22 2010

Doug Mecum
Acting Administrator, Alaska Region
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802-1668

Re: Final Tribal Consultation Recommendations from the February 16, 2010 Unalakleet Meeting

Dear Mr. Mecum,

We appreciated the opportunity to meet with John Kurland and Melanie Brown (National Marine Fisheries Service) and Bill Carp (Alaska Fisheries Science Center) in Unalakleet on February 16, 2010 during a government-to-government tribal consultation regarding salmon bycatch and the Northern Bering Sea Research Area (NBSRA).

Please find enclosed recommendations from the tribes represented (Unalakleet, St. Michael, Stebbins, Shaktoolik, Koyuk, King Island, Elim, Savoonga, Gambell and Nome) at the tribal consultation with NMFS in Unalakleet. Kawerak is submitting these recommendations on behalf of the group of tribes represented at that meeting at their request.

These recommendations are similar to those that your staff received in Unalakleet, with one major addition. After participating in the February 24-25, 2010 Northern Bering Sea Research Area Plan Community and Subsistence Workshop in Anchorage, Bering Strait region tribes expressed an additional concern about proposed NMFS research bottom trawling in the NBSRA. No tribal consultation has been carried out regarding this research and we were not informed about it at the Unalakleet meeting. Tribes request that the 2010 research be postponed at least until tribal consultation and outreach activities have been carried out with Bering Strait region tribes.

Additionally, tribes would like to emphasize that subsistence activities are critical to all Bering Strait region people. Any actions that threaten, or may potentially threaten subsistence resources, habitat and activities are of great concern to us.

Lastly, we would like to thank the staff that attended the Unalakleet consultation meeting: John Kurland, Bill Karp and Melanie Brown. We learned a great deal from their presentations and participation. Bering Strait region tribes hope to continue an open relationship with your agency as we continue to work through these important issues.

Sincerely,
KAWERAK, INC.

Loretta Bullard, President

Enclosure

ERVING THE
LLAGES OF:
REVI G MISSION
OUNCIL
IOMEDE
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GAMBELL
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KOYUK
MARY'S I GLOO
NOME
SAVOONGA
SHAKTOOLIK
SHISHMAREF
OLOMON
T
T. MICHAEL
ELLER
NALAKLEET
ALES
HITE MOUNTAIN

CC w/enclosure:

Kawerak region Tribal Councils
President Barack Obama
Senator Lisa Murkowski
Senator Mark Begich
Secretary Gary Locke, Department of Commerce
State Senator Donald Olson
State Representative Neal Foster
Eric Olson, Chair NPFMC
Chris Oliver, Executive Director NPFMC
James Balsiger, Fisheries Administrator, Alaska Fisheries Science Center
Myron Naneng, President, AVCP
Jerry Issac, President, TCC

Recommendations

To the National Marine Fisheries Service, Alaska Fisheries Science Center, and the North Pacific Fishery Management Council from Tribes represented at the 2/16/10 Tribal Consultation in Unalakleet

Highest Priority Requests:

- Tribes want NMFS to postpone their planned 2010 bottom trawl research in the Northern Bering Sea Research Area¹ (NBSRA) at least until tribal consultation has been carried out
- Tribes do not want commercial bottom trawl fishing to be expanded northward into the NBSRA

Other Action Items/Recommendations:

- Want follow up from NMFS regarding today's meeting (2/16/10) – what will NMFS do with the feedback and concerns they heard here, what is their plan for additional action?
- Want the Department of Commerce to extend Chinook disaster relief to the Norton Sound area
- Want follow up from NMFS regarding the January 2009 Tribal Consultation in Nome on Chinook Bycatch (i.e. how were tribal concerns communicated to agency and department heads, how were concerns addressed/incorporated into final action, etc.)
- Want NMFS to support the tribal recommendations that came out of the November 9-10, 2009 Tribal workshop meeting held in Anchorage at the Rural CAP offices
- Want formal legal opinion from NMFS/NOAA/NPFMC attorneys regarding why the North Pacific Fisheries Management Council should not be held to the same Tribal Consultation requirements that NMFS/DoC are held to (i.e. Executive Order 13175)
- Want the Department of Commerce's response plan of action requested by the November 5 Presidential Memorandum regarding Tribal Consultation forwarded to all Kawerak region tribes
- Want NMFS/NOAA to make specific funding requests in their budgets to carry out tribal consultation responsibilities (this would include funding to hire an AK Region Tribal Liaison, funding for tribes to travel to meetings, funding for agency staff to travel to meetings, etc.)
- Want the pollock industry to be required to process and freeze all suitable salmon bycatch for delivery to and for the use of Western Alaska communities.
- Want more engagement by NMFS/NOAA into social science research – i.e. funding for research that both quantifies the economic contributions of subsistence resources to communities and the region, and examines the social and cultural importance of the resources
- Want NMFS to respond to specific request from St. Lawrence Island, King Island and Diomedes Island tribes to have the protected area surrounding their islands extend to a 100mi radius.

¹ This request was added after the Feb. 24-25, 2010 NBSRA workshop in Anchorage. Tribes were not informed of the proposed research until the workshop.



Native Village of St. Michael

P.O. Box 59050 - St. Michael, Alaska 99659 Phone: (907) 923-2304/2405
Fax: (907) 923-2406

Doug Mecum
Acting Regional Administrator
NMFS Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

March 19, 2010

Subject: 2010 Bottom trawl research in the Northern Bering Sea Research Area

Dear Mr. Mecum,

Please consider this letter as a formal request for government-to-government consultation regarding bottom trawl research in the Northern Bering Sea Research Area (NBSRA) in 2010. We request that this consultation take place at your earliest convenience, prior to any research being carried out.

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If you require any additional information, please contact me at 907-923-2304/2405 or email me at smkpres07@gci.net.

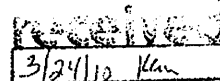
Sincerely,

Shirley Martin, President
Native Village of St. Michael

Enclosure (Tribal Resolution 10-03-19)

Cc:

Loretta Bullard, President, Kawerak Inc, P.O. Box 948, Nome, AK 99762
Myron Naneng, President, AVCP, P.O. 219, Bethel, AK 99559
Jerry Isaac, President, TCC, 122 First Ave., Ste. 600, Fairbanks, AK 99701





Native Village of St. Michael

P.O. Box 59050 - St. Michael, Alaska 99659 Phone: (907) 923-2304/2405
Fax: (907) 923-2406

Resolution NO. 10-03-19

ENTITLED: A Resolution of the Native Village of St. Michael in opposition of proposed 2010 research bottom trawling in the Northern Bering Sea Research Area by the National Marine Fisheries Services.

WHEREAS: The tribal government of Native Village of St. Michael is a federally recognized tribe; and

WHEREAS: Our tribal government is charged with the protection of our culture, heritage, environment and the foods upon which we have depended for generations; and

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CERTIFICATION

The foregoing Resolution was adopted at a duly called and convened meeting of the St. Michael, IRA of Alaska on March 19, 2010, by vote of
0 IN FAVOR, 0 AGAINST, 0 ABSTAIN, 1 ABSENT.


Chairman

Attest: _____

BERING SEA ELDERS ADVISORY GROUP
c/o Native Village of Kwigillingok
PO Box 49
Kwigillingok, AK 99622

March 29, 2010

Eric Olson, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue
Anchorage, AK 99501

Doug Mecum, Acting Regional Administrator
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802

Re: Northern Bering Sea Research Area – Agenda Item D-3(c)

Dear Chairman Olson, Mr. Mecum and Members of the NPFMC,

The Bering Sea Elders Advisory Group is made up of 36 Tribal governments and is focused on promoting Tribal participation in fishery management decisions regarding the Northern Bering Sea Research Area (NBSRA). Our Elders are providing traditional guidance to the participating Tribes.

The Bering Sea Elders Advisory Group supported several hunters to participate in the tribal consultation meeting organized by the Native Village of Unalakleet in February. We also participated in the NOAA Workshop in February regarding the Northern Bering Sea Research Plan that the agency is developing. We very much appreciate the travel funding for the workshop provided by NOAA, North Pacific Fishery Management Council and North Pacific Research Board. This made it possible for broad tribal participation.

We would like to convey the perspective of our Elders and participating Tribes:

- 1) Tribes located along the current bottom trawl boundary believe the boundary is already too close to the land. In fact bottom trawling is permitted within waters we use for subsistence hunting and small scale fishing. We are preparing to work with the Council to move the boundary in order to achieve better protection for our subsistence traditions. The Council committed to reconsidering this part of the boundary in 2011.

2) There are very deep concerns regarding the potential for future bottom trawling in the new areas within the northern Bering Sea.

- First, we would like for Tribes to be partners in the development of the research plan. Being asked to respond to agency plans is not the same as being a true partner in developing the plans.
- Second, the areas set aside as no trawl zones (St. Matthew Is., Nunivak Is./Etolin Strait and St. Lawrence Is.) do not provide sufficient protection for those communities. Our Tribes were not consulted about the size or configuration of these closures when they were established in 2007.
- The Native Village of Gambell and the Native Village of Savoonga presented to NOAA officials at the Unalakleet meeting their recommendation for a 100 mile buffer around St. Lawrence Island. They utilize very large areas of the ocean for subsistence and recognize the importance of the area between St. Lawrence Is. and St. Matthew Island as being of great ecological significance to the sea mammals and birds especially in winter.
- Many mainland villages have no protection.
- Our Elders throughout the region have raised the importance of protecting our subsistence use areas but also the migration routes and seasonal areas for the sea mammals, birds, their prey and the habitat. All of these sensitive parts of the Bering Sea ecosystem need to be off limits to invasive research and to future bottom trawling. We are interested in research to understand changes in the ocean, but we are wary that the research plan will be designed to pave the way for future bottom trawling.

The Bering Sea Elders Advisory Group strongly urges the Council and NMFS to continue consultation with the Tribes on both the research plan and management decisions.

Thank you for your consideration of our perspective.

Sincerely,

A handwritten signature in black ink that reads "Fred Phillip" with a date "11/11/11" written below it.

Fred Phillip
Coordinator

cc: Myron Naneng, AVCP
Loretta Bullard, Kawerak, Inc.

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-3(c) Northern Bering Sea Research Plan

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	FRED PHILLIP	BERING SEA Elders Advisory Grp
2	MICHAEL SLOAN	KAWERAK
3	Dorothy Childen	AMCC
4	JOHN GAUVIN/JASON Anderson	Best Use Coop.
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

Kodiak Regional Aquaculture Association

104 Center Ave.; Suite 200
Kodiak, AK 99615

(907) 486-6555
fax (907) 486-4105
kraa@gei.net



Eric Olsen
Chair, North Pacific Fisheries Management Council
605 W. Fourth Street
Anchorage Alaska 99501

April 2, 2010

Dear Mr. Olsen and Council members,

The Kodiak Regional Aquaculture Association is a member driven, non-profit organization run by a volunteer Board of Directors, which is dedicated to conservation, research, and enhancement of the salmon resources and salmon habitat of the Kodiak Archipelago. Our core membership consists of over 600 Kodiak commercial salmon fishing permit holders, but we represent all users of the salmon resources of this area. We have many active projects that directly benefit subsistence and sport users as well as projects that contribute to the commercial fisheries.

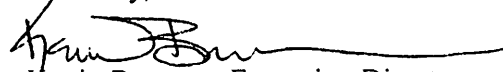
I write today to voice this organization's support of reduction of salmon bycatch from Gulf of Alaska fisheries, especially from the pelagic and non-pelagic trawl fisheries.

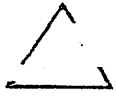
The March 2010 discussion paper *Chinook Salmon Bycatch in Gulf of Alaska Groundfish Fisheries* has informed the council of the significant decrease in salmon runs, and particularly Chinook salmon runs, to many of Kodiak's productive salmon fisheries. Harvests are down, achievement of escapement goals is inconsistent, and severe restriction of fisheries has already occurred. Indeed, we fully expect that the Alaska Board of Fisheries will be forced to designate the Karluk and Ayakulik River Chinook populations as "Stocks of Concern" at their next Kodiak meeting, in January of 2011.

While we recognize that many factors contribute to poor salmon production, and such factors might even change from year to year, there are actions which can be taken to conserve declining fish stocks. One of those actions, which only the Council can take, is to reduce or eliminate the incidental take of salmon in directed groundfish fisheries.

Please consider this issue carefully and take meaningful action at this meeting. In your discussion paper, four alternatives are given. Alternative 2 or 3, with specific restrictions placed on GOA groundfish fisheries to reduce or eliminate Chinook bycatch are preferred to Alternative 1, No Action, or Alternative 4, Voluntary Bycatch Cooperatives. As previously mentioned, state fisheries have already been subject to severe restrictions, and we feel it is appropriate to extend that concern and action to GOA groundfish fisheries for the survival of these weak salmon stocks. Please initiate analysis and help us all move forward toward solving this grave problem.

Sincerely,


Kevin Brennan, Executive Director



Northwest Setnetters Association
P.O. Box 870
Kodiak, AK 99615

Eric Olson, Chairman
North Pacific Fisheries Management Council
605 W. 4th St.
Anchorage, AK 99501

April 9, 2010

RE: Agenda Item D-3(b) Review discussion paper on GOA Chinook salmon bycatch.

Dear Mr. Olsen:

We are writing to you today urging you to begin an analysis of possible management options which might reduce chinook salmon bycatch in the Gulf of Alaska by pelagic and on-the-bottom trawlers. As you are no doubt aware, various alternatives for reducing salmon bycatch in the Gulf have been proposed since 2003, but no serious management controls have been put in place.

In the meantime, chinook returns into the Karluk and Ayakulik Rivers on Kodiak Island have nearly collapsed. Minimum escapement goals for chinook have not been reached on these systems since 2006. In 2009 only 1,700 chinook returned to the Karluk. Projections for 2010 are for further declines.

To protect these diminishing salmon runs, subsistence fishing for chinook was closed in 2008 and 2009 on both the Karluk and the Ayakulik and will remain closed in 2010. Sport fishing for kings was closed in 2009 and will remain closed for 2010 on both systems. In 2009 no commercial salmon openings were allowed in the Inner and Outer Karluk areas, and it is likely these areas will remain closed in 2010. These are drastic measures with severe impacts on the culture and economy of Kodiak Island, but have been accepted by most Kodiak Islanders as necessary in order to protect these salmon.

In contrast to the restrictions imposed on other fishermen, the GOA trawl fleet has no restrictions on its chinook bycatch. Between 2003 and 2009 the average annual chinook bycatch by trawlers targeting other species in the Gulf of Alaska was 20,000 fish. In 2007, more than 40,000 chinook were taken as bycatch.

As residents and commercial set gillnet salmon fishermen on Kodiak Island we are concerned that without restrictions, the trawl fleet will continue to catch large numbers of chinook. While no hard numbers are available indicating how many Karluk and Ayakulik chinook might be taken each year as trawler bycatch, it is reasonable to assume that at least some of these bycatch chinook are from these systems. We are concerned that without some restriction on trawl bycatch the Karluk and Ayakulik chinook runs could continue to decline, perhaps until they disappear.

We therefore request that you and the Council review management tools which might appropriately be utilized to address these diminishing chinook salmon runs.

Sincerely,

Northwest Setnetters Association Boardmembers

Wallace Fields
Adelia Myrick
Kip Thomet
Toby Sullivan

Adelia B. Myrick
Kip Thomet
Toby Sullivan
Wallace Fields

Hilton Anchorage

500 West 3rd Avenue • Anchorage, AK 99501 • (907) 265-7155 • Fax (907) 265-7175

Check#: 43,836.00

Page: 1 of 1

Created: 4/12/2010

Banquet Check

Company: North Pacific Fishery Management Council April 2010	Event Date: 4/12/2010
Host As: North Pacific Fishery Management Council	Engager: Ms. Gail Bendixen
Address: 605 West 4th Ave Suite# 306 Anchorage, AK 99501	Phone: 907-271-2809
	Fax: 907-271-2817
	On-Site: Ms. Gail Bendixen
Catering By: EBW Serviced By: EBW	Phone: 907-271-2809
	Fax: 907-271-2817

Quantity	FOOD	Price	Amount
40	The Denali Express Buffet	23.95 Per person	958.00
10	Gallons Coffee	15.00 Per Gallon	150.00
2	Gallons Decaffeinated Coffee	15.00 Per Gallon	30.00
4	Gallons Hot Water for a Selection of Premium Teas	15.00 Per Gallon	60.00
37	Regular and Diet Sodas (Charge on Consumption)	3.50 Each	129.50
1	Small Fruit Tray	180.00 Each	180.00
Subtotal:			1,507.50
Banquet Service Charge %: 13.75			207.28
Banquet Administrative Fee %: 9.25			139.44
Tax %: 0.00			0.00
Total:			1,854.22

ROOM RENTAL	Price	Amount
Room: Aleutian Room Function: MTG		
Room: Aleutian Room Function: LUNB		
Subtotal:		0.00
Facility Fee %: 23.00		0.00
Total:		0.00

Grand Total:	1,854.22
Balance Due:	1,854.22

Client Signature _____

Date _____

D-3(b) GOA Chinook Salmon Bycatch

April 12, 2010

The Council directs staff to expand the discussion paper on GOA Chinook Salmon bycatch in the GOA groundfish fisheries be revised and expanded as follows:

1. Discuss requiring the full retention of salmon in the GOA groundfish fisheries.
2. Update and further refine GOA groundfish fishing/bycatch data with discrete tables by target fishery, statistical reporting area, by statistical week indicating total catch, # of Chinook salmon bycatch and bycatch rate.
3. Update and refine spatial mapping of GOA Chinook bycatch in the GOA groundfish fisheries by displaying fishery specific information by month and year as well as aggregate information (current displayed). Mapping should be at a scale so that discrete statistical areas can be identified.

Additional background:

- Provide current stock assessment data, including "in river" fishery regulations, for the larger GOA Chinook salmon producing streams. (Kenai, Deshka, Anchor, Chignik, Ayakulik, Karluk & Copper)
- Presentation regarding known relationships between environmental variables and the abundance of GOA Chinook salmon and any available trend information.
- Expand the discussion regarding stocks of origin for GOA Chinook salmon inclusive of but not limited to the Clark/Nelson stock separation analysis (2001) and the 1994 tagging study. Any information regarding contribution of local stocks should be included.
- Expand discussion regarding limitations of GOA observer data to include how this data is used to enforce PSC limits, MRA caps, and to direct inseason management decisions.

The Council will write a letter to NMFS requesting that NMFS accelerate, as much as is possible, the analysis of any GOA Chinook salmon bycatch samples that could help identify stocks of origin. The letter should also encourage NMFS to establish programmatic protocols to sample and identify Chinook salmon caught in GOA trawl fisheries.

C-3(a) Non-Target Species Committee Report

The AP recommends the Council request staff prepare a discussion paper reflecting the list of items recommended by the Non-Target Species Committee on Page 2 of their minutes under agenda item C-3(a). *Motion passed 17-0*

C-3(b) Groundfish Annual Catch Limits

The AP recommends the Council adopt Alternative 2 for final action under this agenda item. *Motion passed 17/1*

C-5(a) Emergency Exemptions from Regionalization – Stakeholder proposals

The AP recommends the Council move forward with the Purpose and Need Statement that is consensus, as well as the components and options that are described below. *Motion passed 18/0*

Purpose and Need Statement

In developing the crab rationalization program, the Council included several measures to protect regional and community interests. Among those provisions, the Council developed regional designations on individual processing quota and a portion of the individual fishing quota that require associated catch to be delivered and processed in the designated region. Since implementation of the program in late 2005, and except in the case of the Western Aleutian Islands Golden King Crab fishery, all of the crab IFQ has been harvested and processed as intended by the crab rationalization program. However, icing conditions in the Northern Region have created safety concerns, and delayed and in some cases prevented harvesters from entering harbors to deliver to shore-based and floating processors located in the regions, as required by the regional share designations. In addition, other unforeseeable events, events such as an earthquake or tsunami, or man-made disaster, could prevent deliveries to eligible processors in a region necessary for compliance with the regional designations on Class A IFQ and IPQ. A well-defined exemption from regional landing and processing requirements of Class A IFQ and IPQ that includes requirements for those receiving the exemption to take efforts to avoid the need for and limit the extent of the exemption could mitigate safety risks and economic hardships that arise out of unforeseeable events that prevent compliance with those regional landing requirements. Such an exemption should also provide a mechanism for reasonable compensation to all parties directly impacted by the granting of the exemption to ensure that the protections intended by the regional designations continue to be realized despite the exemption. The purpose of this action is to develop a regulation to allow waiver of the regional landings requirement for Class A shares in the event that eligible processing facilities are unable to receive crab for an extended period of time.

Components and Options

This action would establish an emergency relief exemption for the regional delivery requirement under the BSAI crab program. Component One specifies the eligibility requirements for the exemption and the contracting parties. Component Two establishes reserve pool certification and periodic reporting requirements. Component Three establishes how the emergency relief regulation is to be administered. Component Four establishes a Council review process.

Component One. The Contract Parties.

To be eligible to apply for and receive an exemption from a regional landing requirement, the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the

regional landing exemption is sought shall have entered into a framework agreement, including mitigation requirements and a range of terms of compensation.

If compensation is to include compensatory deliveries in the year following the granting of an exemption, the community entity or entities in the region from which the compensatory deliveries will flow may also be parties to the framework agreement.

Option 1: prior to the opening of the season.

Option 2: by a fixed date (to be determined).

To receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into an exemption contract prior to the day on which the exemption is sought.

The entity that will represent communities shall be (options):

- (a) the entity holding or formerly holding the ROFR for the PQS,
- (b) the entity identified by the community benefiting from (or formerly benefiting from) the ROFR,
- (c) a regional entity representing the communities benefiting from the ROFR or formerly benefiting from the ROFR.

The entity or entities determined by the Council to be the community representatives in a region shall develop an allocation or management plan for any PQS issued without a ROFR in that region by a date certain established by the Council.

Component Two. Reserve Pool and Reporting Requirements.

A reserve pool can provide industry wide, civil contract based delivery relief without regulatory or administrative intervention; therefore, regulatory relief is an explicit incentive available only to Class "A" participants who are members of approved reserve pools, to matched IPQ holders and to affected community entities.

Harvest sector reserve pools do not require NMFS approval; however, on an annual basis, before a date certain established by NMFS through regulation, participants in the BSAI crab fisheries must certify to NMFS their establishment of or membership in an existing reserve pool to be eligible for regional landing requirement relief. The certification shall name the Class A IFQ holders who have established or are members of the reserve pool. Subject to the other terms and conditions of this action, the parties to a reserve pool shall be eligible for regional landing requirement relief if: (1) their reserve pool certification states that the reserve pool agreement commits each party to be bound by the rules of the reserve pool; and (2) the parties to the reserve pool identified on the certification represent not less than (60%, 70%, 80%) of the "A" share IFQ held by (a) unaffiliated cooperatives and unaffiliated IFQ holders not in a cooperative, in the aggregate; or (b) held by affiliated cooperatives and affiliated IFQ holders not in a cooperative, in the aggregate.

Reserve pool representatives shall provide an annual Regional Landing Exemption Report to the Council which will include the following:

- 1) a comprehensive explanation of the membership composition of the reserve pool and the measures in effect in the previous year,
- 2) the number of times a delivery relief exemption was requested and used, if applicable,

- 3) the mitigating measures employed before requesting the exemption, if applicable,
- 4) an evaluation of whether regional delivery exemptions were necessary, and their impacts on the affected participants, if applicable.

Reserve Pool Representatives shall circulate the annual Regional Landing Exemption Report to communities that are parties to framework agreements with the reserve pool representatives two weeks before submission to the Council. Communities may submit to the Council a Community Impact Report that responds to the annual Regional Landing Exemption Report.

Component Three. Administration of the Exemption.

Administration of the exemption

In accordance with Component One, the three parties will file an affidavit with NMFS affirming that a framework agreement has been signed, and, if applicable, subsequently file a second affidavit affirming that an exemption contract has been signed. In the affidavits, the parties shall affirm that the framework agreement includes mitigation requirements and a range of terms of compensation, and that the exemption contract describes the conditions under which the exemption is being or would be requested, including mitigation requirements and terms of compensation specific to the exemption being sought.

Exemption

An exemption shall be granted upon timely submission of a framework agreement affidavit and subsequent filing of an exemption contract affidavit by the Class "A" IFQ holders, the matched IPQ holders and the affected community entity or entities that are parties to the framework agreement that they have entered into an exemption contract, and that the exemption contract describes the conditions under which the exemption is being requested, including mitigation requirements and the terms of compensation. Pursuant to Component Two, above, the Class A IFQ holder that is party to the framework agreement and the exemption contract must be identified as having established a reserve pool or as a reserve pool member on a timely filed reserve pool certification that meets the requirements of Component Two.

The exemption contract affidavit shall result in the regional tag being removed from the requested amount of Class "A" IFQ and the matched IPQ; and the requirement that NMFS apply any IPQ used at a facility through a custom processing arrangement against the IPQ use cap of the owners of that facility shall be suspended for all Class A IFQ and matched IPQ included in the exemption.

If an exemption contract includes an obligation to make compensatory deliveries, an exemption making such deliveries possible shall be granted upon submission of an affidavit by the Class A IFQ holders, the matched IPQ holders and the affected community entity or entities that the exemption is being requested to make compensatory deliveries pursuant to the terms of an exemption contract under which regional landing relief was previously granted and used.

Component Four. Council Review.

The Council will review the Regional Landing Exemption Program within:

- (a) two years
- (b) after the first season in which an exemption is granted.

Thereafter, the Council will review the Regional Landing Exemption Program as part of its programmatic review, and, based on the record, may amend or terminate the Regional Landing Exemption Program.

C-5(b) Final action on WAG King Crab Regional Delivery

The AP recommends the Council adopt Alternative 2, Option 2, with 20% selected in the definitions for quota share, as written below. *Motion passed 19/0*

Alternative 2: Contractually Defined Exemption

To receive an exemption from the regional landing requirement in the WAG fishery, specified QS holders, PQS holders, and municipalities shall have entered into a contract. The contract parties will annually file an affidavit with NMFS affirming that a master contract has been signed.

Definitions:

QS Holders: Any person or company that holds in excess of 20 percent of the west-designated WAG QS.

PQS Holders: Any person or company that holds in excess of 20 percent of the west-designated WAG PQS.

Municipalities: The municipalities of Adak and Atka.

Approval of Exemption:

An exemption to the regional landing requirement will be granted, if the contracting parties have filed an affidavit with NOAA Fisheries affirming that a master contract has been signed. In the affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing.

D-1(a) BSAI Crab ACLs and Snow/Tanner Crab Rebuilding Plans

The AP recommends the Council:

Rebuilding Alternative

Consider an option to define rebuilding for crab stocks to include one year to be above Bmsy.

ACLs

Add option 4 under Process for ABC recommendation to include an option for St. Matthews that the SSC recommends ABC levels annually at the June meeting using survey data from the previous year.

Incorporate analysis showing historical exploitation rate and short-term future expected exploitation rate for the range of ACL options.

The AP is concerned about multiple buffering occurring due to ACL buffers as well as built in buffers currently incorporated in stock assessment models. The AP also recognizes the concerns regarding preemption of state management authority posed by implementation of ACLs and snow crab rebuilding requirements.

The AP endorses the Crab PT minutes regarding ACLs, accountability measures, and rebuilding plans.

Motion passes 17/0

D-1(b) Pribilof BKC rebuilding plan

The AP recommends the Council support the recommendations in the March 2010 Crab Plan Team minutes. In addition, the AP recommends that under Alternative 5, the analysis should examine PSC levels below the default OFL and that the analysis should examine the groundfish areas closures triggered by specific PSC levels. It is the AP's intent that this measure would provide a linkage between the crab and groundfish FMPs and that this concept should be examined in the context of accountability measures for all crab stocks.

Motion passed 16/0/1 (abstention)

D-2(a) Scallop SAFE

The AP recommends the Council approve the Scallop SAFE Report as presented. The AP also recommends that future SAFE reports include data on targeted scallop catch prior to 1993, and show crab bycatch both in terms of number of crab and weight of crab.

D-2(b) Scallop Annual Catch Limit Analysis

The AP recommends that the Council forward the analysis of Scallop ACLs with the current slate of alternatives and options. In addition, the AP recommends the analysis be expanded to include:

- 1) A discussion of overages both before and after coop formation.
- 2) A discussion of the possibility of managing scallops as a complex which would include non-target scallop species.

D-3(a) Bairdi bycatch in GOA

The AP recommends that the document not be released for public review at this time. The AP was made aware that the SSC had a list of issues with the analysis that prevented the SSC from moving the analysis forward. The AP did not hear the SSC minutes but recognizes that the SSC had concerns.

The AP recommends the analysis be revised to include the following items:

- 1) Describe and attempt to quantify the impacts of pelagic trawling on bairdi crab.
- 2) Describe the State of Alaska and federal definitions of pelagic gear more fully.
- 3) An option to exempt hook-and-line gear from the proposed action.
- 4) The amount of fishable area (<500 meters) in area 630 presently closed to each gear type.
- 5) The amount of fishable area in each of the potential closure areas.
- 6) Assess the protection offered by present closure areas to tanner crab by gear type.
- 7) The impact of predation on tanner crab by groundfish species, including predation inside cod pots.
- 8) An estimate of crab harvest in the commercial tanner crab fishery, including an estimate of crab bycatch in the directed fishery.
- 9) A breakout of pelagic vs non-pelagic groundfish harvests to understand the overall economic impact of the proposed actions.
- 10) Staff recommendations for closure areas for pot gear that better reflect pot effort and bycatch.
- 11) Further analysis of the impacts of 100% observer coverage requirement and possible mitigation actions.
- 12) Assess the efficacy of existing crab protection measures.

- 13) Further analysis of the practical and economic impacts of 100% observer coverage on vessels <60 feet.
- 14) Information on unobserved catch locations using VMS data.
- 15) Bathymetrically designed areas within the proposed closures based on preferred crab habitats.
- 16) Closure of smaller areas within the proposed stat areas.
- 17) An option to select specific closures rather than all proposed areas.
- 18) Further discussion of the definition of pelagic trawl gear including the practicability of using bottom sensors.
- 19) The importance of the directed tanner crab fishery to permit holders.

The AP also recommends the Council consider adding the following language to the existing problem statement:

“There is a greater prevalence of smaller vessels participating in the GOA groundfish fisheries. Because observer coverage requirements are based on vessel length there is less observed catch and more uncertainty regarding crab bycatch estimates. 100% observer coverage in the appropriate areas would provide the Council with a high level of confidence in the assessment of any crab bycatch caught in the designated areas, as a basis for future management actions as necessary.

Gear modifications may offer some reduced impacts on crab stocks.”

Motion passed 19/0

D-3(b) GOA Chinook Salmon Bycatch

The AP recommends that the Council initiate an amendment to require full retention of all salmon bycatch in the GOA pollock fishery. *Motion passed 19/0*

The AP recommends that the Council request that NMFS develop a program to enumerate salmon caught as bycatch and to develop a protocol so that DNA samples will be available for genetic testing when lab space is available. Samples should be taken to fill in any gaps in genetic baseline if needed.

Motion passed 19/0

The AP recommends that the Council ask staff to refine and expand the discussion paper on Chinook salmon bycatch in GOA groundfish fisheries to include:

- 1) expanded discussion of all salmon removals in GOA by ADFG management areas;
- 2) a chapter on potential effects of environmental changes on Chinook salmon stock abundance;
- 3) break out the groundfish fishery data by target fishery and by federal management area as appropriate;
- 2) further analysis of seasonal and yearly bycatch;
- 3) differentiating between state and federal bycatch rates;
- 4) updated spatial data on maps; and
- 5) data on all users (sport, subsistence, personal use, commercial, etc) to determine the level of use and dependence.

Motion passed 19/0

A motion to recommend that the Council not move forward with salmon bycatch action at this time failed 8/8.

D-3(c) Northern Bering Sea Research Area Plan

The AP recommends that the Council encourage NMFS to conduct tribal consultation before the 2010 groundfish bottom trawl survey takes place. *Motion passed 18/0*

The AP recommends that the Council adopt the revised NBSRA Research Plan schedule as outlined in item D-3(c)(5) with the following changes:

- 1) Include community and subsistence stakeholders in the science meeting scheduled for January 2011 for an integrated approach.
- 2) Move the updates scheduled for April 2011 to the June 2011 Council meeting in Nome, Alaska.

Motion passed 18/0

D-3(d) Amendment 80 Co-op Reports

The AP received a report from John Gauvin on development of a chinook salmon excluder.

D-3(e) Receive report of EFP testing of Chinook salmon excluder

The AP received a report from Jason Anderson on performance of the best Use Cooperative in 2009.

D-4(a) EFH 5-year Review

The AP supports the summary of recommended changes to the FMPs resulting from the EFH 5-year review provided on page 87 of the EFH report. The AP also supports the recommendations from the Crab Plan Team which will result in a discussion paper. The AP supports the recommendations from the Ecosystem Committee on recommended changes to salmon EFH. *Motion passed 18/0*

D-4(b) HAPC Criteria & Priorities

The AP recommends the Council adopt the HAPC evaluation criteria for HAPC proposals as presented on page 1 of agenda item D-4(b)(2) with the following changes:

- 1) The AP feels that the standard for ecological importance is set too low for habitat areas of particular concern and is essentially a re-statement of EFH criteria. Level 0 criterion should be deleted and remaining criteria re-numbered starting with zero. Level 3 for ecological importance should read: "Complex habitat condition and substrate serve as refugia, concentrate prey, and/or are known to be important for overfished species."
- 2) Require a minimum score of three for rarity so that only proposals for truly rare habitat sites are HAPC candidates.
- 3) Delete footnote 1 on the proposed evaluation criteria for HAPC proposals (D-4(b)(2)).
- 4) Underscore in HAPC criteria that the NPFMC's HAPC process is for sites (rather than types) and that the ecological importance is for "managed species".
- 5) The HAPC cycle should be 5 years to be in sync with EFH review.

Motion passed 15/4

A substitute motion to recommend the Council adopt HAPC criteria as presented in D-4(b)(2) page 2 with no changes failed 9/10.

Minority Report: A minority of the AP supported a substitute motion that the AP recommends the Council adopt the HAPC criteria on page 2 of D-4(b)(2). The minority supported this substitute motion because the main motion contained a number of elements which significantly alter the criteria. First, it is not necessary to change the criteria for ecological importance to a higher standard because this is only one of four factors, and a habitat area will have to score well on the other factors and meet the rarity criteria to qualify as a HAPC. Second, the minority was not comfortable with requiring a rarity score of 3 to be considered, both because we were unapprised of the SSC's position regarding this requirement, and because the requirement for a score of 3 that the habitat occur in only one region seemed too stringent given that a similar habitat could exist in more than one region and provide habitat for different fish stocks. Finally, the minority did not feel it was appropriate to delete pelagic water from the definition of habitat contained in footnote 1. Pelagic waters are a critical habitat area for many species and it is important that this type of habitat is eligible under the HAPC criteria.

Signed by: Rebecca Robbins Gisclair, Edward Poulsen, Chuck McCallum, Jeff Farvour, Tim Evers, Theresa Peterson, Julianne Curry

The AP recommends that the Council consider identifying Bristol Bay RKC spawning habitat as a HAPC priority type. *Motion passed 18/1*

The AP recommends that the Council identify skate nurseries and sablefish pre-recruit sites as HAPC priority types as indicated on table 15 of the EFH 5-year review summary report, including the accompanying explanatory text. *Motion passed 19/0*

Minority Report: A minority of the AP supported a motion recommending that the Council consider the Pribilof and Zemchug canyons as HAPC priorities. The motion failed 4/15 These canyons are unique as some of the deepest canyons in the world. They provide important habitat for rockfish, corals, sponges and other species and are part of the "greenbelt" of high production on the Bering Sea shelf edge. We have received numerous letters and public comments requesting that these canyons be considered, including requests from nearby communities. These canyons have also been submitted for consideration in previous HAPC proposal processes but did not meet the Council's priorities at that time. Given the unique and highly productive habitat these canyons provide it is appropriate to consider them in this HAPC process.

Signed by: Rebecca Robbins Gisclair, Chuck McCallum, Theresa Peterson, Tim Evers

D-4(d) Rural Community Outreach report and Chum Bycatch Plan

The AP recommends that the Council approve the Rural Outreach Committee's recommendations on page 1 and 2 of their report [item D-4(d)(1)]. The AP also recommends that the Council move forward with the Outreach Plan for the Chum Bycatch EA/RIR/IRFA as described in item D-4(d)(2). *Motion passed 18/0*

D-5 Staff Tasking

The AP recommends the Council initiate an analysis to determine whether the communities of Naukati Bay, Game Creek, Cold Bay, and Kupreanof should be included in the list of eligible communities contained in Table 21 of Amendment 66. *Motion passed 18/0*

The AP further recommends that the Council deny the halibut allocation request by the Native Village of Nanwalek. *Motion passed 15/0*

DRAFT
ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
April 6-9, 2010

The following members were present for all or part of the meetings:

Joe Childers	Tim Evers	Matt Moir
Mark Cooper	Jeff Farvour	Theresa Peterson
Craig Cross	Becca Robbins Gisclair	Ed Poulsen
John Crowley	Jan Jacobs	Beth Stewart
Julianne Curry	Bob Jacobson	Lori Swanson
Jerry Downing	Simon Kinneen	Anne Vanderhoeven
Tom Enlow	Chuck McCallum	

C-4 Central GOA Rockfish Program

The AP recommends the Council move forward with the existing elements and options for development of the new Central GOA rockfish management program as shown in the analysis, with the following language clarifications (new language is **bold/underline**, ~~strikeout~~ signifies deleted language, **bold/asterisk(*)** indicates a preferred preliminary option):

8 **Regionalization – Apply to catcher vessel sector only:**
 *Option 1: All CV CQ must be landed in the Port of Kodiak **at a shorebased processing facility.** [*select as preferred option]

9 Catcher vessel/shore based processor provisions (CV – all)
 ~~For alternatives with processor associations the drop year is selected by the processor and applied to all LLP licenses when determining those associations.~~

9.2 Option A - Harvester only cooperative (CV-2)

A holder of catcher vessel harvest history may **must** join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.3 Option B - Harvester cooperatives with processor allocation of harvest shares (CV – 3)

~~Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).~~

A holder of catcher vessel harvest history or processor histories may **must** join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

11 Cooperatives will be required to notify RAM division which LLP holders are in a cooperative by March 1st.

12 Sector Transfer provisions

Harvest shares held by processors may be transferred to:

Option 1: Those processors, at the plant level, who were initially issued harvest shares

Option 2: Those processors who have processed at least ~~100~~ 250 metric tons of rockfish delivered by catcher vessels within any ~~two-year period~~ two years of the last four years during the new program prior to transfer

Suboption 1: to a shoreside processing facility in the port of Kodiak

Suboption 2: to a shoreside processing facility

Option 3: a holder of a Central GOA rockfish program eligible CV LLP

Note: More than one option can be chosen.

13 Cooperative Harvest Use Caps

CV cooperatives

No person may hold or use more than 3-5% of the ~~CV historic shares~~ CV OS initially allocated to harvesters (including any shares allocated to processors), using the individual and collective rule (Option: with grandfather provision).

No CV may catch more than 4-10 % of the target CV allocation of POP

(Option: with grandfather provision).

No person may hold or use more than 20-25% of the OS initially allocated to processors, using the individual and collective rule (Option: with grandfather provision).

~~Harvest shares held by processors will be subject to the same 3-5% cap for holding and use that applies to harvest shares held by harvesters~~

~~Suboption: 10% cap~~

~~Suboption: Grandfather initial recipients~~

Option: Eligible processors will be grandfathered for the processing cap based on total processed catch during the qualifying years.

(The year average annual retained catch over the qualifying years 2002 will be used as a base (or index) year for applying the aggregate caps.)

~~Option: Eligible processors will be grandfathered.~~

14 Harvesting provisions

All non-allocated species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish. Basis species for purposes of determining MRAs will be:

Option 1 - Only primary allocated rockfish species

***Option 2 - All allocated species [*select as preferred alternative]**

18 Sideboards

18.1 Catcher vessel options

West Yakutat and Western Gulf Primary Rockfish Species

***Option 2: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species. [*Select as preferred alternative]**

Suboption: Exempt a vessel that participated in the WYAK rockfish fishery for 2006-2008 and participated in the entry level pilot fishery at least one year. These vessels will be sideboarded at their catch history for 2006-2008

[motion for addition of suboption passed 14/5]

Halibut PSC

***Option 2: For the month of July, limit all CVs to the shallow halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK and WGOA). [*Select as preferred alternative]**

IFQ halibut and sablefish are exempt from sideboard provisions

Bering Sea and Aleutian Island Sideboard Provisions

Yellowfin sole, other flatfish, and Pacific ocean perch fisheries

***Option 2: The qualifying vessels in the trawl catcher vessel sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July. [*Select as preferred alternative]**

Pacific cod fishery

***Option 2: The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July without any sideboard limit. [*Select as preferred alternative]**

[Final motion as amended passed 19/0]

DRAFT

MOTION

EFH

This motion is a combination of the recommendations from the Advisor Panel, the Ecosystem Committee, and the SSC. I will work from the AP motion.

MOTION

Mr. Chairman, I move the AP motion with the following changes:

D-4(a) EFH 5-Year Review. Accept the recommendations for changes to the FMPs in the revised Table 22 in our decision memo with the follow modifications:

- 1) BSAI Crab. Postpone action on the recommendation by the Crab Plan Team for a re-evaluation of fishing effects on crab EFH, and task Council staff with the preparation of a discussion paper as recommended by the Ecosystem Committee. Council intent is to seek further clarification regarding the issues raised by the CPT, and to provide additional focus for any subsequent analysis.
- 2) Terminology. Accept the recommendation of the Ecosystem Committee to adopt a common terminology in the report and any subsequent analyses with respect to the taking of corals and sponges in the fisheries by using the term "observed catch" and dropping the use of the term "bycatch".

In addition, the Council endorses the SSC recommendations for research priorities related to EFH, and requests that these priorities be added to the Council's research priority list and forwarded on to the relevant agencies.