


MEMORANDUM

TO: Council, SSC and AP Members  
FROM: Chris Oliver   
Executive Director  
DATE: February 1, 2006  
SUBJECT: Staff Tasking

ESTIMATED TIME 2 HOURS
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ACTION REQUIRED

- (a) Review tasking and committees and provide direction
- (b) Discuss alternatives to change MRA for the non-AFA CP fleet

BACKGROUND

- (a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-3(a)(1). Item D-3(a)(2) is the three meeting outlook, and Item D-3(a)(3) and Item D-3(a)(4) are the summary of current projects, timelines, and tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated, and potential additions discussed at this meeting, given resources necessary to complete existing priority projects.

Since the last meeting, the Chair has named committee membership for new Halibut Charter Stakeholder Committee. Both the Steller Sea Lion Mitigation Committee and the Observer Committee are in the process of being reconstituted relative to the revised focus and task of each committee. The first meeting of the Steller Sea Lion Mitigation Committee is scheduled for February 15-16 at the Alaska Fisheries Science Center in Seattle. The Ecosystem Committee met earlier this week, and will likely have recommendations for the Council on how to best proceed with development of special management for the Aleutian Islands and progress on the Aleutian Islands Ecosystem Forum. The Council may wish to act on those recommendations at this meeting. The Enforcement Committee also met this week, and their recommendations will have been addressed during discussion of specific agenda items, or there may be additional items from their report to address under staff tasking.

In 2004, the Council developed a workplan to bring groundfish management in line with its revised management policy (adopted as part of the PGSEIS). This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-3(a)(5).

- (b) Discuss Alternatives to change the MRA for the non-AFA CP fleet

In December, the Council reviewed a discussion paper on changing the maximum retainable allowance (MRA) enforcement period. The Council decided to postpone consideration of alternatives until the February meeting (tentatively), following final action on Amendment 80. For reference, the discussion paper is attached as Item D-3(b).

**NPFMC Committees and Workgroups**

Revised February 1, 2006

**Council/Board of Fisheries Joint Protocol Committee**

Updated: 7/28/03	<u>Council</u> Dave Benson Doug Hoedel Eric Olson	<u>Board</u> Mel Morris Art Nelson (Vacant)
Staff: Jane DiCosimo		

**Council Chairman and Executive Director Committee**

Appointed April 2005	<u>CFMC:</u> C: Eugenio Pinerio ED: Miguel Rolon	<u>NPFMC:</u> C: Stephanie Madsen ED: Chris Oliver
Staff: Chris Oliver	<u>GMFMC</u> C: Robin Riechers ED: Wayne Swingle	<u>PFMC:</u> C: Donald Hansen ED: Don McIsaac
	<u>MAFMC</u> C: Ron Smith ED: Dan Furlong	<u>SAFMC:</u> C: Louis Daniel ED: Robert Mahood
	<u>NEFMC</u> C: Francis Blount ED: Paul Howard	<u>WPFMC:</u> C: Frank McCoy ED: Kitty Simonds

**Council Executive Committee**

Updated: as needed	<b>Chair:</b> Stephanie Madsen McKie Campbell Jim Balsiger/Sue Salveson Jeff Koenings Roy Hyder
Staff: Chris Oliver	

**Crab Interim Action Committee**

[Required under BSAI Crab FMP]

McKie Campbell ADF&G Jim Balsiger, NMFS Jeff Koenings (WDF)
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**Ecosystem Committee**

Updated: January 2005	<b>Chair:</b> Stephanie Madsen Jim Balsiger/Sue Salveson Doug DeMaster John Iani Dave Fluharty Jim Ayers Dave Benton
<u>Status:</u> Active	
Staff: Chris Oliver/David Witherell/Diana Evans	

# NPFMC Committees and Workgroups

Revised February 1, 2006

## Enforcement Committee

Updated: July 2003	<b>Chair:</b> Roy Hyder Hermann Savikko, ADF&G Bill Karp - NMFS James Cockrell, F&W Protection Jeff Passer, NMFS-Enforcement Mike Cerne, USCG Sue Salvesson, NMFS-Mgmt. Lisa Lindeman, NOAA - GC
<u>Status:</u> Active	
Staff: Jane DiCosimo	

## Finance Committee

Updated: 9/28/05	<b>Chair:</b> Stephanie Madsen McKie Campbell(ADF&G) Jim Balsiger/Sue Salvesson Jeff Koenings (WDF) Dave Hanson Roy Hyder Gordon Kruse
<u>Status:</u> Meet as necessary	
Staff: Gail Bendixen/Chris Oliver	

## Fur Seal Committee

Updated: 7/25/03	<b>Chair:</b> David Benson Anthony Mercurief Larry Cotter Paul MacGregor Aquilina Lestenkof Steve Minor
<u>Status:</u> Active	
Staff: Bill Wilson	

## GOA Community Committee

Appointed: November 2004	<b>Chair:</b> Hazel Nelson Patrick Norman Chuck Totemoff Julie Bonney Chuck McCallum Joe Sullivan Ernie Weiss Duncan Fields
Staff: Nicole Kimball	

# NPFMC Committees and Workgroups

Revised February 1, 2006

## Halibut GHL Committee

Appointed: November 2005	<b>Chair:</b> Dave Hanson Tim Evers Dan Hull Andy Mezirow Ken Dole Jim Preston Sean Martin Seth Bone
Staff: Jane DiCosimo	

## Halibut Charter Stakeholder Committee

Appointed: January 2006	<b>Chair:</b> Dave Hanson Robert Candopoulos Ricky Gease John Goodhand Kathy Hanson Dan Hull	Joe Kyle Charles "Chaco" Pearman Seth Bone Larry McQuarrie Rex Murphy Greg Sutter Kelly Helper
Staff: Jane DiCosimo		

## IFQ Implementation Committee

<u>Status:</u> Reconstituted as shown (July 2003).	<b>Chair:</b> Jeff Stephan Bob Alverson Arne Fuglvog/Cora Crome Dennis Hicks Don Iverson Don Lane	Gerry Merrigan Kris Norosz Paul Peyton David Soma
Staff: Jane DiCosimo		

## Non-Target Committee

Updated: 8/6/04 Appointed: 7/26/03	<b>Chair:</b> Dave Benson Jule Bonney Karl Haflinger Michelle Ridgway Lori Swanson Dave Wood Janet Smoker Paul Spencer
Staff: Jane DiCosimo, Sarah Gaichas, NMFS	

# NPFMC Committees and Workgroups

Revised February 1, 2006

## Observer Advisory Committee

Updated: February 2004  <u>Status</u> : Active  Staff: Chris Oliver/ Nicole Kimball	Pending Reconstitution	
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## Pacific Northwest Crab Industry Advisory Committee

Updated: 6/2/04  Staff: Diana Stram	<b>Chair:</b> Steve Minor Keith Colburn Lance Farr Phil Hanson Kevin Kaldestad Garry Loncon Gary Painter	Rob Rogers Clyde Sterling Gary Stewart Tom Suryan Vic Sheibert Arni Thomson, Secretary [non -voting]
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## Steller Sea Lion Mitigation Committee

Appointed: 2/10/01 Updated: Jan 2006  [formerly SSL RPA Committee; renamed at Feb 02 meeting]  Staff: Bill Wilson	<b>Chair:</b> Larry Cotter Jerry Bongen Julie Bonney Sam Cotten Ed Dersham Dustin Dickerson Kevin Duffy John Gauvin John Henderschedt Sue Hills	Terry Leitzell Dave Little Steve MacLean Max Malavansky, Jr Art Nelson
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## VMS Committee

Appointed: 06/02  <u>Status</u> : Idle, pending direction  Staff: Jane DiCosimo	<b>Chair:</b> Earl Krygier Al Burch Guy Holt	Bob Mikol Ed Page CDR Mike Cerne Lori Swanson
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DRAFT NPFMC THREE-MEETING OUTLOOK - updated 1/30/06

February 6, 2006 Seattle, Washington	April 3, 2006 Anchorage, Alaska	June 5, 2006 Kodiak, Alaska
Halibut Charter GHJ Regs: <i>Initial Review</i>	Halibut Charter GHJ Regs: <i>Final Action (T)</i> Halibut Charter Management: <i>Receive workgroup report</i>	Halibut Charter Management: <i>Action as necessary</i>
AFA Coop Reports: <i>Review</i>	IFQ Omnibus 5 Amendments: <i>Final Action</i>	
BSAI Crab Rationalization: <i>Final Action on arbitration timing</i>	BS Habitat Conservation: <i>Progress Report</i>	
Observer Program: <i>Initial Review (T)</i>	Observer Program: <i>Final Action (T)</i> Ecosystem Approaches: <i>Action as necessary</i>	Observer Program: <i>Action as necessary</i>
GOA Rationalization: <i>Action as necessary</i>	GOA Rationalization: <i>Action as necessary</i>	GOA Rationalization: <i>Action as necessary</i>
Flatfish IRIU Am 80: <i>Final Action (T)</i>	Flatfish IRIU Am 80: <i>Action as necessary</i> MRA adjustments: <i>Action as necessary (T)</i>	Northern Right Whale: <i>Review final rule on CH (T)</i> Rockfish Management: <i>Action as necessary</i>
ESA Consultation on FMPs: <i>Action as necessary</i>	ESA Consultation on FMPs: <i>Action as necessary</i>	ESA Consultation on FMPs: <i>Action as necessary</i>
EFP Application: <i>Review</i>	Scallop SAFE: <i>Review and approve</i> Northern Right Whale: <i>Receive hearing report</i>	Northern Right Whale: <i>Review final rule on CH (T)</i>
List of Fisheries for 2006: <i>Action as necessary (T)</i>	Rockfish Management: <i>Review Report</i> GOA Dark rockfish: <i>Initial Review (T)</i>	Rockfish Management: <i>Action as necessary</i> GOA Dark rockfish: <i>Final Action (T)</i>
Research Priorities: <i>Review</i>	Crab Overfishing Definitions: <i>SSC Update</i> Seabird Bycatch on Longlines: <i>Receive Report (T)</i>	Crab Overfishing Definitions: <i>SSC Report</i> Crab Management: <i>Plan Team report</i> Seabird Bycatch on Longlines: <i>Initial Review (T)</i>
Non-target mgmt: <i>SSC review O.species assessments</i> SSC Workshop on Ecosystem Modeling	BSAI Cod Trawl C/V Eligibility: <i>Review options</i>	BSAI Cod Trawl C/V Eligibility: <i>Review progress</i>
BSAI P.cod sector allocations: <i>Initial Review (T)</i>	BSAI P.cod sector allocations: <i>Final Action (T)</i>	
Chiniak gully experiment: <i>Initial Review/Final Action</i>	BSAI Salmon Bycatch Package B: <i>Progress report</i> Salmon genetic research: <i>SSC Workshop</i> VIP Repeal: <i>Initial Review (T)</i> VMS Requirements: <i>Initial Review (T)</i>	BSAI Salmon Bycatch Package B: <i>Action as necessary</i> VIP Repeal: <i>Final Action (T)</i> VMS Requirements: <i>Final Action (T)</i>

TAC - Total Allowable Catch  
BSAI - Bering Sea and Aleutian Islands  
IFQ - Individual Fishing Quota  
GHL - Guideline Harvest Level  
HAPC - Habitat Areas of Particular Concern  
LLP - License Limitation Program  
VIP - Vessel Incentive Program  
PSC - Prohibited Species Catch

AI - Aleutian Islands  
GOA - Gulf of Alaska  
SSL - Steller Sea Lion  
BOF - Board of Fisheries  
FEP - Fishery Ecosystem Plan  
CDQ - Community Development Quota  
ESA - Endangered Species Act  
IRIU - Improved Retention/Improved Utilization

SAFE - Stock assessment and fishery evaluation  
VMS - Vessel Monitoring System  
EAM - Ecosystem Approach to Management  
SSC - Scientific & Statistical Committee  
FMP - Fishery Management Plan  
DPSEIS - Draft Programmatic Groundfish SEIS  
AFA - American Fisheries Act  
(T) Tentatively scheduled

**Council Project Summary** Updated January 30, 2006

**Projected Council/  
Weeks NMFS %**

<b>Council Priorities</b>			<b>Comments</b>
GOA Rationalization	?	70/30	Review Options in Feb (Mark,DianaE,DianaS,Nicole,Elaine,contractors,NMFS)
IR/IU flatfish adjustments (Am 79)	0	20/80	Amendment 79 awaiting Secretarial approval
IR/IU flatfish trailing amendments (Am 80)	4	80/20	Final Action in February (T) (Jon /Mark/ contract help)
Halibut Charter IFQ	0	90/10	Rescinded in December 05; stakeholder committee formed (Jane/NMFS)
Halibut Charter GHL	6	50/50	Initial Review in February 06 (Jane/contractor/NMFS)
Break out other species category into TAC groups	6	60/40	Initial Review in June 2006 (T) (Jane/NMFS)
Non-target (other rockfish, other flatfish, other species) developmen	?	60/40	Discuss in April (Jane/NMFS).
Rockfish management	?	60/40	Discuss in April (Jane/NMFS).
Observer Program (fee and deployment mechanism)	6	80/20	Initial review in February 2006 (Nicole/Chris)
Aleutian Islands Special Management Area	10	90/10	Ecosystem Committee to Review (Diana E.)
BSAI Crab Arbitration Timing	3	50/50	Final Action in February (Mark/NMFS)
BSAI Pacific cod Allocations (Am 85)	6	90/10	Initial Review in February (Nicole/Jim/Diana E)

**Other Projects Previously Tasked**

VMS Requirements	16	10/90	Initial Review in April (NMFS/Cathy)
BSAI Salmon Bycatch (Package A)	0	80/20	Being prepared for Secretarial Review (DianaS/NMFS)
BSAI Salmon Bycatch (Package B)	10	70/30	Discuss in April (Diana S./other)
GOA other species calculation		20/80	FR Notice on Am 64; comments due Jan 17 (DianaS/NMFS)
GOA Dark Rockfish	4	90/10	Initial Review in April (Diana S./NMFS)
Bering Sea <i>C. bairdi</i> split	0	90/10	Being prepared for Secretarial Review (Mark/NMFS)
IFQ Omnibus 5 Package	4	90/10	Final Action in April (Jane/Jim/NMFS)
SR/RE retention	4	80/20	Not started. (Jane/NMFS)
Repeal of VIP	2	0/100	Initial Review in April (T) (NMFS)
Opilio VIP	2	50/50	Not started - Pending action on existing VIP
GOA Salmon and Crab Bycatch Controls	12	80/20	Review data at future meeting (Diana S./Cathy/Elaine/ADF&G)
Catch/bycatch disclosure (vessel level)	2	70/30	Discussion paper - Postponed

**Other Projects Previously Tasked (Continued)**

GOA Rockfish Demonstration Program	1	20/80	Being prepared for Secretarial Review (Mark/NMFS)
Groundfish overfishing definitions	?	10/90	On hold pending EIS for NS 1 (NMFS HQ)
Subsistence halibut amendment	1	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)
AFA s/b caps to quotas and trawl LLP recency	?	80/20	Pending further Council direction
Industry proposal for pollock bycatch	?	90/10	Pending proposal and Council Direction
Crab Overfishing definition revision	?	10/90	Initial review in Oct 06 (T) (NMFS/ADF&G/Diana S)
CDQ eligible communities	0	20/80	Legislation so all 65 communities eligible. Initial Review April (Nicole)
CDQ Cost-Recovery	?	10/90	Initial Review in April 06 (T) (NMFS/Nicole)
CDQ Amendment 71	?	50/50	Discuss/direction on revised proposed alternatives in April (Nicole/NMFS)
CDQ: Management of CDQ Reserves	1	10/90	Being prepared for Secretarial Review (NMFS/Nicole)
Bering Sea habitat conservation	8	50/50	Discussion paper in April (NMFS/Cathy)
Bering Sea A-season start date	?	90/10	Wrapped into FMP-level consultation (Bill)
Ecosystem-based Management	?	90/10	Ecosystem Forum for AI being developed (Diana E.)

**Protected Species Issues**

ESA-listed Salmon Consultation on FMPs	2	20/80	Contract for CWT summary (NMFS/Bill/DianaS)
Right Whale CH	?	90/10	Hearing in March/ Final rule in June (NMFS/Bill)
ESA Consultation on FMPs	12	90/10	SSL Committee starts after Feb. Council meeting (NMFS/Bill)
ESA Consultation Initiation Package	3	50/50	Bio Assessment preparation in March (Bill/Cathy/NMFS)
SSL Research Summary	2	90/10	SSL compendium final draft in late April (Contractors/Bill)
Marine Mammal permits EIS	2	10/90	Comments by late Feb/ workshop in April (NMFS/Bill)
SSL Recovery Plan	2	10/90	Recovery Team in March/ Draft recovery plan in June (NMFS/Bill)



<b>Project timeline and major tasking for council staff. Updated 1/26/06</b>						
<b>Analytical Staff</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>
<b>Mark Fina, Sr. Economist</b> GOA Rationalization Crab Arbitration timing Miscellaneous Oversight	Final Action					
<b>Jon McCracken, Economist</b> Am. 80 IRIU (lead) Misc. economic assistance	Final Action (T)					
<b>Jim Richardson, Economist</b> GOA Rationalization (assist) BSAI P.cod analysis (assist) IFQ omnibus 5 Miscellaneous assistance	Initial Review		Final Action (T) Final Action			
<b>Elaine Dinneford, Fishery Analyst</b> Data Support (all projects) EcoSAFE, GOA bycatch AKFIN Liaison						
<b>Jane DiCosimo, Sr. Plan Coord</b> IFQ Omnibus 5 Package Rockfish Management Other species/non-target Halibut Charter GHL	SSC Review Initial Review		Final Action Report Final Action (T)			
<b>Diana Stram, Plan Coordinator</b> GOA Salmon/Crab Bycatch (Lead) BSAI Salmon bycatch (Lead) Scallop Issues Crab Management GOA dark rockfish	PT 2/23-24			Research Workshop SAFE report SSC report Initial Review (T)	PT 5/16-18	Final Action (T)
<b>Bill Wilson, Protect Species</b> Right Whale CH Seabird Bycatch State pollock fishery FMP Consultation	Joint BOF meeting Report		Report			
<b>Diana Evans, NEPA Specialist</b> GOA Rationalization NEPA Lead EAM and AI FEP BSAI P.cod analysis (assist) NEPA assistance	Committee Report Initial Review		Final Action (T)			
<b>Cathy Coon, Fishery Analyst</b> GOA Salmon/Crab Bycatch (assist) BSAI Salmon bycatch (assist) Being Sea EFH (lead)			Report Report			
<b>Nicole Kimball, Fishery Analyst</b> CDQ Projects (lead) Observer Program (lead) GOA Rationalization (community) BSAI P.cod Allocation (lead)	Initial Review		Initial Rev Am71 (T) Final Action (T) Disc Paper Final Action (T)		Final Action 71 (T)	

General Priority (in no particular order of importance)	Specific priority actions	Related to management objective:	Status (updated 1-27-06)	2006					2007					
				Feb	Apr	Jun	Oct	Dec	Feb	Apr	Jun	Oct	Dec	
Protection of Habitat	a. complete EFH action as scheduled	27	Amendment approved by Council											
	b. recommend to NOAA Fisheries increased mapping of benthic environment	29												
	c. develop and adopt definitions of MPAs, marine reserves, etc.	30	discussion paper presented in Feb 05											
	d. review all existing closures to see if these areas qualify for MPAs under established criteria	30	discussion paper presented in Feb 05											
	e. evaluate effectiveness of existing closures	26	discussion paper presented in Feb 05											
Bycatch Reduction	a. complete rationalization of GOA fisheries	17 (32)	rockfish demonstration program approved; analysis ongoing for broader rationalization											
	b. complete rationalization of BSAI non-pollock fisheries	17 (32)	partially addressed through IRIU Amd 80 (final action Feb 06); also Pacific cod sector allocations (initial review Feb 06)											
	c. explore incentive-based bycatch reduction programs	15	partially addressed through GOA rationalization and BSAI salmon vessel bycatch accountability analysis											
	d. explore mortality rate-based approach to setting PSC limits	20												
	e. consider new management strategies to reduce incidental rockfish bycatch and discards	17	review ranking system for species of concern											
Protection of Steller Sea Lions	a. continue to participate in development of mitigation measures to protect SSL including development of an EIS and participation in the ESA jeopardy consultation process	23	intention to consider revisions to SSL management measures in 2006-07											
	b. recommend to NOAA Fisheries and participate in reconsideration of SSL critical habitat	23	NMFS requested to re-initiate FMP-level Section 7 consultation on DoC species											
Prevent Overfishing	a. continue to participate in the development of "lumping and splitting" criteria	5	GOA 'other species' amd approved; 'other species' breakout analysis initiated											
	b. consider new harvest strategies for rockfish	4	report on MSE of rockfish harvest strategy in Apr 06											
	c. set TAC at or < ABC	1	Amendment approved by Council											
Ecosystem Management	a. revisit calculation of OY caps	11, 4	research paper presented to SSC in Feb 05											
	b. recommend to NOAA Fisheries and participate in the development and implementation of ecosystem indicators as part of stock assessment process	10	development ongoing; ecosystem SAFE to be presented each year; PICES workshops to develop indicators for the BS (Jan-Jun 06)											
Improve Data Quality and Management	a. expand or modify observer coverage and sampling methods based on scientific data and compliance needs	38, 39	initial review scheduled for Feb 06											
	b. develop programs for economic data collection that aggregate data	40	partially addressed through GOA rationalization											
	c. modify VMS to incorporate new technology and system providers	41	global VMS analysis initial review in Apr 05											

## **Discussion Paper to to Change MRA For Non-AFA CP Fleet**

National Marine Fisheries Service Alaska Region  
November 18, 2005  
Andrew N Smoker, Chief of Inseason Management  
Sustainable Fisheries Division

Potential Changes to the Maximum Retainable Amount (MRA) for the non-American Fisheries Act (AFA) trawl catcher/processor (CP) fleet. Discussion paper for the December 2005 North Pacific Fishery Management Council meeting

A group of eight companies with non-AFA trawl CP vessels participating in trawl fisheries in the BSAI and GOA groundfish fisheries proposed a regulatory change in the calculation of MRAs for incidentally caught species. The October 3, 2005 proposal states: "Change the enforcement period for Maximum Retainable Allowances (sic) from instantaneous during a regulatory week to an offload basis." This proposal was subsequently modified on October 10 to read: "Change the enforcement period for Minimum Retention (sic) Allowance from instantaneous during a regulatory week to an offload basis or to a change in the status of any fish retained on board due to either (1) an inseason management measure or (2) the vessel's movement to a different regulatory area."

The stated need for action focuses on reduction of regulatory discards. The proposal would reduce discards by: (1) calculating the MRA at the end of the fishing trip rather than at any time during the trip; and (2) eliminating two conditions that determine the length of the fishing trip.

### Current status of the regulations

MRAs are the tool NMFS uses to regulate catch of species closed to directed fishing. The MRA tables are a matrix of proportions. They represent a range of rates of the expected or acceptable incidental catch of species closed to directed fishing relative to target species. The MRA as a management tool relies on the ability of the vessel operator to selectively catch the target species. The target species is called a basis species in regulation. The species closed to directed fishing is the incidental species. Depending on the rate chosen, the MRA provides two basic purposes described under 'Current Functions of MRAs' below.

NMFS prohibits directed fishing for a species in order to: avoid over harvest of a total allowable catch (TAC) category; reduce or eliminate bycatch of prohibited species; (e.g. salmon, crab, halibut limits or groundfish on prohibited status); to implement sector TAC apportionments. An example of a sector TAC apportionment closure is the prohibition of directed fishing for pollock in the Bering Sea to vessels not qualified under the AFA or vessels not fishing under a Community Development Plan.

When NMFS prohibits directed fishing, retention is allowed up to an amount calculated with the MRA rate. The MRA tables show rates used to calculate retainable proportions of incidental species relative to species open to directed fishing. Vessel operators calculate the MRA through three basic steps. They identify and calculate the round weight of the basis (or target) species,

identify the appropriate rate from the MRA table, and multiply that rate against the round weight of the basis species. The calculated maximum amount is the retention limit. The vessel must discard catch in excess of that amount to avoid a violation of regulation. The vessel operator calculates the MRA at any time for the duration of the fishing trip. The proposal calls this condition the 'instantaneous' enforcement period for a trip. The regulation assumes the MRA rate is appropriate at least for incidental catch.

A fishing trip begins with harvesting fish. By regulation several conditions end a trip (which ever occurs first): 1) NMFS prohibits directed fishing, 2) the vessel offloads, 3) the vessel moves into an area where a directed fishing closure already exists, 4) the vessel switches gear or 5) the end of a weekly reporting period. A trip defines the period during which a vessel operator calculates the amount of incidental species retained relative to the basis species.

The regulations grant vessels not listed under the AFA management measures special exceptions from the pollock MRA regulations. The AFA closed directed fishing for pollock by these vessels.<sup>1</sup> The 'instantaneous' restriction does not apply. An offload is the only fishing trip definition applicable. They retain pollock at any rate during a fishing trip. At the end of the trip they must meet the MRA proportion.

#### Current function of MRAs

The MRA rate regulates the retention of incidental species catch in other groundfish target fisheries. Ideally MRA restrictions provide appropriate incentives to slow the catch of a species so that catch equals the TAC by the end of the year. Beyond management of a TAC to obtain optimum yield, MRA calculations perform two additional functions. MRAs limit retention to a species expected incidental catch rate. Alternately the MRA functions as a trip limit. This function allows for catch and retention higher than expected incidental catch rates.

For several incidental/basis species combinations, the low MRA rates reduce indirect targeting ('topping off'). In these cases, the MRAs represent the expected catch of an incidental species absent deliberate action by the vessel operator to maximize that incidental catch and retention amounts. The requirement to meet the MRA rate at any time during a trip limits the vessel operators' ability to maximize catch retention. This restriction is used to limit total catch of species low in TAC amount (relative to the species caught in the directed fisheries), at greater risk of being caught in excess of the OFL, and high in monetary value. For example some rockfish meet these criteria.

Regulations establish a relatively higher MRA for other species. For example the generous rate for Greenland turbot as an incidental specie relative to flathead sole as a basis specie reflects management goals. Experience demonstrated the directed trawl Greenland turbot fishery incurred high halibut bycatch rates. In response, managers closed the directed fishery and increased the MRA relative to flathead sole. The higher MRA allows for increased indirect targeting on Greenland turbot and slows the bycatch of halibut. In contrast to the previous example, these regulations encourage 'topping off'. The MRA functions as a management tool allowing catch of Greenland turbot and more moderate halibut bycatch.

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<sup>1</sup> The exception to this prohibition is fishing for pollock under the Western Alaska Community Development Program.

For several species where restricting catch to an incidental rate or indirect targeting are not a consideration, regulations establish the MRA rate as twenty percent.

#### Analysis of the proposal

The proposal affects the length of a fishing trip and delays the calculation of the MRA to the end of a fishing trip. Three rather than five conditions define the end of a fishing trip. The proposed remaining conditions are; 1) vessel offloads, 2) NMFS prohibits directed fishing, and 3) vessel movement to an area where a different directed fishing closure applies. The two eliminated conditions are: the vessel switches gear and a weekly reporting period end.

For the fleet that proposed this action, eliminating gear switching has little impact on trip status. Trawl catcher processors rarely switch gear within the trawl category (between non-pelagic and pelagic gear) and do not switch between trawl, hook-and-line, pot, or jig gear.

Elimination of the weekly reporting period as a trip condition allows for an increased amount of retained incidental species. Typically vessels offload every 20 to 25 days. Absent any other trip ending events, a trip increases from a maximum of 7 to as much as 25 days. Especially in combination with elimination of the 'instantaneous' calculation requirement, increased trip time allows vessels more opportunity to encounter incidental species and accumulate basis species. NMFS and the Council created the weekly reporting period trip limit to deliberately reduce the opportunity to indirectly target incidental species.

The pollock exception allows a trip to be defined solely by an offload. As an allocation measure under the AFA, NMFS closed pollock to directed fishing for all vessels except those authorized under the AFA and the Community Development Quota (CDQ) program. The two additional trip conditions are not relevant because pollock is closed to directed fishing the entire year. However these two conditions are relevant for all other species. The two conditions are directed fishing prohibitions and vessel movement into an area with an existing directed fishing closure. When either condition is invoked trip length is reduced relative to the offload definition.

The proposal contends that when the MRA calculation is required throughout the trip, ('instantaneously') then incidental catch is discarded in excess of the MRA calculation. Increased retention is allowed when the calculation is performed at the end of the trip. Incidental species discarded early in the trip under current regulation are retained with basis species caught by the end of the trip. The vessel operators gain greater flexibility, especially in retaining incidental species caught early in the fishing trip.

Conversely, with that advantage vessel operators gain the option to deliberately 'front load' species closed to directed fishing. Early retention ensures a maximum amount of incidental species caught for each trip. Front loading assumes enough basis species are caught by the trip end date otherwise, incidental species are discarded.

The current regulation limits the amount of indirect targeting of highly valued incidental species. The proportions that constitute many MRA rates were designed to reflect the upper end of expected incidental catch rates.

The proposal acknowledges a change in status (opened or prohibited to directed fishing) for species retained on the vessel generates a new trip for the vessel. If the vessel is not retaining a species and its status changes a new trip is not initiated for that vessel.

### Effects of the proposal on the MRA function that limits retention to the expected incidental catch

As a limitation on the retention of incidental species, the MRA deteriorates when its calculation occurs at the end of the trip. It likewise deteriorates with elimination of the weekly reporting period as a trip end condition. The vessel operator's economic incentive maximizes the value of each trip. The proposal provides the opportunity to indirectly target higher valued incidental species (e.g. shortraker rockfish) early in the trip rather than accumulating them in an incidental manner. Intentional indirect targeting behavior will increase the overall catch of species that have limited groundfish fisheries through overfishing closures in the past. While the proposal could simplify accounting and reduce regulatory discards, if an economic incentive exists to do so, the relaxed accounting regulations encourage greater catch of incidental species that require protection.

In 2005 NMFS prohibited directed fishing for Bering Sea rockfish for the entire year. Catch for most rockfish species was moderate relative to the TAC. Catch did not approach overfishing. However, the status of stocks change each year, sometimes dramatically. The harvest specification trend is to create more categories of small TACs, often with low OFLs. If the acceptable biological catch (ABC) of incidental species decrease, and basis species increase, the incidental species catch will not tolerate indirect targeting without approaching the OFL. The thrust of rockfish management is to disassociate species complexes into their constituent species. A greater number of species categories with smaller ABCs and OFLs increase the potential of the catch of a species reaching the OFL.

Historically, indirect targeting of rockfish species has driven catch levels high enough to approach OFLs. Fisheries have been closed and revenues foregone to prevent overfishing. In the BSAI, shortraker rockfish are incidentally caught in several directed fisheries. Those fisheries include: AFA pollock; IFQ sablefish & halibut; CDQ sablefish and halibut; non pelagic trawl Pacific cod; Atka mackerel; Pacific ocean perch; arrowtooth; hook-and-line Pacific cod and Greenland turbot; and pot sablefish. An action to prevent overfishing of shortraker rockfish considers curtailment or closing of some or all of these fisheries.

### Effects of the proposal on the MRA function as a trip limit

Relaxation of the MRA accounting process is likely to increase retention rates for all species. The proposal allows trawl catcher/processors maximum incidental catch retention and retention of species for which NMFS created deliberate 'top off' fisheries (e.g. Greenland turbot in the flathead sole target). The proposal can provide tools for reducing regulatory discards.

The non-AFA trawl catcher/processors are expected to form co-ops in the relatively near future. Once they do, the 'race for fish' is expected to be greatly reduced. A reduction of the competitive environment provides the affected vessels the opportunity to increase catch of species that are not allocated consistent with sideboard restrictions and co-op agreements. The non-AFA trawl catcher/processors are likely to have sideboards for the non-allocated groundfish. Because sideboards are not a 'hard cap' (a sideboard only determines whether a TAC category is open to directed fishing or not) individual vessels will be able to indirectly target sideboarded species. For example, yellowfin sole is a proposed allocated species under Amendment 80. Under this proposal, vessels will be able to maximize the incidental catch of Pacific cod relative to yellowfin sole, perhaps in excess of sideboard limits, if sideboards continue to be managed as 'soft caps'. Indirect targeting allows vessel operators to increase Pacific cod catch without technically participating in the directed Pacific cod fishery.

## Conclusion

The proposed changes to MRA calculations will allow the requesting fleet to retain more incidental catch and decrease discards of species closed to directed fishing. The proposal will remove a limitation on the ability to indirectly target species that are valuable and are vulnerable to overfishing. The tension in this proposal resides between the two functions of the MRA.

The MRA serves to limit catch of some species to a level low enough so that the groundfish fishery has been able to generally avoid overfishing issues. When overfishing became an issue, fisheries were closed before TAC was harvested. To avoid approaching overfishing, MRA ratios were reduced for some species and trips were limited to no more than a week.

Allowing a more generous definition of a trip and adjusting the MRA calculation provide tools to reduce discards, an important focus of NMFS through Amendments 79 and 80.

Several questions can be asked in response to the proposal

1. Can the development of co-ops through Amendment 80 address some of the current regulatory discard issues?
2. Will sideboards remain 'soft caps'? To limit the potential for topping off on species vulnerable to overfishing should they be "hard"? (i.e. When a sideboard limit is caught, will NMFS prohibit continued fishing that takes that specie, even incidentally.)
3. If sideboards remain 'soft caps' does the creation of co-ops increase the potential for vessels to top off on the low volume, high value species that are particularly vulnerable to overfishing?
4. How should the incidental catch of specie like shortraker rockfish that is common to so many fisheries (many are highly valuable CDQ, individual quota, or co-op fisheries) regulated so that the potential of overfishing closures are minimized to the extent possible?

Dear Ms. Madsen I would like to propose a new groundfish area for the Bering Sea. The area I am interested in making a new groundfish area is the current shellfish sections Q3 Norton Sound section and Q4 St. Lawrence section.

I believe it is a needed step in the building of the Northern Bering Sea fishing community I do not know of any commercial Ground fishing in the area proposed, so I do not see any conflicting interest .In the Norton Sound area we have seen more and more P cod in are King crab fishery in the Northern Norton Sound area at the same time the king crab numbers seem to be dropping .At the other end of the sound the King crab are doing grate and there are no P cod (the water is not as deep the cod seem to prefer 100 feet and deeper) The fisheries we currently have are developed as fare as they can be so I see this as an opportunity for more fishermen .

There is some data showing a history of harvestable numbers of P cod as far back as 1948 by the U S bureau of fisheries.

I am a where that I am asking for a lot, I just hope you can see the wisdom in developing this resource.

Thank you for your time  
Adem Boeckmann

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Thank you for your help if any thing look to bad feel free to fix

Adem Boeckmann

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Joe Sullivan  
D-3  
2/06

advising Congress of its preliminary preferred alternative. In response to those reports, Congress included in its Omnibus Appropriations bill for fiscal 2004 (HR 2673) a provision directing the Secretary of Commerce to approve and implement the Council's preliminary preferred alternative. Copies of the language from the bill (Item C-5(a)(3)), the associated conference report (Item C-5(a)(4)), and Senator Stevens floor statement (Item C-5(a)(5)), are attached.

**Report of the Scientific and Statistical Committee**

The SSC recommended sending the Crab EIS out for review and comment, after consideration of several issues provided to the authors (Please see SSC Minutes, Appendix IV to these minutes for those comments and recommendations).

**Report of the Advisory Panel**

The AP recommended the release of the Draft BSAI Crab EIS for public review and comment. The AP further recommended staff incorporate the SSC's comments and the following AP recommendations if inclusion of these comments and recommendations can be done prior to release and will not delay final action.

1. Include the "Council Motion for BSAI Crab Rationalization June 10, 2002 as updated April 2003" in the EIS.
2. Include discussion relative to 4.6.7.3 on page 4-217 of the EIS, be updated to include discussion of the DOJ letter dated August 27, 2003 relative to anti-trust risk associated with binding arbitration.
3. The AP endorses the SSC's recommendation #5 on page 5 of their February 2004 minutes. Additionally, the AP requests staff prepare a document to be circulated to the public before the June meeting which would show the allocation of IPQs to individual processors and the distribution of IPQs among communities.
4. The discussion of the August 5, 2002 letter to Congress identifies that other (non-MSFCMA) statutes would need to be amended to implement the mandatory data collection program. This section of the EIS should identify those statutes and whether the data collection may be constrained, given that 801 (j) (1) only addresses MSFCMA restrictions on data collection. (4.6.7.5 page 4-224)
5. Expand discussion of the short and long term effects of crab rationalization, and that efficiency be clearly defined and applied consistently to both the harvesting and processing sectors.

**DISCUSSION/ACTION**

Ed Rasmuson moved that the Council direct staff to prepare an analysis for delivery to the Council 18 months after the fleet begins fishing under the crab rationalization program. The analysis will examine effects of the 90/10 A share/B share split, <sup>among the</sup> and the binding arbitration program, <sup>and communities</sup> on the distribution of benefits ~~between~~ harvesters ~~and~~ processors in the BSAI crab fisheries. On receiving the analysis, the Council will consider whether the 90/10 split and arbitration program are having their intended effects and whether some other A share/B share split (e.g., 80/20, 70/30, or 50/50) may be appropriate. The motion was seconded by Kevin Duffy and carried without objection.

Mr. Rasmuson stated that he's proposing the review in 18 months so the Council can address any problems that may arise during the first year of the program in a timely manner.

ad vessel use caps  
and crab program  
testing and stacking  
provisions 17



## Alaska Marine Conservation Council

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February 10, 2006

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
Anchorage, AK

RE: Bering Sea Essential Fish Habitat *Staff Tasking*

Dear Ms. Madsen and Members of the Council,

We are pleased that the Council is preparing to follow up on essential fish habitat for the Bering Sea. As a starting point we support the open area approach and gear modification where it shows promise for habitat protection. We recommend that the Council also include some variations on those approaches as options in the upcoming EA.

1. Gear Modification – In 1998 the Council adopted a requirement that the Bering Sea pollock fishery would be prosecuted as a pelagic-only fishery. This was a widely supported conservation decision which has also turned out to serve the industry well in other ways. Indeed, the pelagic-only nature of the fishery contributed to its certification by the Marine Stewardship Council. The EFH EIS points out that the gear is actually operated on the bottom a high percentage of the time and identified mobile bottom gear as having significant impact on the seafloor. We maintain that bottom trawling has adverse impact on the structural integrity of the benthic community adding uncertainty to fishery management assumptions and unnecessary risk to the marine ecosystem. We recommend that the Council consider an option in the EA that ensures the pollock fishery operates in a true pelagic mode.
2. Open Area – We recommend that the open area be designed to include primary areas of fishing but exclude discrete areas that are known to be especially vital to crab and crab habitat during sensitive life stages (such as important locations for female and juvenile opilio crab). We also request that the Council pursue a method to address small but intrinsically important locations for rockfish species using the best available information from surveys, commercial harvests, and other sources.

Thank you for considering our recommendations for analysis in the Bering Sea EA. We look forward to working with the Council on these ideas and developing more specific options.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dorothy Childers", with a long horizontal flourish extending to the right.

Dorothy Childers  
Program Director