

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director

Telephone (907) 271-2809



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: <http://www.alaskafisheries.noaa.gov/npfmc>

November 30, 2012

DRAFT AGENDA
211th Plenary Session
North Pacific Fishery Management Council
December 5-11, 2012
Anchorage Hilton Hotel

The North Pacific Fishery Management Council will meet at the Anchorage Hilton Hotel. Other meetings to be held during the week are:

Committee/Panel

Scientific and Statistical Committee
Advisory Panel
Enforcement Committee
Halibut Charter Committee

Beginning

Dec. 3 - 5, 2012 – King Salmon/Illiamna
Dec. 4 - 8, 2012 – Dillingham/Katmai
Dec. 4, 2012 – 1:00 pm – Fireweed room
Dec. 4, 2012 – 3:00 pm – Council Conference room 205

All meetings are open to the public, except executive sessions of the Council. Other committee and workgroup meetings may be scheduled on short notice during the week, and will be posted at the hotel.

INFORMATION FOR PERSONS WISHING TO PROVIDE PUBLIC COMMENTS

Sign-up sheets are available at the registration table for those wishing to provide public comments on a specific agenda item. Sign-up must be completed **before** public comment begins on that agenda item. Additional names are generally not accepted **after** public comment has begun.

Submission of Written Comments. Written comments and materials to be included in Council meeting notebooks must be received at the Council office by 5:00 pm (Alaska Time) on **TUESDAY November 27, 2012**. Written and oral comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. Comments can be sent by mail, fax or email. **It is the submitter's responsibility to provide an adequate number of copies of comments after the deadline.** Materials provided **during** the meeting for distribution to Council members should be provided to the Council secretary. A minimum of **25** copies is needed to ensure that Council members, the executive director, NOAA General Counsel, appropriate staff, and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (**28**), Scientific and Statistical Committee (**18**), or the public after the pre-meeting deadline, they must also be provided by the submitter.

Submission of EMAIL Comments: The Council is accepting email comments at one email address: npfmc.comments@noaa.gov

The Comments must identify the submitter by legal name, affiliation, and date, and must also identify the specific agenda item by number (C-1(a) for example), and must be submitted by the comment deadline. Comments received under these conditions, will be sorted, copied, and included in the Council notebooks. PDF attachments will be accepted, as long as the above criteria are met. Comment received after the deadline will not be copied and distributed, but will be treated the same as written late comments. Emails

submitted for the comments must be to the above address, and not to specific Council staff or Council members. Additionally, email comments will only be accepted on items that are on the scheduled agenda. A return receipt will be issued automatically upon opening the electronic comment

**FOR THOSE WISHING TO TESTIFY BEFORE THE
ADVISORY PANEL**

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP **must** sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. **The AP may not take public testimony on items for which they will not be making recommendations to the Council.**

**FOR THOSE WISHING TO TESTIFY BEFORE THE
SCIENTIFIC AND STATISTICAL COMMITTEE**

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC. **Presentations lasting more than five minutes will require prior approval from the Chair.**

Commonly used Acronyms

- | | |
|---|--|
| AI - Aleutian Islands | GKC - Golden King Crab |
| AFA - American Fisheries Act | GHL - Guideline Harvest Level |
| BBRKC - Bristol Bay Red King Crab | HAPC - Habitat Areas of Particular Concern |
| BiOp - Biological Opinion | IBA - Individual Bycatch Accounting |
| BKC - Blue King Crab | IBQ - Individual Bycatch Quota |
| BSAI - Bering Sea and Aleutian Islands | ICA - Inter-cooperative Agreements |
| BSFRF - Bering Sea Fisheries Research Foundation | IFQ - Individual Fishing Quota |
| BSIERP - Bering Sea Integrated Ecosystem Research Program | IPQ - Individual Processor Quotas |
| AK BOF - Alaska Board of Fisheries | IPA - Incentive Program Agreements |
| CDQ - Community Development Quota | MPA - Marine Protected Area |
| CIE - Center for Independent Experts | NOI - Notice of Intent |
| CGOA - Central Gulf of Alaska | PSEIS - Programmatic Supplemental Impact Statement |
| CQE - Community Quota Entity | PSC - Prohibited Species Catch |
| EDR - Economic Data Reporting | RKC - Red King Crab |
| EFP - Exempted Fishing Permit | ROFR - Right of First Refusal |
| EIS - Environmental Impact Statement | SAFE - Stock Assessment and Fishery Evaluation |
| EFH - Essential Fish Habitat | SSL - Steller Sea Lion |
| FLL - Freezer longliners | TAC - Total Allowable Catch |
| GOA - Gulf of Alaska | VMS - Vessel Monitoring System |

NOTE: Council may take action as necessary on all matters listed on the Agenda

November 30, 2012

**DRAFT AGENDA
211th Plenary Session
North Pacific Fishery Management Council
December 5-11, 2012**

- | A. | CALL MEETING TO ORDER | Estimated Time |
|-----------|--|-----------------------|
| | (a) Approval of Agenda
(b) Approval of Minutes | |
| B. | REPORTS | (6 hrs) |
| | B-1 Executive Director's Report | |
| | B-2 NMFS Management Report (including report on observer deployment and implementation, report on EFH consultations, update on response to halibut subsistence proposal) | |
| | B-3 ADF&G Report (including report on Chinook salmon conference; and update on halibut subsistence) | |
| | B-4 NOAA Enforcement Report | |
| | B-5 USCG Report | |
| | B-6 USFWS Report | |
| | B-7 IPHC Report (including a report on the IPHC closed area) (T) | |
| | B-8 Protected Species Report | |
| C. | MAJOR ISSUES/FINAL ACTION ITEMS | |
| | C-1 <u>Groundfish Specifications</u> | (6 hrs) |
| | (a) Review Salmon Excluder EFP application. | |
| | (b) Adopt final harvest specifications for GOA groundfish. | |
| | (c) Adopt final harvest specifications for BSAI groundfish. | |
| | C-2 <u>Salmon PSC</u> | (24 hrs) |
| | (a) Update on salmon genetics. Postponed | |
| | (b) Initial review of BSAI chum salmon bycatch measures. | |
| | (c) Initial review of GOA chinook bycatch measures for all trawl fisheries. | |
| | C-3 <u>Halibut Issues</u> | (6 hrs) |
| | (a) Recommendations for 2013 Charter Halibut management measures. | |
| | (b) Review discussion paper on CQE small block restrictions. | |
| | (c) Review discussion paper on retention of 4A halibut in sablefish pots. | |
| | C-4 <u>Steller Sea Lion Mitigation</u> | (6 hrs) |
| | Identify Alternatives for SSL EIS Analysis. | |

D. OTHER ISSUES

D-1 Miscellaneous Groundfish (4 hrs)
(a) Progress report on PSEIS/SIR.
(b) Review discussion paper on VMS use and requirements.

D-2 Staff Tasking (4 hrs)
(a) Review Committees and tasking.
(b) Review halibut and sablefish issues for priority tasking.
(c) Provide direction on Round Island Transit analysis scope, purpose and need.

D-3 Other Business

(T) = tentative

Total Hours: (56 hrs)

February Council meeting – Benson Hotel, Portland, Oregon

Important to call by January 12, 2013 and identify yourself at NPFMC group to get Council rate of \$144.00.
Call 888-523-6766 or 503-228-2000, or email your reservation to: reservations@bensonhotel.com.

Draft Agenda and Schedule

DECEMBER 2012

	SSC King Salmon/Iliamna	AP Dillingham/Katmai	Council Aleutian
Monday Dec 3	8:00 am C-1 Groundfish Specifications		
	1:00 pm C-1 continued		
Tuesday Dec 4	8:00 am C-1 continued	8:00 am C-1 Groundfish Specifications	
	1:00 pm C-2(b) BSAI Chum Salmon Bycatch	1:00 pm C-1 continued	
Wednesday Dec 5 ASLC presentation* 5:30-7pm – Aleutian Room	8:00 am C-2(c) GOA Chinook Bycatch ASLC Report	8:00 am C-2(b) BSAI Chum Salmon Bycatch ACLA Report	8:00 am B report
	1:00 pm continue as necessary	1:00 pm C-2 (b) continued	1:00 pm B reports continued C-1 Groundfish Specifications
Thursday Dec 6 IPHC presentation* – 7pm – Aleutian Room		8:00 am C-2(b) continued	8:00 am C-1 continued
		1:00 pm C-2 (c) GOA Chinook Bycatch	1:00 pm C-2 Salmon PSC
Friday Dec 7		8:00 am C-3 Halibut Issues	8:00 am C-2 continued
		1:00 pm C-4 SSL Mitigations	12:00pm Executive Session 1:00 pm C-2 continued
Saturday Dec 8		8:00 am D-1 Miscellaneous Issues	8:00 am C-2 continued
		1:00 pm D-2 Staff Tasking	1:00 pm C-2 continued
Sunday Dec 9			8:00 am C-2 continued
			1:00 pm C-3 Halibut Issues
Monday Dec 10			8:00 am C-3 continued C-4 SSL Mitigations
			1:00 pm C-4 continued
Tuesday Dec 11			8:00 am D-1 Miscellaneous Groundfish
			1:00 pm D-2 Staff Tasking

NOTE: The above agenda items may not be taken in the order in which they appear and are subject to change as necessary. All meetings are open to the public with the exception of Council Executive Sessions.

*ASLC presentation – “Steller sea lion research relevant to fisheries management”

*IPHC meeting –“Review of 2012 Halibut Stock Assessment and Yield Decision Table”

DECEMBER 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 SSC - Hilton	4 SSC/AP	5 SSC/API/Council	6 AP/Council	7 AP/Council	8 AP/Council
9 Council	10 Council AYKSSI Outreach Mtgs thru 11 - Sheraton Hotel	11 Council	12	13	14	15
16	17	18	19	20	21	22
23/30	24/31	25 HOLIDAY	26	27	28	29

JANUARY 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 HOLIDAY	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16 Staff mtg thru 18 - Juneau	17	18	19
20	21 HOLIDAY AK Marine Science Symposium thru 25 - Captain Cook	22 IPHC Annual Mtg - thru 25, Victoria, BC	23	24	25	26
27	28	29	30	31		

FEBRUARY 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 SSC - Portland	5 SSC/AP	6 SSC/AP/Council	7 AP/Council	8 AP/Council	9 AP/Council
10 Council	11 Council	12 Council	13	14	15	16
17	18 HOLIDAY	19 Scallop PT thru 20 - Kodiak	20 Interim CCC Mtg thru 21 - DC	21	22	23
24	25	26 Crab modeling Workshop (AIGKC, NSRKC) thru 3/1 - Anch	27	28		

MARCH 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

APRIL 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 SSC - Hilton	2 SSC/AP	3 SSC/AP/Council	4 AP/Council	5 AP/Council	6 AP/Council
7 Council	8 Council	9 Council	10	11	12	13
14	15	16	17 NPRB SSC mtg thru 19 - Seattle	18	19	20
21	22	23	24	25	26	27
28	29	30 Crab PT thru 5/3 - Anch				

MAY 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 CCC mtg -- 6-10- 11 - DC	7 Managing our Nation's Fisheries Conference thru 9 - DC	8 NPRB AP mtg thru 10 - Anch	9	10 CCC continued	11 CCC continued
12	13	14 NPRB Board mtg thru 17 - Anch	15	16	17	18
19	20	21	22	23	24	25
26	27 HOLIDAY	28	29	30	31	

JUNE 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 SSC - Juneau	4 SSC/AP	5 SSC/AP/Council	6 AP/Council	7 AP/Council	8 AP/Council
9 Council	10 Council	11 Council	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

JULY 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 HOLIDAY	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.alaskafisheries.noaa.gov/npfmc>

FINAL ADVISORY PANEL MINUTES North Pacific Fishery Management Council October 2-6, 2012 Anchorage, Alaska

The following (21) members were present for all or part of the meetings:

Kurt Cochran
John Crowley
Julianne Curry
Jerry Downing
Tom Enlow
Tim Evers
Jeff Farvour

Becca Robbins Gisclair
Jan Jacobs
Alexus Kwachka
Craig Lowenberg
Chuck McCallum
Andy Mezirow
Matt Moir

Joel Peterson
Theresa Peterson
Ed Poulsen
Neil Rodriguez
Lori Swanson
Anne Vanderhoeven
Ernie Weiss

Minutes of the June 2012 meeting were approved.

C-1(a) ADFG Report on 2011 Sport Halibut Removals

The AP heard a report from Scott Meyer (ADF&G) on the final 2011 sport halibut removals.

C-1(b) Halibut Catch Sharing Plan

The AP supports final action of the Halibut Catch Sharing Plan including the PPA adjustments as identified in the April 2012 Council motion with the exception of the allocation.

Alternative 3 would replace the fixed matrix of management measures under Alternative 2 with a requirement that the Council recommend, and the IPHC adopt, annual management measures to maintain charter halibut harvests within the respective allocations. The AP also supports separate accountability.

The AP moves to support the removal of the poundage drop by method 4 as described in section 2.5.11 of the CSP analysis.

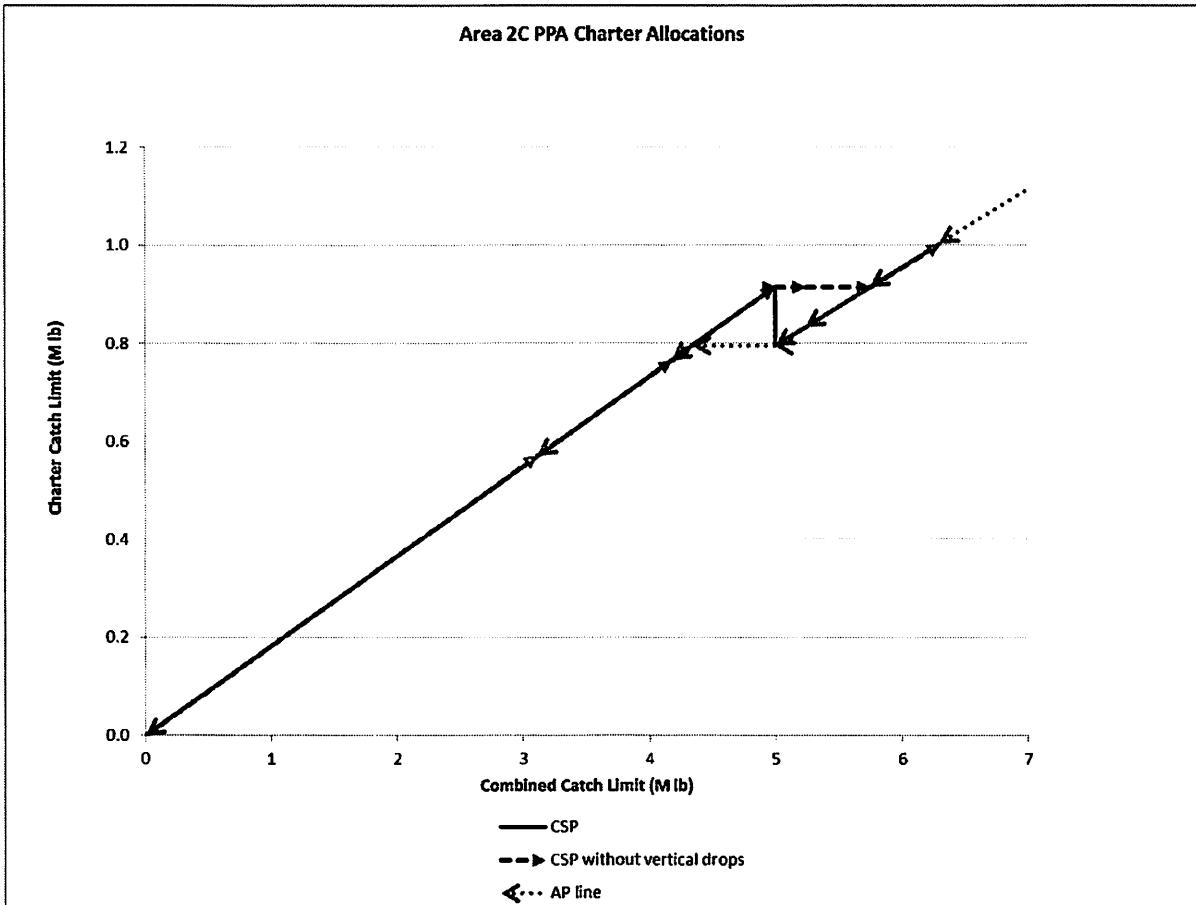
When CCL increases to the highest combined catch limit at the drop, use Method 4 as described in the analysis to establish the fixed pound allocation across that range until you reach the slope of the higher tier. When CCL decreases to the lowest point of the drop, fix the amount of pounds to the charter sector until you reach the slope of the line at the lower tier.*

The AP recommends that GAF can be returned at either of two dates: September 1 and a final return date of November 1. The AP requests an annual review of the GAF program.

The AP also requests the Council task staff to initiate analysis of the common pool compensated reallocation program as a long-term solution.

Motion passed 21/0.

*NOTE: The following figure provides a visual picture of the AP's motion on removing the drop. The red line (with arrow pointing to right) is followed when the CCL is increasing. The green line (with arrow pointing to left) is followed when the CCL is decreasing. If CCL changes direction when in the diamond area, you stay on the same line as the previous year.



The AP recommends the Council adopt Alternative 3 as the allocation basis for 2C and 3A. *Motion passed 14 to 6.*

Minority Report on C-1(b), Halibut CSP: A minority of the AP did not support this motion. A significant portion of those opposing believe that the allocation level in Alternative 3 is inadequate for the charter industry and in particular in Area 3A, where this alternative will reallocate over 1,000,000 pounds of halibut from the charter sector to the commercial sector, as referenced on page xxvii of the analysis. This would be over a 30% reduction in a steeply declining abundance. We believe this will cause undue financial harm to the charter industry and therefore fails to meet the problem statement.

Another portion of the AP minority did not support the motion because they believe that allocations from Alternative 2 should be the allocations for the CSP. Charter allocations as a percentage of the combined CCL in 2008 would have been 13% and 12.92% in 3A.

Signed by: Andy Mezirow, Tim Evers, Kurt Cochran, Becca Robbins Gisclair, Jeff Farvour and Alexis Kwachka.

C-2(b) Proposed Groundfish Harvest Specifications

The AP recommends the Council adopt the proposed Gulf of Alaska groundfish specifications for OFLs and ABCs as recommended by the Plan Team in item C-2(b) of the action memo, and set TACs equal to ABC (see **Attachment 1**) for all species except Pacific cod, which would be adjusted as shown on the bottom of page 3 of the action memo. *Motion passed 21-0.*

The AP recommends the Council set the 2013 and 2014 annual and seasonal Pacific halibut PSC limits and apportionments in the Gulf of Alaska as provided in the tables on pages 4-5 of the action memo. *Motion passed 21-0.*

The AP recommends the Council adopt the Pacific halibut discard mortality rates for the 2013-2015 CDQ and non-CDQ groundfish fisheries off Alaska as shown in Table 8 on pages 5-6 of the action memo. *Motion passed 21-0.*

The AP recommends the Council adopt the proposed Bering Sea/Aleutian Islands groundfish specifications for OFLs and ABCs as recommended by the Plan Team in item C-2(b) of the action memo, and set TACs as in the Council recommendations from December 2011 (see **Attachment 2**). *Motion passed 21-0.*

The AP recommends the Council adopt the PSC apportionments of Pacific halibut, crabs and herring for the Bering Sea/Aleutian Islands groundfish fisheries in 2013 and 2014 as provided in Tables 8a, 8b, 8c and 8d on pages 2-3 of the action memo. *Motion passed 21-0.*

C-3 Observer Program

The AP recommends that the Council request NMFS and the BSAI Pacific cod catcher vessel trawl fleet work together to develop a mechanism to allow 100% observer coverage for the 2013 season, with the additional costs to be borne by vessel owners.

The AP further recommends that that all trawl fleets in the Gulf of Alaska have the option to voluntarily carry 100% observer coverage at some times in the seasons, also with additional costs to be borne by vessel owners.

Motion passed 18-0.

The AP recommends that the Council:

1. Recommend that NMFS clarify how a release from observer coverage is granted, if the observer provider is unable to provide an observer. (OAC Rec. 1)
2. Recommend that NMFS reconsider the timing requirements for requesting a release from observer coverage, and inspecting a vessel that has made that request. (OAC Rec. 2)
3. Recommend to NMFS that vessels in the vessel selection pool should either have the option to go into the trip selection pool, OR all vessels should be in the trip selection pool, or reconsider shorter time periods in the vessel selection pool. (modified OAC Rec. 5)
4. Reaffirm that crew members should not be displaced by the requirement to have an observer onboard. (OAC Rec. 4)
5. Recommend that the difference between coverage in the vessel and trip selection pools be evaluated. (OAC Rec. 5)

6. Recommend that the agency's decision to use an equal rate of deployment between the trip selection and vessel selection strata be evaluated against the Council's original objectives for the restructured program. (OAC Rec. 6)
7. Recommend that the Council address a situation that has arisen with respect to assigning vessels to the partial versus the full coverage categories: requirement that if a vessel acts as a CP for any part of the year, it is placed in the full coverage category for all fisheries. (modified OAC Rec. 7)
8. Identify priorities for the 2013 deployment plan and direct NMFS to prioritize coverage rates in 2013 by fishery to meet Council priorities and management needs. Fisheries with PSC concerns (including Chinook salmon, halibut and Tanner crab) and management needs for accurate PSC counts should be prioritized for higher coverage levels. Coverage rates should be adjusted by taking coverage from previously unobserved vessels with less PSC concerns, consistent with the promised "low and slow approach."
9. Recommend that NMFS insert cost effectiveness measures into the deployment plan, to prevent expensive deployments to remote areas for insignificant amounts of catch.
10. Recommend that observer staff report back to the Council on the number of Lead Level 2 Fixed gear observers that are produced by the new program and that are available for deployment aboard Hook and Line CPs operating in the BSAI groundfish fishery.
11. Initiate a discussion paper as soon as possible that explores a long-term solution for observer coverage in the BSAI trawl Pacific cod catcher vessel fishery. (modified OAC Rec. 7)
12. The Council recommends the observer program to explore options for increased random coverage of specific fisheries based on management concerns. *Motion to add item #12 passed 20-0.*

Electronic Monitoring (EM)

1. Restate the management objective for the 2013 EM pilot project. (OAC Rec. 1)
2. Encourage NMFS to work cooperatively with industry regarding further development of the 2013 EM pilot project and the strategic plan referenced below. (modified OAC Rec. 2)
3. Recommend that the Council request that NMFS initiate the development of a strategic planning document for EM identifying the proposed management objective(s) or vision for EM in the next 3-5 years. (OAC Rec. 3)
4. The Council reaffirm that a goal for development of EM is to develop an alternative to use of human observers in the previously unobserved fleet.

Motion passed 20-0.

Minority Report on C-3 Observer Program: A motion to delete item #8 above, failed 7 to 12. A minority of the AP believe that observer data is important for a variety of reasons, including monitoring total catch for the purpose of addressing ACL requirements under revised National Standard One. Shifting observer coverage based solely on PSC concerns compromises the other goals of the observer program. Signed by: Lori Swanson, Anne Vanderhoeven, Jerry Downing, Matt Moir, Jan Jacobs, Kurt Cochran and Tom Enlow.

C-4 Steller Sea Lion Issues

The AP understands that the CIE and Independent Scientific Panel reviews of the Biological Opinion concluded there is no evidence for the hypothesized indirect effects of fishing on SSL prey species and the RPA measures contained in the Interim Final Rule will have no beneficial effects on SSLs.

The AP is concerned that NMFS does not have a plan to expeditiously modify the BiOp and resultant management measures. Given the findings of the CIE and the State Independent Scientific Review Panel the AP recommends that the Council request that NMFS:

1. Take appropriate regulatory action to vacate the management measures implemented by the interim final rule in time for the 2013 fishery and revert to 2001 measures except where no longer appropriate (e.g. HLA regs with 178 degrees west line and platooning), and adopt an expedited schedule for the EIS such that a new final rule could be in place in time for the 2014 fisheries; and
2. Immediately re-initiate consultation for the Central and Western Aleutian Islands and substantially revise the Biological Opinion to incorporate the conclusions and recommendations of the CIE and Independent Scientific Review Panel to meet the above schedule.

Motion passed 19-1, with 1 abstention.

The AP recommends the Council urge NMFS to continue to re-evaluate the Steller sea lion management measures throughout the western DPS. *Motion passed 21-0.*

C-5(a) Discussion paper on Am 80 vessel replacement with AFA vessels

The AP believes that further analysis of allowing AFA-qualified catcher-processors to replace Amendment 80 vessels is unnecessary. The action will destabilize North Pacific fisheries and is contrary to longstanding Council policy of protecting other sectors from harm from rationalized fisheries. The AP therefore recommends that the Council take no further action on this issue.

Motion passed 12-7, with 1 abstention.

Minority Report on C-5(a): The Advisory Panel motion represents a conclusion and final decision on this issue based on the assertion that allowing AFA vessels as Amendment 80 replacement vessels would destabilize North Pacific fisheries. The Agency discussion paper did not provide analysis to support this conclusion but rather identified this issue for further analysis based on input it received during drafting of the discussion paper.

The motion also asserts that this option is inconsistent with the longstanding Council policy of protecting to other sectors from rationalization. That conclusion ignores the fact that Amendment 80 sector is itself rationalized and is reached without a thorough review and analysis of the role of sideboards and other relevant regulations in the context of two separately rationalized fisheries.

The minority of the AP believe that this decision stands as a major component of the Amendment 97 package and is a decision that should be made by the Council, not by the Agency without Council guidance. The minority further believes that the Council decision must be based on a full analysis of the significant and substantive concerns that have been raised in the discussion paper requested by the Council and in public testimony. The minority agrees with the numerous statements in the discussion paper that information critical to an informed decision has not been developed. There are questions regarding the potential impacts of a Council decision on important Council policy concerns including efficiency, competition, safety and overcapitalization that have not been analyzed for Council action at this meeting.

Finally, a lack of consensus in public testimony and the Advisory Panel deliberations clearly demonstrates the need for an objective analysis.

Signed by: Jan Jacobs, Neil Rodriguez, Anne Vanderhoeven, Jerry Downing, Tom Enlow, Alexis Kwachka and Joel Peterson

C-5(b) Initial review of AFA Vessel Replacement GOA Sideboards

The AP received the report and asked to see the completed discussion paper in December. No vote was taken.

C-5(c) Final Action on FLL Vessel Replacement (MLOA adjustment)

The AP recommends that the Council take final action and move forward with Alternative 3 the preliminary preferred alternative, with options 3.3 and 3.4 (shown below). *Motion passed 20-0.*

Alternative 3: (PPA) The MLOA requirements on LLP licenses with catcher processor and hook-and-line Pacific cod endorsements for the BS or AI would not apply and the Council recommends that vessels named on these LLP licenses be authorized for use in the EEZ under the jurisdiction of the North Pacific Fishery Management Council, which is intended to clarify that these vessels are eligible to receive a certificate of documentation consistent with 46 U.S.C. 12113(d) and MARAD regulations at 46 C.F.R. 356.47

Option 3.3 (PPA) The MLOA on LLP licenses with catcher processor and hook-and-line Pacific cod endorsements for the BS or AI would be modified to 220' MLOA.

Option 3.4 (PPA) Owners of LLP licenses with catcher processor and pot cod endorsements will have 36 months from the implementation of this action to either surrender the pot cod endorsements and receive a LLP license at 220' MLOA or the current LLP length restriction would continue to apply.

C-6(a) Initial Review of BSAI Crab ROFR

The AP recommends that the Council move the Modifications to Community Provisions forward for public review and set for final action in December with the following changes:

- In the Purpose and Need Statement, replace the phrase “holding between 20 percent and 50 percent of the PQS” with the phrase “hold substantial portions of the PQS in each rationalized fishery.”
- The Purpose and Need Statement should also be amended to identify the need to improve notices of transfers.
- Under Action 2, Alternative 3, remove Option 1 & Option 2
- Add an additional notice to Action 5: To NMFS, as part of the annual application for IPQ, certification of a current ROFR agreement in place with the community/entity.

Motion passed 20-0, with 1 abstention.

C-6(b) Initial Review of BSAI Crab active participation requirements

The Advisory Panel recommends the Council take no further action on agenda item C-6(b) at this time. Rather, the Council should require the Bering Sea crab cooperatives to provide an annual report to the Council describing the measures they are taking to promote quota acquisition by crab crew members and active participants. These annual reports should include the following: a description of any efforts to promote QS acquisition by crab crew members and active participants and the number of transactions whereby QS is transferred to crab crew members and active participants. *Motion passed 15-6.*

Minority Report on C-6(b) Active Participation: *A minority of the AP did not support this motion and supported a substitute motion to change the requirement under a) to “be the named owner of a vessel” and add c) OR be a CDQ or non-CDQ community entity. The minority felt that the problem statement presents a valid concern and the Council should continue to move forward with regulatory action to require active participation in the crab fishery. Delegating addressing the issue to the co-op for non-*

regulatory action does not sufficiently address the problem. Forwarding this for further analysis will provide additional information about regulatory means to address this issue. Signed by: Tim Evers, Becca Robbins Gisclair, Alexis Kwachka, Chuck McCallum, Theresa Peterson and Ernie Weiss.

C-6(c) Discussion paper on BSAI Crab Cooperative Provisions for Crew

The Advisory Panel does not recommend moving forward with a regulatory amendment to address crew compensation at this time. *Motion passed 13-7.*

Minority Report on C-6(c) Crab Cooperative provisions: *A minority of the AP did not support this motion. The minority felt that the issues of crew pay, leasing, and amount of lease rates that could be charged against crew pay needs further addressing. The minority felt that the challenges of addressing this issue illustrate the need to get things right initially in a rationalization program. Impacts on crew was one of the greatest impacts of crab rationalization, and this issue deserves additional analysis. Signed by: Tim Evers, Jeff Farvour, Becca Robbins Gisclair, Alexis Kwachka, Chuck McCallum, Theresa Peterson and Ernie Weiss.*

C-6(d) Workgroup report on BSAI Crab Binding Arbitration – GKC

The AP accepted the workgroup report. *Motion passed 17-3.*

C-6(e) Discussion paper on Binding Arbitration Issues

The AP recommends that the Council move the discussion paper on binding arbitration forward for additional analysis, specifically on:

- The range of days from start of crab fishing season for lengthy season agreements
- Providing findings of arbitration to those parties involved
- Allowing either side to initiate arbitration proceedings

Motion passed 17-3.

Minority Report on C-6(e) Binding Arbitration Issues:

Lengthy season approach arbitration initiation deadline – Not one processor has asked harvesters to include the NPCA arbitration deadline in a lengthy season agreement, nor has any processor asked the arbitration associations to consider it. Until at least one processor has pursued this deadline through the existing system, it is simply not ripe for Council consideration.

Processor initiation of arbitration - Processors have the ability to initiate arbitration today; all they need to do is refuse to make a price offer for A share deliveries, or make a low ball price offer. In the allocated delivery market, harvesters have no alternative but to initiate arbitration. There is no evidence whatsoever that processors are prejudiced by the current system.

Explaining the basis for an arbitration decision to the proceeding participants – This is not the proposed change that Council staff was asked to analyze. It is a much less controversial system modification that is squarely within the jurisdiction of the arbitration organizations, and it has already been done once with their approval. This system modification does not require Council action.

Signed by: Edward Poulsen, Craig Lowenberg and Joel Peterson.

C-6(f) Crab Economic Data Reporting – Review forms and draft regulations

The AP believes the forms and draft regulatory package are consistent with the Council motion to revise EDR program and recommends the Council approve the package for implementation.

Motion passed 20-0.

D-1(a) Goals and objectives on CGOA trawl PSC tools

The AP recommends that the Council consider the following items when crafting a purpose and need statement to address concerns in the CGOA trawl fisheries:

Need

- 1) Stricter PSC management measures have been adopted in the CGOA trawl fisheries. The fishery management structure does not create individual vessel accountability to accomplish these new higher standards.
- 2) The MSA imposes Annual Catch Limits (ACLs) which can be difficult for the agency to manage since in some cases the CGOA trawl fleet catching capacity is higher than the seasonal catch limits.
- 3) The CGOA trawl Industry is over capitalized with more and more vessels entering the fisheries every year.
- 4) The public believes that the Gulf trawl industry can perform similarly to other trawl sectors such as AFA and A-80 yet the fleet does not have the same type of fishery management tools.
- 5) Maximum Retainable Allowances (MRAs) may result in regulatory discards, a direct conflict with NS 9 (minimize bycatch to the extent practicable).
- 6) The Halibut and Chinook salmon PSC caps coupled with the present limited access management structure compromises the ability of the trawl fleet to achieve Optimum Yield.
- 7) Voluntary fleet agreements do not provide the necessary regulatory authority for confidential data sharing, fleet enforcement mechanisms, or the ability to leverage penalties.
- 8) SSL measures require fishing to be spread out both temporally and spatially yet with the limited access fishery management structure it is extremely difficult to accomplish these goals.
- 9) Competition for PSC between sectors results in a race for fish which compromises the ability to reach OY.
- 10) The need to comply with National Standard 9 to reduce bycatch to the extent practicable.

Motion passed 19-0

Purpose

- 1) Balance National Standard objectives, particularly NS 1, to achieve Optimum Yield, and NS 9, to minimize bycatch to the extent practicable.
- 2) Provide mechanisms for harvesters and processors and catcher processors to manage operations to fish more slowly, strategically and cooperatively, to coordinate bycatch avoidance and best use of PSC bycatch.
- 3) Address National Standard 4, to provide fair and equitable allocations to promote conservation.
- 4) Allow for longer seasons and extended delivery patterns to stabilize both the harvesting and processing work force so that processors and harvesters can focus on increased product value and better utilization.
- 5) Management structure that does not erode investment in the fishery or dependency on the fishery for harvesters, processors, catcher processors and communities and not result in devaluation of one sector's capital assets to benefit a different sector.
- 6) Contains measures for improved monitoring and reporting.

- 7) Maintain the economic strength and vitality of the trawl fisheries working waterfront.
- 8) Consider developing measures to allow for efficiencies in the fishery and minimize costs, where practicable.
- 9) Promote fishing safety, fishery conservation and cost effective management, and be designed to provide social and economic benefits to fishery participants including harvesters, processors, catcher processors and communities dependent on the fisheries.
- 10) Provide effective controls of prohibited species catch and other bycatch to provide for balanced and sustainable fisheries and healthy harvesting and processing sectors.
- 11) Maintain or increase target fisheries landings and revenues to Kodiak.
- 12) Maintain or increase employment opportunities for vessel crew, processing workers, and support industries.
- 13) Provide increased opportunities for value-added processing.
- 14) Maintain opportunities for fishermen to enter the fishery.
- 15) Maintain opportunities for processors to enter the fishery.
- 16) Minimize adverse economic impacts of consolidation of the harvesting or processing sectors.
- 17) Maximize active participation by owners of harvest vessels and fishing privileges.
- 18) Maintain the economic strength and vitality of Kodiak's working waterfront.
- 19) Establish methods to measure success and impacts of all programs including collection and analysis of baseline and after-action data.

Motion passed 18-0.

The AP recommends that the Council adopt a control date of December 31, 2012. Any catch history after this date will not be considered in any allocation system when designing a future fishery management system. *Motion passed 17-0.*

The AP recommends the Council consider a separate but parallel action to address concerns for the Western GOA trawl fishery as action proceeds addressing the CGOA trawl fishery comprehensive bycatch, including adoption of a similar control date. *Motion passed 17-0.*

D-1(b) Discussion paper on VMS use and requirements

The AP recommends that the Council move the discussion paper forward for analysis. The AP also recommends another vessel size category of less than 40 feet LOA be added to the first bullet in the options for smaller operation exemptions. *Motion passed 14-3-1.*

Minority Report on D-1(b): *A minority of the AP does not support moving this discussion paper forward. The restructured Observer Program coupled with the Coast Guard Reauthorization Act should achieve many of the items outlined in the Purpose and Need Statement for this agenda item. VMS would duplicate equipment already existing on fishing vessels currently and required in the actions listed above and does not trigger an SAR event. Further, VMS is an unnecessary burden for many vessels already struggling for a future in Alaska's fisheries. Signed by: Jeff Farvour, Chuck McCallum and Julianne Curry.*

D-1(c) Review the Bering Sea Habitat Conservation Area Boundary

The AP applauds the efforts of the participants and recommends that the Council accept the agreement presented in the joint letter, and take no further action on this issue. *Motion passed 15-0.*

D-1(d) Discussion paper on Northern Bering Sea Research

The AP recommends that the Council forego any further development of a research plan for the Northern Bering Sea Research Area and maintain the current Bering Sea northern bottom trawl boundary.

Motion passed 15-0.

D-2 Staff Tasking

AP recommends the Council task staff with developing a white paper to be presented along with the Amendment 91 incentive plan reports that provides updated information on stock status of Western Alaska Chinook salmon and the most recent genetic stock identification information from BSAI Chinook salmon bycatch.

Motion passed 15-0.

GOA Groundfish - DRAFT October 2012 AP and SSC Proposed OFL and ABC Recommendations (mt) for 2013-2014 (Page 1)

Species	Area	2012				2013			2014		
		OFL	ABC	TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	W (61)		30,270	30,270	15,508		32,816	32,816		32,816	32,816
	C (62)		45,808	45,808	32,182		49,662	49,662		49,662	49,662
	C (63)		26,348	26,348	8,951		28,565	28,565		28,565	28,565
	WYAK		3,244	3,244	2,380		3,517	3,517		3,517	3,517
	Subtotal	143,716	105,670	105,670	59,021	155,402	114,560	114,560	155,402	114,560	114,560
	EYAK/SEO	14,366	10,774	10,774	-	14,366	10,774	10,774	14,366	10,774	10,774
	Total	158,082	116,444	116,444	59,021	169,768	125,334	125,334	169,768	125,334	125,334
Pacific Cod	W		28,032	21,024	13,194		29,120	21,840		29,120	21,840
	C		56,940	42,705	28,399		59,150	44,363		59,150	44,363
	E		2,628	1,971	342		2,730	2,047		2,730	2,047
	Total	104,000	87,600	65,700	41,935	108,000	91,000	68,250	108,000	91,000	68,250
Sablefish	W		1,780	1,780	1,129		1,757	1,757		1,757	1,757
	C		5,760	5,760	4,525		5,686	5,686		5,686	5,686
	WYAK		2,247	2,247	1,770		2,219	2,219		2,219	2,219
	SEO		3,176	3,176	2,516		3,132	3,132		3,132	3,132
	Total	15,330	12,960	12,960	9,940	15,129	12,794	12,794	15,129	12,794	12,794
Shallow-Water Flatfish	W		21,994	13,250	134		20,171	13,250		20,171	13,250
	C		22,910	18,000	1,955		21,012	18,000		21,012	18,000
	WYAK		4,307	4,307	-		3,950	3,950		3,950	3,950
	EYAK/SEO		1,472	1,472	-		1,350	1,350		1,350	1,350
	Total	61,681	50,683	37,029	2,089	56,781	46,483	36,550	56,781	46,483	36,550
Deep-Water Flatfish	W		176	176	5		176	176		176	176
	C		2,308	2,308	227		2,308	2,308		2,308	2,308
	WYAK		1,581	1,581	3		1,581	1,581		1,581	1,581
	EYAK/SEO		1,061	1,061	2		1,061	1,061		1,061	1,061
	Total	6,834	5,126	5,126	237	6,834	5,126	5,126	6,834	5,126	5,126
Rex Sole	W		1,307	1,307	215		1,283	1,283		1,283	1,283
	C		6,412	6,412	1,835		6,291	6,291		6,291	6,291
	WYAK		836	836	-		821	821		821	821
	EYAK/SEO		1,057	1,057	-		1,037	1,037		1,037	1,037
	Total	12,561	9,612	9,612	2,050	12,326	9,432	9,432	12,326	9,432	9,432
Arrowtooth Flounder	W		27,495	14,500	903		27,386	14,500		27,386	14,500
	C		143,162	75,000	13,852		142,591	75,000		142,591	75,000
	WYAK		21,159	6,900	30		21,074	6,900		21,074	6,900
	EYAK/SEO		21,066	6,900	65		20,982	6,900		20,982	6,900
	Total	250,100	212,882	103,300	14,850	249,066	212,033	103,300	249,066	212,033	103,300
Flathead Sole	W		15,300	8,650	251		15,518	8,650		15,518	8,650
	C		25,838	15,400	1,361		26,205	15,400		26,205	15,400
	WYAK		4,558	4,558	-		4,623	4,623		4,623	4,623
	EYAK/SEO		1,711	1,711	-		1,735	1,735		1,735	1,735
	Total	59,380	47,407	30,319	1,612	60,219	48,081	30,408	60,219	48,081	30,408

Sources: 2012 OFLs, ABCs, and TACs and 2013 OFLs and ABCs are from harvest specifications adopted by the Council in December 2011; 2014 OFLs and ABCs equal 2013; 2012 catches through September 1 from AKR Catch Accounting.

GOA Groundfish - Draft October 2012 AP and SSC Proposed OFL and ABC Recommendations (mt) for 2013-2014 (Page 2)

Species	Area	2012				2013			2014		
		OFL	ABC	TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pacific Ocean Perch	W	2,423	2,102	2,102	2,450	2,364	2,050	2,050	2,364	2,050	2,050
	C	12,980	11,263	11,263	10,355	12,662	10,985	10,985	12,662	10,985	10,985
	WYAK		1,692	1,692	1,682		1,650	1,650		1,650	1,650
	SEO		1,861	1,861	-		1,815	1,815		1,815	1,815
	E(subtotal)	4,095	3,553	3,553	1,682	3,995	3,465	3,465	3,995	3,465	3,465
	Total	19,498	16,918	16,918	14,487	19,021	16,500	16,500	19,021	16,500	16,500
Northern Rockfish	W		2,156	2,156	1,816		2,017	2,017		2,017	2,017
	C		3,351	3,351	2,996		3,136	3,136		3,136	3,136
	E		0	0	-		-	-		-	-
	Total	6,574	5,507	5,507	4,812	6,152	5,153	5,153	6,152	5,153	5,153
Shortraker Rockfish	W		104	104	95		104	104		104	104
	C		452	452	202		452	452		452	452
	E		525	525	217		525	525		525	525
	Total	1,441	1,081	1,081	514	1,441	1,081	1,081	1,441	1,081	1,081
Other Rockfish (Other slope)	W		44	44	246		44	44		44	44
	C		606	606	693		606	606		606	606
	WYAK		230	230	34		230	230		230	230
	EYAK/SEO		3,165	200	16		3,165	200		3,165	200
	Total	5,305	4,045	1,080	989	5,305	4,045	1,080	5,305	4,045	1,080
Dusky Rockfish	W		409	409	433		381	381		381	381
	C		3,849	3,849	3,462		3,581	3,581		3,581	3,581
	WYAK		542	542	2		504	504		504	504
	EYAK/SEO		318	318	-		296	296		296	296
	Total	6,257	5,118	5,118	3,897	5,822	4,762	4,762	5,822	4,762	4,762
Rougheye and Blackspotted Rockfish	W		80	80	30		82	82		82	82
	C		850	850	342		861	861		861	861
	E		293	293	150		297	297		297	297
	Total	1,472	1,223	1,223	522	1,492	1,240	1,240	1,492	1,240	1,240
Demersal shelf rockfish	Total	467	293	293	59	467	293	293	467	293	293
Thornyhead Rockfish	W		150	150	156		150	150		150	150
	C		766	766	292		766	766		766	766
	E		749	749	182		749	749		749	749
	Total	2,220	1,665	1,665	630	2,220	1,665	1,665	2,220	1,665	1,665
Atka mackerel	Total	6,200	4,700	2,000	1,176	6,200	4,700	2,000	6,200	4,700	2,000
Big Skate	W		469	469	59		469	469		469	469
	C		1,793	1,793	1,276		1,793	1,793		1,793	1,793
	E		1,505	1,505	40		1,505	1,505		1,505	1,505
	Total	5,023	3,767	3,767	1,375	5,023	3,767	3,767	5,023	3,767	3,767
Longnose Skate	W		70	70	20		70	70		70	70
	C		1,879	1,879	531		1,879	1,879		1,879	1,879
	E		676	676	95		676	676		676	676
	Total	3,500	2,625	2,625	646	3,500	2,625	2,625	3,500	2,625	2,625
Other Skates	Total	2,706	2,030	2,030	1,032	2,706	2,030	2,030	2,706	2,030	2,030
Squid	GOA-wide	1,530	1,148	1,148	13	1,530	1,148	1,148	1,530	1,148	1,148
Sharks	GOA-wide	8,037	6,028	6,028	538	8,037	6,028	6,028	8,037	6,028	6,028
Octopus	GOA-wide	1,941	1,455	1,455	122	1,941	1,455	1,455	1,941	1,455	1,455
Sculpins	GOA-wide	7,641	5,731	5,731	717	7,641	5,731	5,731	7,641	5,731	5,731
Total		747,780	606,048	438,159	163,263	756,621	612,506	447,752	756,621	612,506	447,752

Sources: 2012 OFLs, ABCs, and TACs and 2013 OFLs and ABCs are from harvest specifications adopted by the Council in December 2011; 2014 OFLs and ABCs equal 2013; 2012 catches through September 1 from AKR Catch Accounting.

BSAI Groundfish - DRAFT October SSC and AP Proposed OFL, ABC, and TAC Recommendations (mt) for 2013-2014

Species	Area	2012				2013			2014		
		OFL	ABC	TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	EBS	2,474,000	1,220,000	1,186,000	1,097,694	2,840,000	1,360,000	1,201,900	2,840,000	1,360,000	1,201,900
	AI	39,600	32,500	19,000	961	42,900	35,200	19,000	42,900	35,200	19,000
	Boggoslof	22,000	16,500	500	79	22,000	16,500	500	22,000	16,500	500
Pacific cod	BSAI	369,000	314,000	275,000	191,209	374,000	319,000	262,900	374,000	319,000	262,900
Sablefish	BS	2,640	2,230	2,230	526	2,610	2,200	2,200	2,610	2,200	2,200
	AI	2,430	2,050	2,050	859	2,400	2,020	2,020	2,400	2,020	2,020
Yellowfin sole	BSAI	222,000	203,000	202,000	95,142	226,000	207,000	203,900	226,000	207,000	203,900
Greenland turbot	Total	11,700	9,660	8,660	3,843	9,700	8,030	8,030	9,700	8,030	8,030
	BS	n/a	7,230	6,230	2,203	n/a	6,010	6,010	n/a	6,010	6,010
	AI	n/a	2,430	2,430	1,640	n/a	2,020	2,020	n/a	2,020	2,020
Arrowtooth flounder	BSAI	181,000	150,000	25,000	20,550	186,000	152,000	25,000	186,000	152,000	25,000
Kamchatka flounder	BSAI	24,800	18,600	17,700	9,302	24,800	18,600	17,700	24,800	18,600	17,700
Northern rock sole	BSAI	231,000	208,000	87,000	73,466	217,000	196,000	87,000	217,000	196,000	87,000
Flathead sole	BSAI	84,500	70,400	34,134	9,912	83,100	69,200	34,134	83,100	69,200	34,134
Alaska plaice	BSAI	64,600	53,400	24,000	10,105	65,000	54,000	24,000	65,000	54,000	24,000
Other flatfish	BSAI	17,100	12,700	3,200	3,208	17,100	12,700	3,200	17,100	12,700	3,200
Pacific Ocean perch	BSAI	35,000	24,700	24,700	17,641	33,700	28,300	28,300	33,700	28,300	28,300
	BS	n/a	5,710	5,710	1,465	n/a	6,540	6,540	n/a	6,540	6,540
	EAI	n/a	5,620	5,620	3,737	n/a	6,440	6,440	n/a	6,440	6,440
	CAI	n/a	4,990	4,990	4,206	n/a	5,710	5,710	n/a	5,710	5,710
	WAI	n/a	8,380	8,380	8,233	n/a	9,610	9,610	n/a	9,610	9,610
Northern rockfish	BSAI	10,500	8,610	4,700	2,161	10,400	8,490	4,700	10,400	8,490	4,700
Blackspotted/Rougheye rockfish	BSAI	576	475	475	162	605	499	499	605	499	499
	EBS/EAI	n/a	231	231	65	n/a	241	241	n/a	241	241
	CAI/WAI	n/a	244	244	97	n/a	258	258	n/a	258	258
Shortraker rockfish	BSAI	524	393	393	273	524	393	393	524	393	393
Other rockfish	BSAI	1,700	1,280	1,070	614	1,700	1,280	1,070	1,700	1,280	1,070
	BS	n/a	710	500	152	n/a	710	500	n/a	710	500
	AI	n/a	570	570	462	n/a	570	570	n/a	570	570
Atka mackerel	Total	96,500	81,400	50,763	32,165	78,300	67,100	42,083	78,300	67,100	42,083
	EAI/BS	n/a	38,500	38,500	22,386	n/a	31,700	31,700	n/a	31,700	31,700
	CAI	n/a	22,900	10,763	9,584	n/a	18,900	8,883	n/a	18,900	8,883
	WAI	n/a	20,000	1,500	195	n/a	16,500	1,500	n/a	16,500	1,500
Squid	BSAI	2,620	1,970	425	599	2,620	1,970	425	2,620	1,970	425
Skate	BSAI	39,100	32,600	24,700	17,469	38,300	32,000	24,746	38,300	32,000	24,746
Shark	BSAI	1,360	1,020	200	71	1,360	1,020	200	1,360	1,020	200
Octopus	BSAI	3,450	2,590	900	46	3,450	2,590	900	3,450	2,590	900
Sculpin	BSAI	58,300	43,700	5,200	4,398	58,300	43,700	5,200	58,300	43,700	5,200
Total	BSAI	3,996,000	2,511,778	2,000,000	1,592,455	4,341,869	2,639,792	2,000,000	4,341,869	2,639,792	2,000,000

Sources: 2012 OFLs, ABCs, and TACs and 2013 OFLs, ABCs, and TACs are from harvest specifications adopted by the Council in December 2011; 2014 OFLs, ABCs, and TACs equal 2013; 2012 catches through September 1 from AKR Catch Accounting.