

FINAL MINUTES
188th Plenary Session
North Pacific Fishery Management Council
June 4-10, 2008
Kodiak Best Western Hotel
Kodiak, Alaska

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APPROVED: E. Olson
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FINAL MINUTES

188th Plenary Session
North Pacific Fishery Management Council
June 4-10, 2008
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The North Pacific Fishery Management Council met June 4-10, 2008 at the Best Western Inn in Kodiak, Alaska. The Scientific and Statistical Committee met June 2-4, at the Fishermen's Hall and the Advisory Panel met June 2-7 at the Elk's Club, in Kodiak. The following Council, staff, SSC and AP members attended the meetings.

Council Members

Eric Olson, Chair
Doug Mecum/Sue Salvesson
Greg Balogh
Dave Benson
John Bundy, Vice Chair
Sam Cotten
Ed Dersham
Duncan Fields

Dave Hanson
Roy Hyder
Denby Lloyd/Dave Bedford
Gerry Merrigan
Bill Tweit for Jeff Koenings
LCDR Lisa Ragone for RADM Brooks
Nicole Ricci

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Jeannie Heltzel
Nicole Kimball

Peggy Kircher
Jon McCracken
Chris Oliver
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Troy Buell
Bill Clark
Keith Criddle, Vice Chair
Anne Hollowed
George Hunt
Kathy Kuletz

Seth Macinko
Franz Mueter
Lew Queirolo
Terry Quinn II
Farron Wallace
Doug Woodby

Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
John Crowley
Julianne Curry
Tom Enlow
Tim Evers
Bob Gunderson
John Henderschedt
Jan Jacobs
Bob Jacobson

Simon Kinneen
Chuck McCallum
Mike Martin
Matt Moir
John Moller
Rex Murphy
Ed Poulsen
Michelle Ridgway
Beth Stewart
Lori Swanson

Appendix I contains the public sign-in register, and a tape log of Council proceedings, including those providing reports and public comment during the meeting.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:05 a.m. on Tuesday, June 4, 2008. Jerome Selby, Mayor of the Kodiak Borough and Jack Maker, Kodiak City Council member, welcomed the Council to Kodiak and addressed issues of interest and concern to Kodiak.

Agenda. The agenda was approved as published, with minor scheduling changes.

Minutes. The minutes of the April 2008 NPFMC meeting were approved as submitted.

[NOTE: Mr. Tweit participated in the entire meeting in place of Dr. Koenings.]

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1); NMFS Management Report (B-2); ADF&G (B-3); USCG Report (B-4); USF&WS Report (B-5); NMFS Enforcement (B-6) and Protected Species Report (B-7). Following are brief recaps of discussion or action taken during reports.

Executive Director's Report

Mr. Oliver advised the Council of nominations received for the SSC and groundfish plan teams. The SSC will provide comments to the Council on the plan team nominations. The Council discussed the

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nominations during an executive session later in the meeting week and announced the appointments during staff tasking.

Mr. Oliver's report also provided an update of the Council Magnuson-Stevens Act issues, including NEPA compliance measures and annual catch limits (ACLs). The Council received presentations on these two issues (Steve Leathery on NEPA and Richard Methot on ACLs). Mr. Oliver will continue working with the other councils to develop recommendations on NEPA changes as well as draft a letter of NPFMC comments and circulate them among Council members before submission. With regard to ACLs, Mr. Oliver will work with a SSC subcommittee and plan team members to develop comments on that proposed rule and circulate a draft of those comments among Council members.

Additionally, Mr. Oliver noted that there is concern among all the fishery management councils that the current direction by the MPA Center is not addressing concerns submitted by the NPFMC and other fishery management councils and suggested the Council may want to submit another letter indicating those continuing concerns and noting that MPA Center's recent response does not adequately address those concerns.

Mr. Oliver also provided a letter received from a 'Fisheries Leadership and Sustainability Forum' which proposes a workshop to 'educate' Council members. Mr. Oliver is seeking further information on the sponsor and the aim of the workshop, noting that NMFS has the regulatory responsibility for providing Council members with training.

Mr. Oliver is also seeking more information on an email from the Ocean Program of the Environmental Law Institute which proposes exploring the potential for an integrated marine ecosystem management pilot program. Mr. Oliver will report back to the Council when more information is available.

NMFS Management Report

Sue Salveson provided an update on the status of FMP and regulatory amendments, the in-season management report, and reviewed a discussion paper on NMFS permit fees. The Council discussed the proposed amendment for permit fees and deferred further discussion and action to Staff Tasking. Ms. Salveson also noted that the Administration has requested a list of priority amendments to be submitted.

At a previous meeting Mr. Fields asked for an update on a provision within an amendment to the sablefish/halibut IFQ program that would allow inactive IFQ permits to be redistributed by lottery if the quota share removed from the QS pool was greater than 50,000 lbs. Ms. Salveson noted that the amount of unused QS continues to decline and NMFS has not begun rulemaking on that provision. Mr. Fields asked whether the Council needs to revisit that particular provision and revise it, or whether NMFS will just wait for unused QS to decline until it is under 50,000 lbs. Ms. Salveson responded that NMFS has not begun work on this provision because of higher priority amendments and the specifics and complexities of removing QS from the QS pool will require considerable staff time.

John Lepore (NOAA General Counsel) briefed the Council on a recent lawsuit challenging the new charter regulations in IPHC Area 2C noting that the plaintiffs have requested a restraining order. A hearing on that order was scheduled for that day. [Later in the meeting the Council was advised that a restraining order had been issued and there would be further hearings within the next two weeks.]

ADF&G Report

Herman Savikko provided an overview of State-managed fisheries of interest to the Council.

USCG Report

LCDR Lisa Ragone provided an update on 17th District Coast Guard activities through May 8, 2008, including fisheries enforcement, marine safety and rescue operations.

USFWS

Greg Balogh provided a written report covering Yukon River salmon management, spectacled eiders, seabird and marine mammal surveys, the Kittlitz's Murrelet, short-tailed albatross, and the recent listing of the polar bear as threatened. Douglas Burn (USFWS staff) provided an update on designation of sea otter critical habitat.

Protected Species Report

Bill Wilson briefed the Council on a petition to list Pacific walrus as a threatened or endangered species, progress in developing a recovery plan for the Southwest Alaska DPS of the northern sea otter, and a delay in the decision on listing the Cook Inlet beluga whale under the ESA. Kaja Brix (NMFS-AKR) briefly reviewed a May 1, 2008 letter from the Acting Administrator, NMFS Alaska Region, advising the Council that the Agency will not be able to complete the draft BiOp until 2009 because of the amount and complexity of the data involved. Council members were concerned about the delay and indicated that completing the BiOp should be of highest priority. Staff also noted that the Council's request to begin the process for de-listing the Eastern population would not be pursued until the draft BiOp is completed because of staff availability. The Council requested that a letter be sent to NMFS asking for a new BiOp an EIS schedule. The Council approved a draft letter under Staff Tasking.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

Each agenda item will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide an "historical" background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will **not** be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 Halibut Subsistence

ACTION REQUIRED

Initial Review/Final Action to revise eligibility for rural residents of Alaska

BACKGROUND

The Council has received requests from the public to revise the criteria for rural residents to participate in the subsistence halibut program since the program was implemented in 2003. Under the current program, individuals who do not reside within the legal boundaries of the listed places for rural eligibility are prohibited from participating. The proposed action would open subsistence

halibut fishing opportunities for these rural residents of Alaska. The analysis estimates that approximately 400 participants would harvest 70,000 lb of halibut under Alternative 2. Some of these people had previously held a subsistence halibut area registration certificate, which were either not renewed or voluntarily surrendered after they were found to be ineligible. If Alternative 2 is implemented, rural residents who reside within a designated 10 statute mile boundary, adjacent to the waters of the Pacific, would be eligible to subsistence fish for halibut. This action would not open eligibility to urban residents, nor would it open non-subsistence areas to subsistence fishing. This action would not remove the current list of eligible rural places, but would add clarifying text and maps to the regulations, as necessary. The analysis was mailed to the Council on May 2, 2008 and a revised set of maps was mailed on May 12, 2008. The revised analysis is provided under Item C-1(a). The alternatives are listed below.

Alternative 1. No action

Alternative 2. Excluding all non-subsistence areas, allow residents to be deemed eligible to harvest Pacific halibut under subsistence regulations if they reside within 10 statute mi (mean high waters) of the coast outside all non-subsistence areas of SE Alaska east of 141 deg. long. and all of the Alaska Peninsula, Aleutian Islands, Nunivak Island, and Kodiak Island south of Bristol Bay Borough and a line of latitude that approximates the Naknek River and within 10 statute mi (mean high waters) of the coast from Naknek River north to Cape Espenberg, and all other areas within 10 statute miles of the coast from Dixon Entrance to Cape Espenberg.

At this meeting, the Council will take final action on this issue.

Report of the Scientific and Statistical Committee

The SSC recommended the analysis be released for public review with minor edits/corrections. Please see the SSC Minutes, Appendix II to these minutes, for specific comments.

Report of the Advisory Panel

The AP recommends the Council adopt Alternative 2 (as written) with the following amendments for final action:

A person would be considered a rural resident for purposes of subsistence halibut fishing if he or she ~~resided~~ is domiciled in a community with a customary and traditional use of halibut or in one of the following rural areas of Alaska:

- Southeast Alaska east of 141 degrees west longitude, except for the non-rural areas of Juneau and Ketchikan;
- The Alaska Peninsula, Aleutian Islands, Kodiak Island Archipelago, south of the Bristol Bay Borough and south of 58 degrees 39.2 minutes north latitude;
- Nunivak and St. Lawrence Islands; and
- All other areas of Alaska within 10 statute miles of the marine coastline of the Bering Sea and Pacific Ocean, as measured from mean high water and that are not specified as non-rural areas. (Cape Prince of Wales)

The AP further recommends that the Council direct NMFS to include subsistence area maps in future SHARC card mailings for clarity.

COUNCIL DISCUSSION/ACTION

The Council received a report on the proposed regulatory amendment from Jane DiCosimo (NPFMC staff), reports from the SSC and AP, and oral public comment on this issue.

Gerry Merrigan moved the Council approve the following alternative:

A person would be considered a rural resident for purposes of subsistence halibut fishing if that person resides in a community with customary and traditional use of halibut or in one of the following rural areas of Alaska:

- **Southeast Alaska east of 141 W. longitude, except for the non-rural areas of Juneau and Ketchikan;**
- **The Alaska Peninsula, Aleutian Islands, Kodiak Island Archipelago, and the area south of the Bristol Bay Borough and south of 58.39.2 N latitude;**
- **Nunivak and St. Lawrence Islands; and**
- **All other areas of Alaska within 10 statute miles of the maritime coastline of the Bering Sea and Pacific Ocean south of Cape Espenberg, as measured from mean high water and that are not specified as non-rural areas.**

The motion was seconded by Duncan Fields.

Mr. Merrigan noted that this action is intended to rectify an unintentional consequence of the wording of the original subsistence action, by providing subsistence halibut opportunities for some rural residents of Alaska that were inadvertently excluded by that action and is not intended to exclude those persons currently qualified for halibut subsistence. The action does not include non-rural residents nor does it include residents residing within non-subsistence areas so as to not expand eligibility beyond the original intent. Mr. Merrigan urged implementation by the summer of 2009 if possible.

It was also clarified that this action would not change current requirements for the program with regard to residency and other applicable regulations.

Denby Lloyd moved to amend to include all of Nelson Island. The motion was seconded by Ed Dersham and carried without objection. Although the original motion would appear to include the residents of Nelson Island, Mr. Lloyd offered the motion to clarify Council intent.

The motion, as amended, carried unanimously.

C-2 Chinook Salmon Bycatch

ACTION REQUIRED

Initial review of the Bering Sea Chinook Salmon Bycatch Management EIS/RIR/IRFA

BACKGROUND

The initial review draft of the Chinook Salmon EIS/RIR/IRFA was completed and mailed out on May 16th. This document analyzes the impacts associated with the suite of management alternatives for Chinook salmon as modified by the Council in April 2008. At that time, the Council bifurcated

the analysis in order to evaluate Chinook and chum salmon in different amendment packages. Discussion of the chum salmon alternatives is currently scheduled for October 2008. The Chinook salmon bycatch analysis is scheduled for initial review at this meeting.

The executive summary of the analysis is attached as Item C-2(a). The tables of contents for the EIS/RIR/IRFA are included as Item C-2(b). At this meeting the Council may choose to select a preliminary preferred alternative (PPA). Due to the complexities of the alternatives included for analysis, selection of a PPA at the time is desirable in order to focus the impacts analysis and indicate to the public in the draft EIS/RIR/IRFA (to follow) the direction the Council is considering in their choice of preferred alternative. Final selection of a preferred alternative will occur at final action. Should the Council identify a PPA at this meeting, it is the intent of staff to analyze it and include discussion of the PPA and related impacts thereof in the draft EIS/RIR/IRFA prior to its release. The current schedule for Council action on this analysis is for initial review in June, release of the draft EIS/RIR/IRFA for public comment over the summer and final action by the Council in December 2008. A detailed schedule including a time-frame for both a 45 day and 60 day public comment period and the time frame for analysis in order to meet December final action is attached as Item C-2(c).

Report of the Scientific and Statistical Committee

The SSC recommended the completed EIS/RIR/IRFA be released for public review. The SSC noted that while the analysis does as much as possible to show what the impact of various bycatch management measures would have been in the years 2003-07, there remains a great deal of uncertainty about what the impact of those measures might be in future years. Please see the SSC Minutes, Appendix II to these minutes, for comments and recommendations to the analysts for future work on this issue.

Report of the Enforcement Committee

The enforcement precept paper states that where possible, directed fishing closures should be avoided in favor of closures to fishing for all species, however, the Committee realizes that this is impractical given the multispecies fisheries that take place in the areas being considered. Therefore, the Committee is amenable to closures for only directed pollock fishing, and reminds the Council that this will make enforcement more challenging.

Report of the Advisory Panel

The AP recommends Council adopt the following:

Case Study "Bookend" Alternatives

	<u>Alternative 1</u>	<u>Alternative 2</u>
Hard Cap	87,500	47,600
A-B Season Split	70/30	50/50
Rollovers A/B	Allowed	Prohibited
Sector Split	Historic 3-year	Proportional to pollock Allocation
Transfers	Allowed at 90 percent	Allowed at 50 percent
Triggered Closure	68,100	None
	Triggered closures with ICA management	

1. Clarify that transferring applies to transfers to and from other sectors when inshore is allocated at the coop level

2. Analysis should examine rollover of unused salmon along with transferability
3. Analysis should examine post-harvest transfer to mitigate overages

Additionally, the AP recommends the Council release the document for public review with the following additions:

- Clarification from staff on a discussion of the problems with precisely estimating the distribution of "saved" Chinook salmon.
- Amplify the discussion (as available data permits) on the AEQ impacts to smaller stocks, such as the North Peninsula, and to graphically portray the AEQ impacts through time to the specific salmon fisheries.

COUNCIL DISCUSSION/ACTION

The Council received a review of the EA/RIR/IRFA from Diana Stram (NPFMC staff), Jim Ianelli (AFSC staff), Scott Miller (NMFS-AKR) and Sally Bibb (NMFS-ARK), reports from the SSC and AP, and oral public comments on this agenda issue.

Denby Lloyd moved the following:

The Council directs staff to provide analysis on the preliminary preferred alternative specified below in addition to those in the existing analysis and release the resulting EIS/RIR/IRFA for public review. For a complete description of alternatives in the existing analysis, see Chapter 2 of the BSAI Salmon Bycatch EIS Initial Review Draft (dated May 15, 2008).

Alternative 4: Preliminary preferred alternative

Alternative 4 would establish a Chinook salmon bycatch cap for each pollock fishery season which, when reached, would require all directed pollock fishing to cease for that season. Components 2-4 specify the allocation and transferability provisions associated with the cap.

Component 1: Hard cap with option for ICA regulated incentive system

**Annual scenario 1: Hard cap with an ICA that provides explicit incentive(s) to promote salmon avoidance in all years
Hard cap if an ICA is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years:**

Overall cap: 68,392, allocated by season and under Components 2-4 as described below

For those operations that opt out of such an ICA, the hard cap will be established as follows:

- Overall cap: 32,482**
- CDQ allocation: 2,436**
- Non-CDQ cap: 30,046**

All salmon bycatch attributed to the AFA pollock trawl fleet will accumulate against this lower cap, but only those operations not in the ICA will be required to stop

fishing when the CDQ or non-CDQ cap has been reached. This backstop cap of 32,482 will not be allocated by sector, so all other components in Alternative 4 are not relevant to this backstop cap. (In absence of a sector allocation for this backstop cap a 7.5% allocation applies to the CDQ sector by default, and the remaining 92.5% is set as the non-CDQ cap.)

ICA requirements:

- **An ICA must provide incentive(s) for each vessel to avoid salmon bycatch under any condition of pollock and salmon abundance in all years.**
- **Incentive measures must include rewards for salmon bycatch avoidance and/or penalties for failure to avoid salmon bycatch at the vessel level.**
- **The ICA must specify how those incentives are expected to promote reductions in actual individual vessel bycatch rates relative to what would have occurred in absence of the incentive program. Incentive measures must promote salmon savings in any condition of pollock and salmon abundance, such that they are expected to influence operational decisions at bycatch levels below the hard cap.**

Annual reporting:

- **The ICA must be made available for Council and public review.**
- **An annual report to the Council will be required and must include:**
 - 1) **a comprehensive explanation of incentive measures in effect in the previous year,**
 - 2) **how incentive measures affected individual vessels, and**
 - 3) **evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures.**

Annual scenario 2: Hard cap in absence of an ICA with explicit incentive(s) to promote salmon avoidance

Hard cap in absence of an ICA that provides explicit incentive(s) to all participants to avoid salmon bycatch in all years:

Overall cap: 47,591, allocated by season and under Components 2-4 as described below

Seasonal distribution of caps

Any hard cap would be apportioned between the pollock A and B seasons. The seasonal distribution is 58/42, based on the average distributional ratio of salmon bycatch between A and B seasons in the 2000-2007 period.

Seasonal rollover of caps

Unused salmon from the A season would be made available to the recipient of the salmon bycatch hard cap in the B season within each management year at an amount up to 80% of the recipient's unused A season bycatch cap.

Component 2: Sector allocation

Separate sector level caps will be distributed within each season for the CDQ sector and the three remaining AFA sectors, the inshore catcher vessel (CV) sector, the mothership sector, and the offshore catcher processor (CP) sector, as follows:

A season: CDQ 9.3%; inshore CV fleet 49.8%; mothership fleet 8.0%; offshore CP fleet 32.9%

B season: CDQ 5.5%; inshore CV fleet 69.3%; mothership fleet 7.3%; offshore CP fleet 17.9%

This distribution is based on the 5-year (2002-2006) historical average of the annual proportion of salmon bycatch by sector within each season, adjusted by blending the bycatch rate for CDQ and non-CDQ partner sectors. It is also weighted by the AFA pollock allocation for each sector; in each season, the proportional allocation by sector comprises the adjusted 5-year historical average by sector weighted by 0.75 for the salmon bycatch history and the AFA pollock allocation by sector weighted by 0.25.

Component 3: Sector transfers

Allocate salmon bycatch caps to each sector and allow the entity representing each non-CDQ sector and the CDQ groups to transfer salmon bycatch trigger caps among the sectors and CDQ groups. (NMFS does not actively manage the salmon bycatch allocations).

Component 4: Cooperative provisions

Each inshore cooperative and the inshore open access fishery (if the inshore open access fishery existed in a particular year) shall receive a salmon allocation managed at the cooperative level. If the cooperative or open access fishery salmon cap is reached, the cooperative or open access fishery must stop fishing for pollock.

The initial allocation of salmon by cooperative within the shore-based CV fleet or to the open access fishery would be based upon the proportion of total sector pollock catch associated with the vessels in the cooperative or open access fishery.

Cooperative transfers

When a salmon cooperative cap is reached, the cooperative must stop fishing for pollock and may transfer salmon bycatch from other inshore cooperatives, CDQ groups, or entities representing non-CDQ groups (industry initiated).

The motion was seconded.

Mr. Lloyd pointed out that he is hoping that an intercooperative agreement (ICA) can be developed to provide incentives to stay well below the cap and that industry will provide the Council with suggestions for incentive programs that could change fishing behavior to reduce salmon bycatch.

It was clarified that the season rollover and distribution of caps apply to both scenarios. Additionally, staff noted in absence of further Council direction that under status quo CDQ groups would receive 7.5% of a single overall cap. There was some concern over operational and accounting issues in that situation.

There was also discussion of intercooperative agreements and how much authority the Council has in mandating specific requirements and how those requirements could be monitored. Staff indicated that current regulations include certain requirements for ICAs, including annual reporting and incentive measures. However, NMFS has a limited ability to disapprove an ICA that includes those broad requirements. If the Council includes more specific requirements it is likely that an appeals process would be necessary.

The following amendments were made to the main motion:

Bill Tweit moved to amend Component 1 to provide an overall cap of 74,375. The motion was seconded by Dave Benson and failed 7-4, with Benson, Bundy, Hyder and Tweit voting in favor.

Bill Tweit moved to amend to set the distribution of seasonal caps at 70/30. The motion was seconded by Dave Benson and carried without objection.

Roy Hyder moved to amend the amount of 'Seasonal rollover of caps' to be set at 100% of unused salmon from the A season to be made available to the recipient of the salmon bycatch hard cap in the B season within each management year. The motion was seconded and failed 8 to 3, with Benson, Bundy, and Hyder voting in favor.

Dave Benson moved to delete the word "trigger" from Component 3 (sector transfers). The motion was seconded by Bill Tweit and carried without objection. This was noted as an editorial change.

The main motion, as amended, carried 9 to 2, with Benson and Hyder voting against.

The amended motion is included as Appendix III to these minutes.

C-3 BSAI Crab Issues

ACTION REQUIRED

(a) Amendment to cost recovery fee program, selection of a preferred alternative.

BACKGROUND

Under the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs, NOAA Fisheries collects fees to cover the costs of implementation of the rationalization program and to subsidize the Federal loan program for quota share purchases. The action is necessary to allow NOAA Fisheries the flexibility to reduce the portion of collected fees that are allocated to subsidize loans. The action would not affect timing of implementation of the loan program or the terms of that program. A copy of the analysis is attached (Item C-3(a)(1)).

(b) Report of the Crab Advisory Committee

At its April 2008 meeting, the Council tasked its Crab Advisory Committee to examine the following four issues:

- 1. Underutilization of Western Aleutian Islands golden king crab;**
- 2. Adequacy of rights of first refusal to provide long-term community protection;**
- 3. Long-term protection of crew under the program; and**
- 4. Emergency relief from regional landing requirements.**

The committee met April 29 to discuss these issues. A copy of the minutes from that meeting are attached as Item C-3(b)(1).

For reference, a copy of the Council's larger motion is attached as Item C-3(b)(2).

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

(a) Amendment to cost recovery fee program.

The AP recommends the Council select Alternative 3.

Additionally, the AP recommends the Council request a yearly update on the buyback program and the progress the fleet is making on paying off the bill.

(b) Crab Rationalization Program Issues

The AP recommends that Council make no changes to the current elements and options regarding the BSAI Crab rationalization program. Further, the AP recommends the Council direct the Crab Advisory Committee to report to the Council at the December 2008 meeting with their final recommendations on the issue of emergency relief from regionalization.

COUNCIL DISCUSSION/ACTION

The Council received a review of the analysis for the amendment to the regulations for the crab rationalization cost recovery fee program from Glenn Merrill (NMFS-AKR staff) and a review of the report from the Crab Advisory Committee from Mark Fina (NPFMC staff), recommendations from the Advisory Panel, and oral public comments on this issue. The Council also received a report from the Pacific Northwest Industry Crab Committee on its recent meeting on Metadata.

(a) Cost Recovery Fee Program

Gerry Merrigan moved to approve Alternative 3:

Modify FMP text to provide NMFS discretion to determine the amount of fees set aside for loan financing.

Proposed FMP text modifications:

1.8.1.8 Loan program for crab QS

A low-interest rate loan program consistent with MSA provisions, for skipper and crew purchases of QS, shall be established for QS purchases by captains and crew members using up to 25% of the Crab IFQ fee program funds collected. . . .

11. Cost recovery definition - . . .

A loan program for share purchases would be established with up to 25 percent of the fees collected. The motion authorized the collection of up to 133 percent of actual costs of management under the new program, which would provide for 100 percent of management costs after allocation of up to 25 percent of the cost recovery to the loan program. NMFS will assign no more than the minimum amount of fees required to aid in loan financing. No fees would be assigned for loan financing unless required.

The motion was seconded and carried unanimously.

(b) Crab Rationalization Program

The Council received a staff report from Mark Fina and oral public comments on this issue.

Gerry Merrigan moved the following:

The Council requests staff to initiate a discussion paper on "emergency relief from the regional delivery requirement" including the use of civil contracts between harvesters, processors, and the designee of the affected community. The civil contracts are intended to facilitate, clarify, and streamline the process that may result in a waiver of the regionalization requirement by NMFS.

The motion was seconded and carried without objection.

With regard to timing for the discussion paper, it was understood that staff is already tasked with the 3-year review and other crab actions, but the Council indicated a desire to have the discussion paper as quickly as possible as requested during public comment. Staff indicated that while the discussion paper could be provided by October, work on the other tasks may suffer.

Gerry Merrigan moved to request the Crab Committee continue to work on the remaining issues previously assigned with the order of priority as follows: (1) crew issues; (2) Right of First Refusal (ROFR); and (3) Western Aleutian Islands golden king crab (WAIGKC). The motion was seconded.

Bill Tweit moved to amend to reword as follows: Gerry Merrigan moved to request the Crab Committee continue to work on the remaining issues previously assigned giving the highest priority to crew issues. The amendment was seconded by Gerry Merrigan and carried without objection.

Duncan Fields moved to amend:

Restate the language of the April motion regarding crew:

"Long-term crew participation in the program. The initial issuance of C shares was limited to skippers and, although the skipper/crew loan program was recently implemented to support long-term investments, the high cost of IFQ and low turnover rate in IFQ ownership provide very few actual investment opportunities and made it difficult for some long-term participants to secure and maintain their full positions in the fisheries. The Council has determined that this problem requires additional analysis."

Therefore the Council tasks its crab advisory committee to work with Council staff in developing the following options for long-term crew equity and participation. It is anticipated that the committee will work in good faith to develop necessary elements and options within each alternative and not comment regarding the merits of the alternatives.

Alternative 1. Status quo.

Alternative 2. (Incorporate the language in Alternative 2 in the April motion to Committee).

Alternative 3. Up to 20% of the total TAC for each BSAI crab fishery be allocated annually to a "pool" that is distributed as "C" shares to "qualified crewmen."

Alternative 4. Up to 40% of that portion of the TAC for each BSAI crab fishery that is above the average of the TAC level in the qualifying years, be allocated to annually to a pool that would be distributed as "C" shares to "qualified crewmen."

Alternative 5. For those crewmen that have received 1099 income from BSAI crab fisheries for two or more years, set a minimum amount for their crew shares as follows: No less than 5, 6 or 7% of the vessel's gross earnings less food, fuel, bait and taxes, for the time the crewman is aboard the vessel.

It is expected that the committee will complete its work on long-term crew equity and participation alternatives prior to the December 2008 meeting. The BSAI crab plan crew equity and participation alternatives will be scheduled for the Council's review, as a distinct agenda item, at the December 2008 meeting.

The motion was seconded by Sam Cotten.

Mr. Fields noted that testimony during the meeting indicated that the Council needs to provide an array of alternatives with regard to crew participation and equity for committee consideration rather than just the broader issue of 'crew issues'.

With regard to Alternative 5, John Lepore (NOAA General Counsel) noted concern about the legality of setting a minimum limit or percentage for crew shares, but that General Counsel will look into the issue during staff analysis.

Some Council members noted that this particular issue -- re-addressing the April motion -- was not specifically included in the published agenda and that it may be better to direct staff to work with representatives of crew interests to work out specific details for the Crab Committee's consideration.

Denby Lloyd moved to amend Mr. Fields' motion, as follows: Strike all text relating to restating the April motion regarding crew (lead in statement and the text in quotes). The motion was seconded and carried, 9 to 2, with Fields and Hyder voting against.

Denby Lloyd moved to amend to delete the remaining portion of Mr. Fields' amendment and substitute it with: The Council directs staff to work with crew representatives to help them clearly craft wording for alternatives that would encompass the ones listed in Mr. Fields' original motion as well as the alternatives listed in the hand-out submitted by the Crewmen's Association to craft alternatives in the normal way alternatives are associated with Council deliberation so that those alternatives can be provided to the Crab Advisory Committee for further discussion at its next meeting. The motion was seconded and carried with Roy Hyder objecting.

Mr. Fields proposed a motion to direct staff not to expend time on the alternative that involves the State severance tax if it is found outside the Council's authority. However the motion was withdrawn after Mr. Lloyd noted that it was not his intention that staff would be making judgments or determinations regarding the alternatives proposed by industry, only that they would assist in crafting the proper wording for Committee and Council discussion. Mr. Fields noted that his intent was to highlight that staff resources and time should not be spent on something that may be beyond the scope of Council authority.

Mr. Tweit suggested that staff may wish to consider holding a day-long workshop for crew representatives to save time meeting and get the broadest participation possible.

The amendment carried without objection. It was determined that this carried the main motion as amended.

C -4 GOA Groundfish

(a) Gulf of Alaska Fixed Gear LLP Recency

ACTION REQUIRED

Initial Review of GOA fixed gear LLP recency analysis (EA/RIR/IRFA)

BACKGROUND

In October 2007, the Council reviewed a staff discussion paper which presented preliminary data on the potential effects of the proposed GOA fixed gear LLP recency action. At that time, the Council revised the components and options for analysis. Specifically, the Council added 2006 to the range of qualifying years (options currently include 2000-2005, 2000-2006, 2002-2005, and 2002-2006), and included options to add Pacific cod endorsements to fixed gear licenses.

Under the existing set of options, the proposed amendment would have two primary outcomes:

(1) First, the action would remove Western and Central GOA area endorsements from fixed gear LLP licenses that do not have recent catch history in the parallel or federal waters groundfish fisheries, in effect reducing the number of fixed gear licenses eligible to participate in the groundfish fisheries in federal waters of the GOA.

(2) Second, the action would add Pacific cod endorsements to fixed gear licenses. Licenses would be required carry a Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in federal waters of the Western and Central GOA. Pacific cod endorsements could also specify a gear (pot, jig, or hook-and-line) and operation type (catcher vessel or catcher processor). In the Gulf of Alaska, more than 98 percent of retained groundfish catch by vessels using fixed gear consists of Pacific cod, when catch in the IFQ fisheries is excluded. Licenses without Pacific cod endorsements would no longer have access to the directed Pacific cod fisheries in federal waters, but could continue to fish in parallel waters.

The Council could choose to implement both parts of this action, or could simply remove area endorsements from licenses, or could add Pacific cod endorsements to fixed gear licenses without removing area endorsements from licenses. The action would result in an amendment to the Gulf of Alaska Fisheries Management Plan (FMP).

Initial review of the draft analysis is scheduled for this meeting. The analysis was mailed to the Council in mid-May, and the Executive Summary is attached as Item C-4(a)(1).

Report of the Scientific and Statistical Committee

The SSC recommended the draft analysis be released for public review after some minor editorial revisions (see the SSC Minutes, Appendix II to these minutes) for recommendations.

Report of the Advisory Panel

The AP recommends the Council make the following revisions and send out the analysis for public review and final action in October.

Alternative 2 Component 1 – Clarify that different options may be applied to each area (western GOA, central GOA).

Alternative 2 Component 2 – Include sector definitions for pot CV and H&L CVs as follows:

- Option: Vessels < 50'
- ≥ 50' but < 55'
- ≥ 55' but < 60'
- ≥ 60'

Alternative 2 Component 2

Add suboption to exempt jig vessels with fewer than 6 jigging machines. *Motion passed 21/0.*

Alternative 2 Component 3

Add qualifying years 2002-June 4, 2008.

Additionally, the AP recommends that Staff expand the analysis of Alaskan ownership in the H&L CP (freezer longline) sector to include percent ownership and gross revenues by Alaskan community.

COUNCIL DISCUSSION/ACTION

The Council received a review of the draft analysis from Jeannie Heltzel (NPFMC staff), the SSC and AP reports, and oral public comments on this issue.

Denby Lloyd moved to approve the recommendations of the Advisory Panel with the following changes (additions are underlined and deletions are shown with strikethrough):

The AP Council requests ~~recommends the Council staff~~ make the following revisions and send out the analysis for public review and final action (or for initial review) in October. ~~Motion passed 21/0.~~

Alternative 2 Component 1 – Clarify that different options may be applied to each area (western GOA, central GOA) ~~Motion passed 21/0~~

Alternative 2 Component 2 – ~~Include~~ Add sector definitions for pot CV and H&L CVs as follows:

- ~~Option: Vessels < 50'~~
- ~~≥ 50' but < 55'~~
- ~~≥ 55' but < 60'~~
- ~~≥ 60'~~

Hook-and-line CV

- Option: Hook-and-line CV greater than or equal to 60'
- Hook-and-line CV less than 60'

Pot CV

- Option: Pot CV greater than or equal to 60'
- Pot CV less than 60'

Motion passed 20/0

Alternative 2 Component 2

Add option: Exempt vessels that are both less than 60' and under a capacity limit to be determined by the Council. The Council directs staff to provide recommendations of options to consider for capacity limits.

Add suboption to exempt jig vessels with fewer than 6 jigging machines. *Motion passed 21/0.*

Alternative 2 Component 3

~~Add qualifying years 2002-June 4, 2008~~

Add option: Qualifying years 2007-June 4, 2008

If an LLP qualifies only under this range of years, any endorsements granted under this action will be designated non-transferable. Area, sector, or Pacific cod endorsements on the LLP retained or granted under this action will be extinguished upon transfer.

Remove Component 5 from the set of options.

Additionally, the AP Council recommends that Staff expand the analysis of Alaskan ownership in the H&L CP (freezer longline) sector to include percent ownership and gross revenues by Alaskan community.

The motion was seconded by Ed Dersham.

Duncan Fields proposed an amendment to include a suboption to Alternative 2, Component 2, that would restrict LLPs exempted under Alternative 2, Component 2 to the simplified measurement tonnage formula for gross tonnage as defined in 46 CFR Subpart E, however he withdrew the motion after staff indicated it would be very difficult, if not impossible, to determine the capacity of a vessel at the time it last fished.

Sam Cotten moved to amend the last paragraph to add the following: "and contributions to Alaskan fishing communities in terms of local tax revenues, local processing activity, and local participation." The motion was seconded and carried, 6 to 5, Benson, Bundy, Hyder, Tweit and Merrigan voting against.

There were concerns noted about an increased information requirement for one particular sector that is not being applied evenly to all sectors.

Gerry Merrigan moved to amend Alternative 2, Component 2, to add two options under the suboption to exempt jig vessels with fewer than 6 jigging machines: (a) a maximum of 30 hooks per line; or (b) one line of 150 hooks. The motion was seconded by Duncan Fields and carried without objection.

Mr. Merrigan proposed an amendment to remove Alternative 2, Part (1) [remove area (Western Gulf and/or Central Gulf)] endorsements from fixed gear LLP licenses unless the license meets a minimum catch or landings threshold in that management area] from the analysis (see page 17 of the draft analysis). However the amendment was withdrawn after Council discussion. Mr. Merrigan noted that he had not heard any public comment relating to this option. Mr. Lloyd responded that he is concerned about the possibility of ending up with a lot of individual species endorsements in the future, but having an analysis of the issue will allow the Council to make an informed decision.

Duncan Fields moved to amend to delete the following sentence from the purpose and need statement: "These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the fisheries." The motion was seconded by Sam Cotten and failed, 9 to 2 with Fields and Cotten voting in favor.

Mr. Fields noted that he doesn't think this sentence furthers the main points of the purpose and needs statement.

Gerry Merrigan moved to amend the main motion to include the following option: "The Council could include a provision that would give the license owner(s) the opportunity to choose which license would be credit with landings so that one of the stacked licenses could qualify. In the absence of an agreement among license owners, catch history could be split evenly. The motion was seconded by Dave Benson and carried without objection.

Duncan Fields moved to amend the main motion to delete the three options under Component 5. The motion was seconded and carried without objection.

The main motion, as amended, carried without objection, and is included as Appendix IV to these minutes.

Mr. Merrigan asked that staff work with NMFS to find a method to find a more equivalent way to deal with the way incidental catch for target cod fisheries in IFQ fisheries between CVs and CPs is dealt with.

(b) GOA Pacific Cod Sector Splits

ACTION REQUIRED

Initial Review of GOA Pacific cod sector allocations analysis (EA/RIR/IRFA)

BACKGROUND

In October 2007, the Council reviewed a preliminary draft analysis (EA/RIR/IRFA) for the proposed Gulf of Alaska Pacific cod sector allocations. At that time, the Council requested that staff provide additional information on incidental catch of Pacific cod (including discards) and the State waters Pacific cod fisheries. At its December 2007 meeting, the Council reviewed a discussion paper that addressed these issues, and revised the components and options for analysis. Specifically, the Council's revisions to the motion included:

- 1. Options to revise management of the GOA Pacific cod jig fisheries were added under Component 5. A letter from NMFS addressing legal issues related to delegating management authority for the GOA Pacific cod jig fisheries in federal waters to the State of Alaska is attached as Item C-4(b)(2).**
- 2. Options to allocate the hook-and-line apportionment of halibut PSC to the catcher vessel and catcher processor sectors were added under Component 7.**
- 3. A provision deferring management of incidental catch to NMFS inseason management was added to Component 3.**

- 4. Options to establish separate allocations based on vessel length were revised, and options to establish separate allocations for inshore catcher processors were removed from the motion.**

The Council's motion also specifically requested that staff provide additional information on several issues:

- Diversification of revenues for vessels that participate in the GOA Pacific cod fisheries**
- Potential effects of Pacific cod sector allocations on communities**
- Potential interactions between Pacific cod sector allocations, the proposed fixed gear recency action, and the proposed revisions to the GOA sideboards**

Initial review of the draft analysis is scheduled for this meeting. The analysis was mailed to the Council in mid-May, and the Executive Summary is attached as Item C-4(b)(1).

Report of the Scientific and Statistical Committee

The SSC recommended the analysis be released for public review after some minor revisions and expansions. Please see the SSC Minutes, Appendix II to these minutes, for suggested revisions.

Report of the Advisory Panel

The Advisory Panel recommended several revisions and additions to the components and options for the draft analysis and that it be brought back to the Council in October for additional review before releasing for public comment. Please see the AP Minutes, Appendix V to these minutes, for those recommendations.

COUNCIL DISCUSSION/ACTION

The Council received a review of the draft analysis from Jeannie Heltzel (NPFMC staff), recommendations from the SSC and AP, and oral public comments on this issue.

Denby Lloyd moved the recommendations of the Advisory Panel with changes (please see Appendix VI(a) for the entire motion). The motion was seconded by Sam Cotten.

The following amendments to the motion were proposed and discussed:

Gerry Merrigan moved to amend Component 2, Sector Definitions, for hook and line catcher vessels, for Central Gulf only, add a category for vessels less than 50' and greater or equal to 50'. The motion was seconded by Denby Lloyd and carried without objection.

Bill Tweit moved to amend the Steller sea lion mitigation component to reword as follows:

"To address Steller sea lion mitigation, bycatch reduction, prohibited species catch mortality or other conservation and social objectives, potential allocation to the trawl sectors based on catch history may be adjusted upwards or downwards by 5 or 10%; this adjustment would be applied proportionately to other sectors' allocations." The motion was seconded by Doug Mecum and carried 10-1, with Fields voting against.

Bill Tweit moved to amend the new component under "Retention of Community Protections," to designate the second subcomponent ("For the Western GOA, the combined . . .") as a suboption. The motion was seconded by Dave Benson and carried without objection.

Gerry Merrigan moved to amend the same section to add the word "offshore" before the words "catcher processor allocations." The motion was seconded and carried 6 to 5 (Cotten, Fields, Lloyd, Mecum and Olson voting against).

John Bundy moved to delete Option 2 under Component 3. The motion was seconded by Dave Benson and carried without objection. Mr. Bundy noted that a number of industry members commented that this provision would be unworkable now that the Council has removed the ICA method of management. He felt that this would be a significant reallocation of cod.

Sam Cotten moved to amend the Steller sea lion component to state that the upwards or downwards adjustment would be applied to all sectors, not just trawl. The motion was seconded and carried without objection.

In response to a question from Mr. Bundy and an issue brought up during public comment questioning whether this action could be defined as a limited access program, Mr. Lepore (NOAA General Counsel) responded that in a first reading of the motion he does not believe that it would be a limited access program.

The main motion, as amended, carried without objection and is found in Appendix VI(b) to these minutes.

C-5 VMS Exemption for Dinglebar Gear

ACTION REQUIRED:

Final action on VMS exemption for dinglebar gear in the GOA

BACKGROUND

Vessel monitoring system (VMS) requirements were imposed on vessels in the Gulf of Alaska with Federal fishing permits and with dinglebar gear on board, effective July 28, 2006, to help enforce the GOA Coral Habitat Protection Areas, closure areas meant to protect certain types of bottom habitat from gear damage. Dinglebar gear is a variant of troll gear, and has a long, heavy, iron bar attached to the line to keep the hooks close to the bottom. It is used in the fishery for lingcod off of the coast of Southeast Alaska, and was believed to be capable of damaging bottom habitat because it is mobile and the heavy iron bar makes the gear contact the bottom.

In February 2008, the Council requested an analysis to look at exempting the dinglebar fishery for lingcod from the VMS requirement. The VMS requirement has been questioned because the threat posed to protected habitat may be small both because of the small scale of the fishery, and because preliminary evidence suggested that the fishery occurs at shallower depths than those at which the protected coral species are found. Council initial review of this analysis took place in April 2008, and following revisions requested by the SSC and the Council, the public review draft was mailed to the Council in late April. The executive summary is attached as Item C-5(1). The exemption would require a regulatory amendment, and the analysis includes an environmental assessment, regulatory impact review, and initial regulatory flexibility analysis examining the impacts of the exemption.

The alternatives, as revised by the Council in April 2008, are as follows.

Alternative 1 Status quo; no change in current regulations

Alternative 2 Exempt dinglebar fishermen from the VMS requirement

The Council is scheduled to take final action on the amendment at this meeting.

The Scientific and Statistical Committee did not address this agenda issue.

Report of the Advisory Panel

The Advisory Panel recommended the Council take final action and approve Alternative 2 as its preferred alternative.

COUNCIL DISCUSSION/ACTION

[NOTE: Dave Bedford participated in this discussion for Denby Lloyd.]

The Council received a review of the analysis from Diana Evans (NPFMC staff) and the Advisory Panel report. There were no oral public comments on this issue.

Gerry Merrigan moved to approve Alternative 2, to exempt dinglebar fishermen from the VMS requirement in the Gulf of Alaska. Additionally, the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. The motion carried, 10-0 (Duncan Fields was absent for the vote).

It was noted that in the analysis and during previous Council discussions the threat posed to protected habitat may be small because of the small scale of the fishery and because preliminary evidence suggests that the fishery occurs at shallower depths than those at which the protected coral species are found. Additionally, the cost of VMS poses a substantial financial burden to the small vessels participating.

It was clarified that this action is specific to the areas noted in the analysis. If new HAPCs are developed this exemption would not apply.

C-6 Research Priorities

ACTION REQUIRED

Adopt five year research plan priorities.

BACKGROUND

The Magnuson-Stevens Act requires that each Council “develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

- (A) establish priorities for 5-year periods;**
- (B) be updated as necessary; and**
- (C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council.”**

In June 2007 the North Pacific Fishery Management Council adopted a list of research needs and priorities, in three parts. This document (Item C-6(a)) contains the following sections:

- Research Priorities for 2007–2008**
- Research Priorities for 2007–2012**
- Comprehensive Research Needs for North Pacific Fishery Management Council.**

At this meeting, the Council will revise its short term and long term research needs for distribution to the Secretary and NMFS, as well as to the North Pacific Research Board, universities, USCG, ADF&G, and other entities. Recommendations for revisions from the Groundfish Plan Teams were provided at the September 2007 joint meeting (Item C-6(b)). Recommendations from the Crab Plan Team were provided at its May 2008 meeting (Item C-6(c)). The Scallop Plan Team recommendations from its February 2008 minutes are excerpted under Item C-6(d).

Report of the Scientific and Statistical Committee

The SSC reviewed and discussed the research priorities from June 2007 and changes suggested by the Joint BSAI and GOA Groundfish Plan team, the Crab Plan Team and the Scallop Plan Team.

The SSC reorganized the categories and updated the recommendations for Research Priorities for 2008-2009. In addition, emerging needs were identified for new research stemming from the reauthorization of the Magnuson Stevens Act, bycatch issues, and climate change. Changes were made to lists of Near-term (2008-2013) Research Priorities and Comprehensive Research Needs for Management of North Pacific and Arctic Fisheries. These latter two lists are included in an appendix at the end of this report. Numbering within the three lists is not intended to represent a prioritization of the needed research. Moreover, this list should not be construed as a definitive list of necessary and important research related to living marine resources and their environment.

The SSC used the following rationale in assigning research activities to the various lists. If a research activity was thought to be essential and needed to be continued or if it was essential and needed to be initiated in the coming year, it was assigned to the list of research priorities for 2008-2009. If a research activity was thought to be important and should be initiated soon, it was assigned to the near-term priority list (2008-2013). Any research activity determined to be of value is identified in the comprehensive list.

Please see the SSC Minutes, Appendix II to these minutes, for the SSC's recommended research priorities.

Report of the Advisory Panel

The AP recommends the Council adopt the research priorities with the following changes as noted in the SSC minutes, with the following additional items for research:

1. Improved surveys are needed to better assess GOA POP stocks. Encourage hydro-acoustic surveys to better quantify these pelagic species that are largely missed in bottom trawl surveys.
2. Examine and characterize GOA slope HAPCs, with the 3 GOA rockfish areas (east of Shumagin islands, south of Sanak island, and south of Unalaska island) as highest priorities. Research should include a) multi-beam mapping, 2) fish surveys, 3) benthic habitat ground-truthing.

COUNCIL DISCUSSION/ACTION

[NOTE: Dave Bedford participated in this discussion for Denby Lloyd; Duncan Fields was absent.]

Bill Tweit moved to adopt the recommendations of the SSC for research priorities for 2008-09 with the addition of the Advisory Panel's recommendation for improved surveys to better assess GOA POP stocks and to encourage hydro-acoustic surveys to better quantify these pelagic species that are largely missed in bottom trawl surveys. Additionally, the Council Chair and Executive Director are directed to continue to work with the SSC subcommittee to finish work on the 5-year plan for research priorities for Council review in October. In October the Council will also consider whether the Advisory Panel's second recommendation should be included. The motion was seconded by Gerry Merrigan and carried without objection.

C-7 IPHC Area 4E Seabird Deterrence Exemption

ACTION REQUIRED

Final review of analysis of seabird deterrence exemption in IPHC Area 4E

BACKGROUND

At the February 2007 meeting, the Council approved changes in regulations for seabird deterrence in groundfish fisheries. As part of the motion, the Council requested an analysis of a trailing amendment to consider an exemption for small vessels from seabird deterrence regulations in all or part of IPHC Area 4E. Available data suggested that such an exemption in Area 4E might be appropriate, but an analysis of new short-tailed albatross satellite tagging data would be required to better inform such a decision.

At the April 2008 meeting, the Council reviewed an initial analysis of available data on short-tailed albatross (STAL) distribution, abundance, and movement patterns in the eastern Bering Sea and Aleutian Islands area and a draft EA/RIR/IRFA. The Council recommended that the document be sent out for public review after considering SSC comments.

The initial draft EA/RIR/IRFA was sent out in a Council mailing in early May and was posted on the NMFS and Council web sites. At this meeting, the Council is scheduled for final action.

The Executive Summary of the draft EA/RIR/IRFA is attached as Item C-7(a); it provides the alternatives and a map of the STAL subarea within IPHC Area 4E.

The Scientific and Statistical Committee did not address this agenda issue at this meeting.

Report of the Advisory Panel

The AP recommended the Council take final action and adopt alternative 3, Option 1, as its preferred alternative.

COUNCIL DISCUSSION/ACTION

[NOTE: Dave Bedford participated in this discussion for Denby Lloyd; Duncan Fields was absent.]

The Council received a review of the action from Kristen Mabry (NMFS-AKR staff) and Bill Wilson (NPFMC staff) and the report of the Advisory Panel. There was no oral public comment on this issue.

Bill Tweit moved to approve the recommendation of the Advisory Panel:

Alternative 3: Maintain status quo seabird protection measures except that vessels greater than 26 and less than or equal to 55 ft LOA are not required to use seabird avoidance measures in IPHC Area 4E. Option 1: Vessels fishing in the STAL subarea of IPHC Area 4E are required to comply with seabird avoidance regulations currently in force.

Additionally, the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

The motion was seconded by Dave Benson and carried 10-0 (Fields absent).

Mr. Tweit noted that Option 1 is the more precautionary approach while trying to balance continued protection for shorttailed albatross and other seabirds from longline gear with the needs of the fishery in areas where the use of the avoidance gear is not critical. Additionally, improved safety and economic efficiency will result from this action.

D. OTHER ISSUES

D-1 Ecosystem Based Management

ACTION REQUIRED

- (a) **Report from Ecosystem Committee**
- (b) **Update on Arctic FMP (Council only)**

BACKGROUND

- (a) **Report from Ecosystem Committee**

The Ecosystem Committee met on Tuesday, May 20th, 2008, in Seattle, and their minutes, with specific recommendations for the Council identified in bold, are attached as **Item D-1(a)(1)**. The Committee's agenda is attached as **Item D-1(a)(2)**. Discussion topics included review of the Arctic FMP (see below), further implementation of the AI Fishery Ecosystem Plan (a discussion paper prepared for the Committee is attached as **Item D-1(a)(3)**), and review of NOAA's Integrated Services Plan (a summary of which the Council received in April 2008).

(b) Update on Arctic FMP

At its June 2007 meeting, the Council directed staff to begin preparing a draft Arctic Fishery Management Plan (FMP) and draft amendments to the scallop and crab FMPs that terminate their geographic coverage at Bering Strait, and to develop an accompanying analysis that considers several options for the Arctic FMP: close the entire Arctic region to all commercial fishing, or close the entire Arctic region to commercial fishing except for the red king crab fishery that has previously occurred in the southern Chukchi Sea. In October 2007, the Council gave further direction to staff in preparing a draft Arctic FMP and analysis documents. Council motions from the June and October 2007 meetings are attached as Item D-1(b)(1).

A preliminary draft EA/RIR/IRFA was sent out in a Council mailing prior to the February 2008 meeting. This document is now in the process of being updated and supplemented with additional text and data.

The Council was scheduled to receive a preliminary report on the Arctic FMP at their February 2008 and April 2008 meetings, but postponed this agenda item – now to the June 2008 meeting. However, staff did present a progress report on the Arctic FMP in February to the Council's Ecosystem Committee and to the SSC and AP. The February 2008 Ecosystem Committee, SSC and AP comments on the Arctic FMP are provided in Item D-1(b)(2).

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda issue at this meeting.

COUNCIL DISCUSSION/ACTION

[NOTE: Dave Bedford participated in this discussion for Denby Lloyd.]

Diana Evans (NPFMC staff) reviewed the report and recommendations of the Ecosystem Committee relating to the Arctic Fishery Management Plan, further implementation of the Aleutian Islands Fishery Ecosystem Plan, and a review of NOAA's Integrated Services Plan. Bill Wilson (NPFMC staff) updated the Council on development of a draft analysis for the Arctic Fishery Management Plan. The Council also received oral public comments on these issues.

Bill Tweit moved:

The Council recommends the following:

1. **Development of the Arctic FMP package should proceed as a high priority. The Council recognizes the heightened national and international interest in the Arctic and potential changes in this region that might arise due to climate warming, and intends to be precautionary in the Arctic FMP by prohibiting commercial fisheries until adequate scientific information on fish stocks and how commercial fisheries might affect the Arctic environment are available. To that end, the Council intends to proceed on a schedule that will allow the Council to adopt an Arctic FMP as soon as practicable. The Ecosystem Committee and SSC have recommended that additional elements be included in the analysis, and NOAA General Counsel has provided guidance in preparing the FMP language. The Council recognizes that drafting the FMP and analyses may require an adjusted schedule to allow more time to incorporate comments and recommendations from the Council's Ecosystem Committee, SSC, and AP, and to consider guidance from NOAA GC. Therefore, the revised schedule tentatively will be initial review of the Arctic FMP package in October 2008, public review from October to December 2008, and final action in December 2008.**

2. The Council recognizes that the FMP must comply with the requirements in MSA Section 303. Since the SSC has recommended that the Alaska Fisheries Science Center (AFSC) provide support in preparing the FMP text, the Council requests that the AFSC give high priority to assisting with development of the Arctic FMP package.

3. Alternative 3 should be worded to clarify Council intent that the exempted red king crab fishery in the southern Chukchi Sea would be for a fishery of the size, scope, and limited geographic location of the reported historical fishery. Suggested language for Alternative 3: "Adopt an Arctic FMP that closes the entire Arctic Management Area to commercial fishing. Amend the scallop and crab FMPs to terminate their geographic coverage at Bering Strait. A red king crab fishery in the Chukchi Sea of the size and scope of the historic fishery in the geographic areas where the fishery has historically occurred would be exempt from the Arctic FMP."

4. The analysis of the status quo alternative should recognize the limitations for State management of unregistered vessels in the Arctic EEZ waters as authorized under MSA Section 306(a)(3)(C).

5. The Council supports an extensive outreach program to ensure residents of the Arctic region are informed and have the opportunity to provide input.

The motion was seconded by Gerry Merrigan and carried without objection.

Mr. Tweit stressed that this is an issue of global importance and it also very clear that the Council needs to take a proactive approach to protect the fishery resources in the Arctic region. In terms of consultation, Mr. Tweit noted that it will be intensive and time-consuming for staff but is critical in the further development of the FMP.

There was some discussion regarding the historic red king crab fishery in the southern Chukchi Sea and how that would be handled. Mr. Tweit noted that staff has advised that the fishery was very small, small enough that the amount of harvest cannot be disclosed because of confidentiality; however, there have been no concerns raised by biologists familiar with the fishery about the level of subsistence use relative to the resource in that region. This will be analyzed further in the EA/RIR/IRFA for the FMP and the Council will have the opportunity to revise this option if necessary.

Bill Tweit moved to approve the four recommendations of the Ecosystem Committee that do not relate to the Arctic FMP (see those four recommendations marked in bold in the Ecosystem Committee Minutes (Appendix VII to these minutes). The motion was seconded by Doug Mecum and carried without objection.

D-2 GOA Sideboards

(a) GOA Sideboards for BSAI Crab vessels

ACTION REQUIRED

Initial review of GOA sideboards for BSAI crab vessels

BACKGROUND

In April 2008, the Council postponed initial review of GOA sideboards for BSAI crab vessels until June, due to time limitations. This amendment package includes three proposed actions: 1) adjust the GOA Pacific cod sideboard exemption qualifications for non-AFA crab vessels, 2) exempt

qualified non-AFA crab vessels from GOA pollock sideboards, and 3) exempt non-AFA crab vessels from GOA Pacific cod sideboard limits from November 1 to December 31 of each year.

Despite the Council's postponement of this action, the SSC and AP did review the analysis and made several recommendations concerning the analysis and the proposed action. The SSC recommendations are summarized below:

- The SSC recommends that the Council provide clearer guidance as to its purpose, need, objectives, and "acceptable" suit of alternatives
- A more accurate description of the alternatives, options, and sub-options to facilitate public and reviewer understanding of the true range of actions before the Council
- Systematically address each of the required elements set-forth by E.O. and MSA National Standards
- Prominently display in the draft analysis when release of confidential data was approved by the subject operator(s)

The AP recommendations are provided below:

- Action 1, Alternative 2, Option 2.4: Raise the threshold from < 500,000 lbs to < 750,000 lbs.
- Actions I and II: The AP recommends the Council clarify that it does not intend to disqualify any currently exempt vessels or licenses based on this action.
- For Action III: For purposes of clarification, include that the intent of the action is to address National Standard 1 and more fully utilize Pacific cod TAC in the GOA but not impact non-crab qualified vessels dependent on GOA Pacific cod harvest. NMFS may relax the B season sideboard restriction after November 1st if sufficient quota exists and the fishery will not close prematurely, impacting non-crab qualified vessels.
- Action 1: Remove Option 2.1, suboption 2.1.1, and suboption 2.2.1 into a separate category "Options reviewed but not considered".

At this meeting, the Council is scheduled to make an initial review of this analysis. The analysis was mailed out in mid-May; an executive summary of that analysis is attached (Item D-2(a)(1)).

Report of the Scientific and Statistical Committee

Although the SSC did not address this issue at this meeting, they provided the following recommendations to the Council at the April 2008 meeting:

- The SSC recommends that the Council provide clearer guidance as to its purpose, need, objectives, and "acceptable" suit of alternatives
- A more accurate description of the alternatives, options, and sub-options to facilitate public and reviewer understanding of the true range of actions before the Council
- Systematically address each of the required elements set-forth by E.O. and MSA National Standards
- Prominently display in the draft analysis when release of confidential data was approved by the subject operator(s)

Report of the Advisory Panel

The AP reiterated its recommendations from the April 2008 meeting:

- Action 1, Alternative 2, Option 2.4: Raise the threshold from < 500,000 lbs to < 750,000 lbs.
- Actions I and II: The AP recommends the Council clarify that it does not intend to disqualify any currently exempt vessels or licenses based on this action.
For Action III: For purposes of clarification, include that the intent of the action is to address National Standard 1 and more fully utilize Pacific cod TAC in the GOA but not impact non-crab qualified vessels dependent on GOA Pacific cod harvest. NMFS may relax the B season

COUNCIL DISCUSSION/ACTION

The Council received a review of the analysis from Jon McCracken (NPFMC staff), the Advisory Panel report, and oral public comments on this issue.

Gerry Merrigan moved to adopt the purpose and needs statement as printed in the Action Memo, and release the analysis for public review after incorporating the recommendations of the Advisory Panel. The Council also concurs with the staff's treatment of licenses on page 18 of the analysis. The motion was seconded by Denby Lloyd.

Sam Cotten moved to amend to make the 750,000 threshold a suboption under Alternative 2, Option 2.4, in order to be able to determine the number of vessels affected by a change from 500,000 to 750,000. The motion was seconded by Duncan Fields and carried without objection.

Duncan Fields moved to amend the third bullet of the AP recommendations to delete everything after "November 1st," and add the following: so that, given historical participation and the expected CPUE, the fishery is reasonably expected not to close on a date that substantially impacts non-crab qualified vessels.

The entire bullet would then read:

For Action III: For purposes of clarification, include that the intent of the action is to address National Standard 1 and more fully utilize Pacific cod TAC in the GOA but not impact non-crab qualified vessels dependent on GOA Pacific cod harvest. NMFS may relax the B season sideboard restriction after November 1st so that, given historical participation and the expected CPUE, the fishery is reasonably expected not to close on a date that substantially impacts non-crab qualified vessels.

The motion was seconded and carried without objection.

Staff indicated that this provision may be problematic because of the proposed discretionary action on the part of the agency. Mr. Mecum advised that staff will look into the options and report back to the Council.

The amendment carried without objection; the main motion, as amended, carried without objection. Final action is scheduled for October.

(b) GOA Sideboards - GOA Rockfish Fishery

ACTION REQUIRED

BACKGROUND

In December, the Council initiated an analysis of a Gulf of Alaska Groundfish FMP amendment that would exempt some or all catcher processors participating in the Central GOA rockfish pilot program from the early July stand down period that prevents their participation in directed BSAI groundfish fisheries during those dates. The BSAI stand down restriction was implemented in the rockfish pilot program in order to prevent rockfish participants from increasing their effort in BSAI fisheries. In 2008, BSAI Amendments 80 and 85 became effective, creating sector allocations for the major BSAI target fisheries (other than pollock). Consequently, the importance of the stand down period as a protection measure has changed.

The executive summary for the proposed amendment is attached as Item D-2(b)(1). The analysis meets the requirements for a categorical exclusion from detailed environmental review, under the CEQ regulations and NOAA's NEPA regulations.

As part of initial review, the Council should consider whether the problem statement drafted by staff correctly captures the Council's intent for this action. Also, in the development of the analysis, it seemed to staff that two additional alternatives might also address the Council's purpose, and these have provisionally been included in the analysis, pending Council consideration.

The Scientific and Statistical Committee did not address this agenda issue due to time constraints.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt the draft problem statement as written and that the document be released for public review and final action in October.

COUNCIL DISCUSSION/ACTION

The Council received a review of the analysis from Diana Evans (NPFMC staff), the Advisory Panel report, and oral public comments on this issue.

Bill Tweit moved to approve the recommendations of the Advisory Panel. The motion was seconded by Duncan Fields and carried without objection.

(c) GOA Sideboards - AFA Catcher Vessels

ACTION REQUIRED

Initial review of GOA sideboards for AFA catcher vessels

BACKGROUND

At the December 2007 meeting, the Council reviewed a discussion paper on GOA sideboards associated with the American Fisheries Act (AFA), the Crab Rationalization Program, the Rockfish Pilot Program, and the Amendment 80 Cooperative Program. At the meeting, the Council initiated an analysis of an amendment package which would change GOA pollock and Pacific cod sideboard limits for AFA catcher vessels. At this meeting, the Council is scheduled to make an initial review of this analysis. The analysis was mailed out in mid-May; an executive summary of that analysis is

attached (Item D-2(c)(1)). Relevant sections of the AFA are discussed in Item D-2(c)(2), as provided to staff by NOAA GC.

The Scientific and Statistical Committee did not address this agenda issue due to time constraints.

Report of the Advisory Panel

The AP recommends the Council take no further action on the RIR/IRFA on GOA sideboard limits for the AFA CV fleet and further recommends the Council initiate a discussion paper addressing the following topics:

- 1 The background of seasonal sideboard amounts
- 2 TAC and sideboard management and catch monitoring in the GOA
- 3 Discrepancies between NMFS and co-op sideboard harvest data
- 4 Background harvest data tables for 2000 - A/B season 2008
- 5 Impact of trawl recency action

COUNCIL DISCUSSION/ACTION

The Council received a review of the draft analysis from Marcus Hartley (Northern Economics), the Advisory Panel report, and oral public comments on this issue.

Sam Cotten moved that the Council direct staff to respond to the concerns of the Advisory Panel (see above) and return the analysis to the Council before releasing for public review. In addition to the issues raised by the Advisory Panel, staff is requested to address three additional issues: net benefits to the nation; TAC and sideboard management/rollovers (brought up by staff); and dependence on the resource by non-AFA vessels or exempt AFA vessels. The motion was seconded by Denby Lloyd.

Although the Advisory Panel recommended that staff cease work on the analysis and go back to a discussion paper of the issues, Mr. Cotten noted that he does not think the Council should abandon the current analysis. Some Council members expressed concern that current alternatives may give the impression that this is an allocation issue and suggested that a discussion paper and further discussion of the problems to be solved would be a better course of action.

Gerry Merrigan moved a substitute motion: to take no further action on the analysis and direct staff to incorporate the issues raised by the Advisory Panel as well as those brought up during Council discussion in a discussion paper for Council review in October. The motion was seconded and carried, 6 to 5 (Cotten, Dersham, Fields, Lloyd and Olson voting against).

D-3 Miscellaneous Groundfish Management

ACTION REQUIRED

- (a) Review committee recommendations on other species analysis.
- (b) Review GOA salmon and crab bycatch discussion paper (Council only).
- (c) Receive report on gear modification research.
- (d) Review discussion paper on Amendment 80 sector cooperative criteria. (T)
- (e) Report on halibut excluder EFP.

BACKGROUND

(a) Review committee recommendations on other species analysis and take action.

In 2005, the Council initiated an analysis of a large suite of alternatives to separate some or all of the component groups from the other species complex in the GOA and BSAI groundfish FMPs (see box). It was subsequently decided that these alternative actions should be separated into multiple analyses on separate timelines. The Council identified preliminary priorities after it reviewed two staff discussion papers in February 2008. The Council tasked its Non-Target Species Committee with reviewing and commenting on those preliminary priorities: 1) move BSAI and/or GOA squid into the forage fish category; 2) move BSAI and/or GOA octopus into the forage fish category or remove it from the FMPs and defer management to the State of Alaska; 3) do not add grenadiers to the TAC specification process; and 4) separate the remaining proposed alternatives into distinct BSAI and GOA amendment packages. The committee added a review of the forage fish complex to its April 23, 2008 agenda after unusually high harvests of eulachon around Kodiak resulted in numerous enforcement actions on the trawl fleet.

April 2005 Other Species Alternatives for Analysis

- Alternative 1. No Action
- Alternative 2. Eliminate “other species” assemblage and manage squids, skates, sculpins, sharks, and octopi as separate assemblages.
- Alternative 3. Manage only BSAI skates and BSAI and GOA sculpins as separate assemblages.
- Alternative 4. Manage only BSAI skates as separate assemblage
- Alternative 5. Add grenadiers to BSAI and GOA TAC specification process:
 - Option 1. in a separate assemblage
 - Option 2. in the other species assemblage

Committee minutes are provided under Item D-3(a)(1). An excerpt of committee recommendations for setting priorities for action is listed below. Draft action plans are provided for the first two recommended priorities (BSAI skates and BSAI/GOA squid) for Council review (Item D-3(a)(2) and (a)(3)). The first analysis could be scheduled for initial review as soon as October 2008. The second analysis could be scheduled for initial review as soon as April 2009.

Non-Target Species Committee Recommendations for prioritizing actions to enhance management of other species.

- A. BSAI skates (1st)
 - 1. No Action
 - 2. Separate into its own specification group
- B. BSAI and/or GOA squid (2nd)
 - 1. No Action
 - 2. Move BSAI and/or GOA squid into forage fish category
 - 3. Separate GOA squid into its own specification group
- C. BSAI and/or GOA sharks (3rd)
 - 1. No Action
 - 2. Separate into their own specification groups
 - 3. Non-Target Species Management Approach
- D. BSAI and/or GOA octopus

1. No Action
 2. Move into forage fish category (with different maximum retainable allowance)
 3. Separate into their own specification group
 4. Non-Target Species Management Approach
- Option: Harmonize state and federal regulations (HIGH)

E. BSAI and/or GOA sculpins

1. No Action
2. Separate into their own specification group

F. BSAI and/or GOA grenadiers

1. No Action
2. Set BSAI and/or GOA grenadiers as specification groups
3. Non-Target Species Management Approach

(b) Review GOA salmon and crab bycatch discussion paper (Council only).

In October 2007, the Council tasked staff to update a previous discussion paper on options for salmon and crab bycatch reduction measures in the GOA. The previous paper was presented to the Council in October 2005, as part of the GOA groundfish rationalization initiative. The AP reviewed this requested discussion paper in December 2007, however time did not allow for Council review at that meeting. The AP minutes on this item from December 2007 are attached as Item D-3(b)(1). The SSC reviewed an updated version of that paper in April 2008; their comments are attached as Item D-3(b)(2). The staff discussion paper provides updated information on salmon and crab bycatch, an overview of species abundance, and discusses the alternatives previously developed by the Council. At this meeting the Council will review the discussion paper, as well as previous comments by the AP and SSC, and initiate an analysis if deemed necessary.

(c) Receive report on gear modification research.

At its June 2007 meeting, the Council deferred action on the sweep modification for flatfish trawls in the Bering Sea. Modification of trawl sweeps was a part of the Bering Sea Habitat Conservation package, wherein the Council approved several closure areas for non-pelagic trawls. Deferring action on the flatfish trawl sweep modification was necessary to address several implementation issues regarding practicality and enforcement for use of the modified sweeps in the regular flatfish fisheries. In deciding to defer action, the Council asked staff to schedule a report by the flatfish industry and Dr. Rose in June of 2008 to inform the Council on progress to address the implementation issues. This provided a twelve month period for additional field testing and for gear manufacturers and fishermen to work out challenges regarding the use of the modified sweeps on vessels without net reels, clamps and other methods of attaching the discs to combination rope (two-inch diameter fabric over cable material commonly used for trawl sweeps), and spacing of the discs to achieve the habitat benefits while also achieving feasibility in terms of with being able to roll the modified discs onto net reels and sweep or main wire winches. Craig Rose (AFSC) and John Gauvin (H&G Workgroup) have been working with the flatfish industry and will give a report on progress to address the implementation and feasibility issues as well as an assessment of whether the gear modification is now ready for Council consideration.

(d) Review discussion paper on Amendment 80 sector cooperative criteria.

In February 2008, the Council bifurcated Amendment 80 post harvest transfers and rollovers to consider each separately. For post harvest transfers, the Council selected unlimited post-harvest

transfers as its preferred alternative. For rollovers, the Council postponed a decision to better assess the need for this action for optimizing harvest of groundfish allocated to the Amendment 80 sector. To assist in the rollover decision, the Council requested a discussion paper that overviews the criteria for establishing cooperatives in the Amendment 80 sector. The discussion paper will be handed out at the meeting as Item D-3(d)(1).

(e) Report on GOA Halibut Excluder EFP.

In June 2006, the Council reviewed an application for an exempted fishing permit (EFP) to test a halibut bycatch reduction device designed for the Gulf of Alaska Pacific cod fishery. The permit was granted by NMFS, and the development of the device and various field tests were conducted in 2006 and 2007. The final report was mailed to the Council in mid-May, and the EFP applicant, Mr. Gauvin, will present a summary of the project's findings at the meeting.

The objective of the excluder test was to evaluate its performance and feasibility for reducing halibut bycatch on typical "inshore" catcher vessels that target Pacific cod in the Gulf of Alaska. The performance goal for the device was to reduce the halibut bycatch by at least 40% (by weight) while minimizing loss of target catch (cod catch per hour) compared to an unmodified net. The test also sought to evaluate the functionality of handling aspects of the excluder for use on Gulf of Alaska trawl vessels, which tend to be smaller than Bering Sea trawlers (where the excluder is already used in many fisheries).

Overall, the results from the experiment suggest that the test was successful at measuring the effects of the excluder on halibut, cod, and flatfish catches. The test data show a much greater escapement rate of cod (35%) than was expected, as well as a considerably higher overall halibut escapement (57%). As configured, the high cod escapement rate is likely to make the device impractical for use in the regular fishery. The analysis of the data collected through the experiment, however, suggests that there may be ways to address this issue through modifications to the device.

These agenda issues were not on the agenda of the Scientific and Statistical Committee, although the SSC did address GOA salmon and crab bycatch at its March/April meeting.

Report of the Advisory Panel

D-3(a) Other Species Management

The AP recommends that the Council adopt the analysis priorities put forth by the Other Species Committee and direct staff to initiate an analysis for BSAI skates.

D-3 (c) Gear Modification

The AP recommends the Council move forward with the analysis required for regulatory implementation of the flatfish gear modifications including an option for reconsideration of disk spacing requirements after 2-3 years.

D-3 (d) Amendment 80 Sector Cooperative Criteria

The AP recommends that the Council request an expanded discussion paper examining the following alternatives:

1. Status quo
2. Reduce the number of owners required to form a cooperative from three to two or one unique owner
3. Reduce the number of QS permits required to form a cooperative from the existing 9 permits to some lower range (e.g., three permits to the existing 9 permits)
4. Reduce both the number of owners and the number of QS permits required to form a cooperative (combination of 2 and 3 above).
5. Allow a cooperative to form with a single or collective group of entities that represent 20, 25 or 30% of the sector QS.
6. Allow the GRS to be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.

Expand the analysis to include:

- How changing the threshold formation level might affect the current cooperative structure.
- How changing the threshold formation level might impact smaller vessels and single-vessel companies, particularly with respect to meeting the GRS.
- How a revised threshold formation level might lead to 'gaming' the system to exclude smaller or single-vessel companies from cooperatives.
- A review of the Council analysis and discussion that resulted in the existing 3 company/9 vessel standard.

D-3 (e) Halibut Excluder EFP

The AP applauds the efforts behind this project and the AP recommends that the Council consider this type of research to be of the highest priority.

COUNCIL DISCUSSION/ACTION

The Council received the following reports on these issues: Jane DiCosimo (NPFMC staff) on other species management, Diana Stram (NPFMC staff) on GOA salmon and crab bycatch; John Gauvin (H&G Fleet) and Craig Rose (AFSC staff) on gear modification research, Glenn Merrill (NMFS-AKR staff) on Amendment 80 cooperative criteria, and John Gauvin (H&G Fleet) on the halibut excluder EFP. The Council also received recommendations from the Advisory Panel and oral public comments on these issues.

(a) Other Species Management

Dave Benson moved to approve the recommendations of the Advisory Panel: to adopt the analysis priorities put forth by the Other Species Committee and direct staff to initiate an analysis for Skates. The motion was seconded and carried without objection. The analysis is scheduled for initial review in October.

(b) GOA Salmon & Crab Bycatch

Denby Lloyd moved that the Council direct staff to amplify the discussion paper, including development of illustrative strawman closures areas (for both trigger and hard caps) for Chinook salmon and Tanner crab bycatch in the Western and Central Gulf of Alaska. The motion was seconded by Ed Dersham.

Mr. Lloyd said that the Council should continue working on GOA bycatch issues and be proactive in the event the Council needs to take action in the near future since the regulatory timeline for Council actions is extensive.

Gerry Merrigan brought up comments from the SSC's minutes for the March/April meeting, noting that the estimates from the observer program have created some uncertainty and that if the Council moves forward there are several issues that need to be addressed. Mr. Merrigan asked Mr. Lloyd whether those recommendations of the SSC are included by reference in his motion. Mr. Lloyd responded that he agrees that all the aspects of the observer program that the SSC noted should be addressed, but not as part of this motion. He noted that that at this time he is most interested in amplifying the discussion paper to provide Council more information should the Council find it necessary to initiate an analysis in the near future.

Gerry Merrigan moved the following, from the SSC Minutes: Where possible the Council requests that bycatch trends be compared to trends in stock status, and the target fishery, to differentiate between an increase in fishing mortality and an increase in encounter rates with PSCs.

The motion was seconded and carried without objection. Mr. Lloyd noted that this direction to staff should be within reasonable limits of available data.

(c) Gear Modification Research

Bill Tweit noted that the Council was only scheduled to receive a report and any action was not noticed, however he stressed that it's time to begin taking steps to require industry to use more effective bottom trawl gear.

Bill Tweit moved to ask Council staff to work with NMFS staff to combine previous work on this issue with the most current research information and prepare an analysis for initial review. The purpose of the package would be to provide regulations to the fleet for bottom trawling with the gear modifications necessary to achieve the sweep clearances described in the report provided at this meeting. Further, the approach should be a two-standard approach as advocated by industry researchers: vessels that are able fish with the combi-wire and the appropriate winches would fish with the 10" disc, 90-ft spacing, and for vessels that can't accommodate that, then the alternate standard would be the 8" disc with the 60-ft spacing. The motion was seconded by Gerry Merrigan and carried without objection.

There was discussion relating to whether staff should provide a discussion paper rather than an analysis at this time and agreed that a discussion paper would be the first step at this time.

(d) Amendment 80 Sector Cooperative Criteria

[NOTE: Dave Bedford participated in this discussion for Denby Lloyd.]

Doug Mecum moved to approve the recommendations of the Advisory Panel with a change to specify that NMFS and Council staff prepare an analysis for initial review for December 2008 that would modify the existing standards for cooperative formation under the Amendment 80 program, and to adopt the following purpose and needs statement:

Purpose and Need

Most participants in the Amendment 80 sector have successfully established a cooperative in the first year of the program. However, some participants have expressed concern that over the long term, cooperative formation standards may disadvantage them, and they may be constrained from establishing cooperative relationships, receiving an exclusive annual harvest allocation, and ending the "race for fish." Smaller vessel owners with limited QS are likely to have weakened negotiating leverage as the groundfish retention standard (GRS) increases if they cannot be competitive in the limited access fishery and options in the Gulf of Alaska (GOA) are not viable. Participants of any size will find it difficult to receive the benefits of cooperative management if they cannot reach agreement on negotiated terms and the limited access fishery is an unattractive outside option, or a cooperative is able to derive some benefit from forcing an entity into the limited access fishery.

Relaxing cooperative formation standards either by reducing the number of quota share (QS) permits that must be assigned, or the number of owners required could: (1) provide additional opportunities to QS holders to form cooperatives because more relationships are possible; (2) diminish the negotiating leverage of vessel owners who may be necessary to meet the threshold requirements under more stringent cooperatives formation standards; (3) reduce the potential risk of any one company being unable to negotiate settlement and be able to fish ony in the limited access fishery; and (4) reduce the incentive for members of a cooperative to attempt to create conditions that are unfavorable for certain fishery participants to form a cooperative. The motion was seconded by Bill Tweit and carried without objection.

(e) Halibut Excluder EFPFP

The Council took no action on this agenda item.

D-4 GOA Rockfish Pilot Program

SUBJECT: Central Gulf of Alaska Rockfish Program

BACKGROUND

(a) Final Report on Exempted Fishing Permit (07-02) testing electronic monitoring of at-sea halibut discards in the Central Gulf of Alaska rockfish fishery.

This report concerns an experimental study undertaken in 2007 and completed in 2008 to investigate the use of electronic monitoring of halibut at-sea discards. The revised monitoring would be intended to address high costs of observer coverage and improve accuracy of halibut discard estimates for vessels fishing in the Central Gulf of Alaska rockfish fishery. The report could

be used to examine an alternative monitoring program in the fishery that would use electronic monitoring of halibut and shoreside monitoring of all other species.

(b) First year review

In development of the rockfish pilot program for the Central Gulf of Alaska, the Council scheduled a review of the program after the first year of fishing. In response to this request, staff has prepared a review (attached as Agenda D-1(b)(1)) of fishing under the program during the 2007 season, the first year of the program. A summary of the effects from the report follows.

Summary of the effects

The most notable effect of the program is the substantial reduction in discards in the Central Gulf rockfish fisheries. In the years leading up to the program, discards of Pacific ocean perch regularly exceeded 5 percent of total catch of the species. Discards of sablefish exceeded 100 metric tons in some years and exceeded 250 metric tons in one year. Under the pilot program, discards of these species are generally not permitted by cooperatives, reducing discards to near zero. Halibut mortality also dropped sharply, most notably in the catcher vessel sector, where halibut mortality dropped from between 25 and 50 pounds per ton of directed rockfish catch to less than 5 pounds per ton of rockfish catch. In addition to the conservation benefits from these discard and mortality reductions, the use of more pelagic gear in the fishery has provided habitat benefits. Also, the allocations of and MRAs applicable to shortraker rockfish and roughey rockfish resulted in catches of those species that were substantially below the amounts permitted (and accommodated by their TACs).

The catcher vessel sector successfully harvested most of its allocation with few overages. The sector also received a substantial portion of the catcher processor sector allocation by transfer, increasing its share of the rockfish fisheries. Ex vessel prices in the fisheries, however, remained relatively stable, despite improvements in quality that likely arose under the new management. The reason for the absence of price premiums is not apparent.

Shore-based processors that qualified for the program have clearly benefited from the cooperative associations that have facilitated their coordination of deliveries. The redistribution of rockfish deliveries away from times of peak salmon processing has reduced pressure on plant processing crews. Quality of landings is said to have improved because scheduling has reduced the time that catcher vessels must wait to offload. Despite these benefits, processors seem to have been unable to increase product prices in the first year of the program.

In the first year of the program, catcher processors have achieved few successes beyond the reductions in discards and halibut mortality. Two cooperatives formed in the sector, but only one vessel fished. Much of the sector's cooperative allocations was transferred to catcher vessel cooperatives and delivered to shore plants. Several factors likely contributed to the lack of cooperative fishing, including the allocations to the different sector members and incentives created by differences in sideboards applicable to vessels in cooperatives, in the limited access fishery, and that choose to opt-out of the program.

The first year performance of the entry level fisheries revealed some issues with allocations and management. Only three vessels registered to fish the entry level fisheries. Although the trawl fishery could prove problematic in future years, the two vessels in that fishery coordinated catch to avoid overharvesting the TAC, greatly simplifying management of the fishery closure. If more vessels elect to participate in the trawl entry level fishery in the future, the challenge of announcing

a closing to limit catch to the TAC will increase and could force managers to close the fishery (i.e., not open the fishery at all).

The fixed gear fishery caught little of its allocation. Although only one vessel registered for the fishery, vessels that fish without LLPs and Federal fisheries permits can fish in State waters (inside 3 nm) without registering for the fishery. Despite entry level trawl vessels being permitted to fish the fixed gear allocation after September 1st, much of that allocation remained unharvested.

Processing in the entry level fisheries also suffered from complications. Entry level processors had difficulty scheduling deliveries. In addition, some participants in the fixed gear entry level fishery found the prohibition on deliveries to processors in the main program to be constraining, because they maintain markets for other species with processors in the main program. Whether the entry level fisheries management can be modified to address these issues is uncertain.

All processing in the Central Gulf rockfish fishery is undertaken in Kodiak, so Kodiak is the only community affected by the pilot program. The primary effect of the program on Kodiak has arisen from the transfer of a substantial portion of the catcher processor cooperative allocation to catcher vessel cooperatives, increasing the amount of processing at shore plants in Kodiak. Kodiak may also derive benefits from the distribution of catch over a longer season, which provides stability to processors and their crews.

Report of the Scientific and Statistical Committee

The SSC received reports on the first year of fishing under the Rockfish Pilot Program and Phase 1 of the CGOA rockfish EFP for electronic monitoring. The SSC provided comments on both presentations and noted that with regard to the electronic monitoring program it is not certain that it will work equally well on other vessels because its performance depends on a suitable deck layout and operation. Please see the SSC Minutes, Appendix II to these minutes, for the SSC's comments in full.

Report of the Advisory Panel

The AP recommends the Council include the following:

A person who acquired an LLP license with CQP and EQP qualifications to remain in the GOS rockfish fisheries may obtain catch history for purposes of participating in a RPP cooperative based on the history of either (a) the vessel on which the replacement LLP is based prior to its transfer and any landings made on the vessel for which it was acquired subsequent to its transfer to that vessel, or (b) the vessel for which the LLP was acquired, NOT both. License transfers for purposes of this provision must have occurred by December 31, 2003.

The AP recommends to the Council to remove delivery restrictions across the board for fixed gear entry level fishery.

Additionally, the AP recommends the Council review:

- The establishment of a harvester-only coop for the entry level trawl fishery
- Other possible measures to control the amount and timing of entry level harvests
- An exemption from the May halibut cap (actual halibut bycatch to be counted against the July halibut apportionment).

The AP recommends the Council consider changing the management of shortraker rockfish in the CP sector from an allocation to an MRA.

COUNCIL DISCUSSION/ACTION

The Council received a review of the first year of the Gulf of Alaska Rockfish Pilot Program from Mark Fina (NPFMC staff) and a review of the first phase of the CGOA EFP for electronic monitoring in the Rockfish Pilot Program from Julie Bonney, Alaska Groundfish Data Bank. The Council also received the SSC and AP reports and oral public comment on those reports.

Duncan Fields moved the following change to the Rockfish Pilot Program (based on recommendations during public comment):

A person who operated a vessel in the Central Gulf of Alaska rockfish fisheries during the 1996-2002 period under an interim License Limitation Program ("LLP") license that was determined after such period to have an invalid Central Gulf of Alaska trawl gear endorsement, who then acquired an additional LLP license with a valid Central Gulf of Alaska trawl gear endorsement and assigned it to such vessel by December 31, 2003, shall be eligible to receive Rockfish Quota Share under the Rockfish Pilot Program based on the catch history of such vessel, notwithstanding the invalidity of the interim 2002 period. Rockfish Quota Share allocated under this provision shall be assigned to the additional LLP license.

The motion was seconded.

Mr. Fields noted his intent is for staff to provide an analysis for initial review at a future meeting.

Bill Tweit moved to request that staff prepare a discussion paper, rather than an analysis. The motion was seconded by Doug Mecum and carried without objection.

John Bundy moved to amend to add the following recommendations of the Advisory Panel:

- **The establishment of a harvester only coop for the entry level trawl fishery;**
- **Other possible measures to control the amount of timing of entry level harvests.**

The motion was seconded by Bill Tweit.

Duncan Fields moved to amend to add a third recommendation of the Advisory Panel: additional options for rollover of the fixed gear entry level quota in the GOA rockfish pilot program. The motion was seconded by Bill Tweit and carried without objection.

The amended amendment carried without objection.

Dave Benson moved to amend the amendment to include the final AP recommendation: include in discussion paper, consider changing the management of shortraker rockfish in the CP sector from an allocation to an MRA. The motion was seconded and carried without objection.

The amended amendment carried without objection. The main motion, as amended, carried without objection.

D-5 BSAI Crab OFL

ACTION REQUIRED

- (a) **Receive Plan Team Report on BSAI Crab OFLs**
- (b) **Review preliminary BSAI Crab SAFE report**

BACKGROUND

- (a) **Receive Plan Team Report on BSAI Crab OFLs**

The Crab Plan Team met in Seattle, WA from May 6-9, 2008 to review draft BSAI Crab stock assessments and provide recommendations for the model parameterizations and tier establishments for BSAI Crab stocks. This is the first year of the new process for annual determination of Crab OFLs and the Crab Plan Team is part of the newly established review process. There are 10 crab stocks in the BSAI Crab FMP and all 10 must have annually established OFLs. Six of the ten stocks will have OFLs established following the summer survey information availability. Two of the ten stocks (Norton Sound red king crab and AI golden king crab) have OFL recommendations put forward at this time in order to have approved OFLs prior to the summer fisheries for these stocks. The remaining two stocks (Adak red king crab and Pribilof Islands golden king crab) have OFLs recommended based on Tier 5 formulation (average catch) and thus OFLs are recommended at this time given that no survey information will be incorporated prior to OFL determination over the summer. Much of the Crab Plan Team's stock assessment and OFL recommendations are contained within the Crab SAFE Introduction (see below) while some additional recommendations and discussions are included in the Crab Plan Team Report, which is attached as Item D-5(a). Additional items discussed by the Crab Plan Team at this meeting included research priorities and modifications to the terms of reference in accordance with their new role in the process for stock assessment review.

- (b) **Review preliminary BSAI Crab SAFE report**

As indicated above, in accordance with the new process for stock assessment review and annual establishment of BSAI Crab OFLs, annual stock assessments are prepared for the 10 BSAI Crab stocks. The main purpose of the May Crab Plan Team meeting is to review draft stock assessments and provide recommendations. An introduction to the stock assessment chapters compiled by the Crab Plan Team includes the team's recommendations for stocks assessment modifications (for the following year's assessment) as well as recommendations for this year for model parameterization, Tier level determination and for those two stocks for which OFLs are established in the summer, the Crab Plan Team's recommended OFLs for those stocks. The introduction also provides the overview of the new process and approved Tier system for OFL determination. The full draft SAFE report including the introduction and all 10 draft SAFE chapters was mailed to you on May 12th. The Introduction section is attached as Item D-5(b).

This was an SSC-only agenda item. Please see the SSC Minutes, Appendix II to these minutes, for comments and recommendations.

D-6 Staff Tasking

ACTION REQUIRED

- (a) Review tasking and committees and provide direction.
- (b) Review PSEIS priorities workplan.
- (c) Receive report on improving AK native/community/stakeholder participation.

BACKGROUND

(a) Committees and Tasking.

The list of Council committees is attached as Item D-6(a)(1). Item D-6(a)(2) is the three meeting outlook, and Item D-6(a)(3) and Item D-6(a)(4) respectively are the summary of current projects and tasking. In addition, the Council received a letter from the Unalaska/Dutch Harbor Fish and Game Advisory Committee requesting the Council to consider establishing a pollock trawl closure area in Unalaska Bay (letter attached as supplemental). The Council may wish to discuss tasking priorities to address these projects, as well as potential additions discussed at this meeting, given the resources necessary to complete existing priority projects.

(b) Review PSEIS priorities workplan.

Consistent with the goals of adaptive management, the Council annually reviews its groundfish management policy. The Council's groundfish policy, including the approach statement and objectives, is attached as Item D-6(b)(1). It was adopted by the Council in 2004 following a comprehensive programmatic review of the fisheries.

The Council has developed a workplan to guide the full implementation of that policy in the management of the fisheries. This workplan was last revised by the Council in February 2007, and is attached Item D-6(b)(2). The Council reviews the status of this workplan at each meeting, and the status update is attached as Item D-6(b)(3).

At this meeting, the Council is scheduled to review the objectives and workplan, and if appropriate, make any changes. While changes to the workplan can be made at any time, changes to the objectives require an FMP amendment. It is worth noting, however, that the time for refreshing the programmatic groundfish FMP SEIS is beginning to approach, so any major changes in the FMP policy or objectives could appropriately be folded into that process, in due course.

To assist with your review, a brief report on the Council's progress on implementing the workplan is attached as Item D-6(b)(4). The Council has discussed in the past the possibility of issuing a call for proposals focusing on the groundfish workplan. The Council may wish to take this into consideration at this meeting.

(c) Alaska Native, Community Outreach, and Stakeholder Participation.

At this June meeting, the Council is scheduled to review a revised discussion paper (attached as Item D-6(c)(1)) and have a more in-depth discussion of Alaska Native and community outreach and stakeholder participation. The intent of this effort is to develop an overall process for increasing community and Alaska Native participation during the development of fishery management actions, pursuant to the Council's workplan priority in the Programmatic SEIS. Two sets of approaches are discussed in this regard: 'ongoing' and 'project-specific' consultation. Ongoing

consultation denotes a regular and consistent method of communication that is undertaken regardless of any particular proposed management action. The paper describes several of the ideas proposed under both approaches, with a particular focus on two ongoing approaches that were of interest to the Council in prior meetings: 1) a standing Council committee of Alaska Native and rural community representatives, which would meet on a regular basis to review Council issues; and/or 2) providing funding for one or two Council and staff members to travel to Alaska Native and rural communities to discuss ongoing issues.

The paper also highlights the Arctic FMP outreach plan to consult with Arctic and northwest communities and Native entities as an example of the type of project-specific approach that could be formally approved by the Council. The steps outlined in the project-specific approach, combined with ad-hoc committees as necessary, may allow for more focused, meaningful, and consistent consultation and collaboration with community and Native entities compared to the status quo, and thus make broad improvements relative to the Council's workplan priority in the PSEIS.

The intent is that a protocol will eventually be developed to expand both ongoing and project-specific consultation, as well as a process to document such activities. At this meeting, the Council may be in a better position to determine how to make further progress on these issues. The Council could take action at this June meeting to initiate one or more of these concepts, and/or it could task staff to develop a more focused discussion paper on one or two of the ideas the Council would like to further explore. Alternatively, the Council could initiate a small committee of a few Council members, similar to current efforts by the Gulf of Mexico Fishery Management Council, that can use a deliberative process to make recommendations to the whole Council on how to improve outreach and consultation efforts. Note also that the Council previously stated that it would like to reserve time on each June agenda for an update of these issues.

Tribal consultation is also the topic of a recent letter sent from Kawerak, Inc., to NMFS (Item D-6(c)(2)) and a subsequent letter to the Council dated May 26 (Item D-6(c)(3)). Kawerak, Inc., is an Alaska Native non-profit corporation providing social, educational, and economic services to residents of the Bering Straits region, the Board of Directors of which represents twenty Federally-recognized tribes. The letter and attached resolution detail concerns with the need for NMFS and the Council to conduct tribal consultation in relation to the BSAI salmon bycatch management action and the potential subsistence impacts of the Bering Sea pollock fishery.

Since receiving this letter, Chris Oliver contacted Robert Keith (Chairman, Kawerak, Inc.) to assure him that the letter was received and that the Council and NMFS are assessing how best to incorporate tribal consultation during the development of the salmon bycatch analysis. Mr. Oliver noted that it continues to be the Council's understanding that it is NMFS' legal obligation to undertake formal government to government consultation with Federally-recognized tribes, but that regardless, the Council intends to solicit and obtain as much input as possible on the salmon bycatch proposal from Alaska Native entities and other affected entities. In addition, as described above, the Council is currently developing an expanded outreach plan relative to its programmatic workplan priority, with the specific intent of improving participation and consultation with community and Alaska Native entities.

Staff Tasking was not on the SSC's meeting agenda although they were asked to review nominations for BSAI and GOA groundfish plan teams and recommended the Council approve the appointments of Leslie Slater (USFWS) to the BSAI and GOA groundfish plan teams, David Barnard (ADF&G) to the BSAI groundfish plan team, and Mary Furuness (NMFS) to the BSAI groundfish plan team. The Advisory Panel did not address this agenda item due to time constraints.

COUNCIL DISCUSSION/ACTION

The Council received a review of staff tasking issues, the three-meeting outlook, and current committee listings from Executive Director Chris Oliver. Diana Evans (NPFMC staff) reviewed the PSEIS priorities workplan and Nicole Kimball (NPFMC staff) provided a review of efforts to improve community and stakeholder consultation on current and proposed Council actions. The Council also received oral public comment on some of these issues.

Plan Team & SSC Appointments

Bill Tweit moved to approve the plan team nominations recommended by the Scientific and Statistical Committee: Leslie Slater (USFWS) to the BSAI and GOA groundfish plan teams, David Barnard (ADF&G) to the BSAI groundfish plan team, and Mary Furuness (NMFS) to the BSAI groundfish plan team. The motion was seconded by Denby Lloyd and carried without objection.

Chairman Olson announced the appointments of Troy Buell of Oregon and Robert Clark of Alaska to the Scientific and Statistical Committee.

Committees

The Chairman noted the following committee changes:

Eric Olson and Ed Dersham will replace Sam Cotten and Gerry Merrigan on the *Joint Protocol Committee*.

Roy Hyder will replace Earl Krygier on the *VMS Committee*, serving as Chair.

Kenny Down (Freezer Longliner Assn) will be appointed to the *Observer Advisory Committee*.

Mr. Hyder noted that there will be changes in *Enforcement Committee* membership. He will consult with the appropriate parties and contact the Chair.

Dave Benson noted that John Gauvin has replaced Dave Wood on the *Non-Target Species Committee*.

Other Council Action

Aleutian Islands Sideboards. Denby Lloyd presented a written motion, "Measures to support community protections for Central Aleutian Island communities Pacific cod processing sideboards" -- Please see the motion in Appendix VIII to these minutes. The motion was seconded by Sam Cotten and carried without objection.

While this issue was not specifically noted on the agenda, Mr. Lloyd noted that this action would simply retreat from a formal analysis and go back to the discussion paper stage and refine some of the options. Mr. Bundy suggested that John Lepore (NOAA General Counsel) and/or Chris Oliver research the appropriate role of 'staff tasking' with regard to initiating new actions and provide the Council information at the next meeting.

Mr. Lloyd moved a second written motion, "Measures to support community protections for Central Aleutian Island communities Pacific Ocean perch and Atka mackerel processing sideboards" -- Please see the motion in Appendix IX to these minutes. The motion was seconded by Sam Cotten and carried without objection.

NMFS Fee Collection Amendment. Council members had concerns relating to this action, including the fact that the fees do not return to the agency and region in which they are collected, as well as disparity between fees collected and benefits received for some of the fees recommended in the discussion paper. Mr. Mecum noted that a consistent collection program across the country is a high priority for NOAA Fisheries and he assumes he will be directed to pursue an amendment. Council members were advised the analysis will be provided for Council review in December 2008.

Community Outreach. Council members agreed that a small committee of Council members, staff, and representatives of Alaska Native communities and interests will be formed to identify ways to improve outreach. Eric Olson will chair the committee.

Scheduling Issues

Halibut GHL - Area 3A. Scheduling of this issue will depend on data that will not be available until late August or September. The Executive Director and Chair will determine whether to put it on the October agenda based on that information.

Salmon ICA for October agenda. The Council scheduled for October a report/assessment from industry representatives on progress in developing an ICA for salmon.

GOA Rockfish Discussion Paper. Chris Oliver noted that staff will need to assess the scope of the work, but he does not think it would be ready for October.

GOA -- Fixed Gear LLP Recency and Cod Sector Split Analyses. Originally industry had requested that these two actions proceed on a parallel track. At this meeting the Council chose to bring the sector split back for an additional review in October with final action in December. Council members discussed whether to schedule final action for both issues in December, however it was unclear whether more analytical time may be necessary and Mr. Fields suggested that the Council schedule initial review in December on the sector split and final action on both issues in April. Council members agreed noting the September/October meeting agenda will be lengthy and there may not be sufficient time to adequately address these two issues.

ADJOURNMENT

The meeting was adjourned at approximately 2:00 p.m. on Tuesday, June 10, 2008.