

Executive Summary

This document includes a Regulatory Impact Review (RIR) which evaluates the costs and benefits of an action to amend the fishery management plans (FMPs) of the North Pacific Fishery Management Council (Council) so as to reimburse the Federal Government for the administrative costs of processing applications for the permits required by those plans. This document also includes an Initial Regulatory Flexibility Analysis (IRFA) which evaluates the impacts of the action on small businesses.

Regulatory Impact Review

The RIR is mandated by Presidential Executive Order 12866.

The Magnuson Act authorizes regional councils and NOAA Fisheries to amend fishery management plans to allow NOAA Fisheries to recover federal administrative costs. Historically, each regional council decided whether or not to use this authority to charge an administrative fee for the cost of permit processing expenses. The result is inconsistent permit fee policies around the country.

In December 2004, NMFS Policy Directive 30-120 called for the establishment of a uniform national policy of charging applicants for the costs of processing permit applications. Cost recovery for processing permit applications has been implemented under the FMPs governing federal fisheries in the Northwest, Pacific Island, Southwest, and Southeast Regions.

The purpose of this action is amend the North Pacific FMPs to authorize regulations that recover the costs of processing applications for all permits issued by NMFS in the Alaska Region. This action is not required for administrative costs already recovered under the Limited Access Privilege Program cost-recovery programs, to the extent allowed by law. Without this action the Federal Government would continue to subsidize the processing of permit applications in North Pacific fisheries, and there would be a lack of consistency in cost recovery policy in different regions of the United States. Without this action, fishermen in some regions would inequitably be required to pay for services which were provided at no charge to fishermen in other regions. Fees collected under this action would accrue to the general funds of the U.S. Treasury, and without legislation, would not be dedicated to fisheries management in the North Pacific.

The analysis examines four options for the action alternative. These are (1) Option 1, implement cost recovery for all permits and registrations not required for existing designated LAPPs (but excluding registrations and permits required for subsistence halibut harvests), (2) modify Option 1 by excluding exempted fishing permits, (3) modify Option 1 by excluding prohibited species donation permits, (4) modify Option 1 by excluding the categories of permits in both Options 2 and 3.

Cost recovery for halibut subsistence registrations and permits was considered rejected without being subjected to further analysis because of the potential to compromise important program objectives. Subsistence halibut fishing is a traditional, ongoing, and culturally important practice for Alaska Natives in many parts of the state, and particularly in Southeast Alaska. Halibut subsistence registrations and permits were instituted in order to collect information about the scale and scope of traditional subsistence halibut fishing while interfering with that activity as little as possible. Simplicity and ease of application for registrations and permits are important to the success of this program. Recovering the full costs of processing permit applications would undercut this program design.

The alternative and its options offer potential efficiency benefits if the program eliminates applications for permits from persons when the cost of processing the application is greater than the value of the permit to the applicant. The alternative changes the distribution of permit processing costs from the general public

to the fishermen who benefit directly from the permit. Permit program administration becomes consistent with programs elsewhere in the country. The equity benefits cannot be added to the efficiency benefits; their relative importance is a policy decision.

The costs of this program include the costs of setting up its administrative structure and the annual costs of collecting and processing the payments. It is possible that increased administrative responsibilities associated with the program would slow NMFS permit processing, imposing some additional application costs on the public. The application processing fee payments themselves are a transfer from one group of U.S. citizens (permit applicants) to another (the taxpaying public) and are not themselves considered a cost of the program.

Costs and benefits are summarized in the following table.

Costs and benefits of the Alternatives and Options.

	Alternative 1: no action	Alternative 2 (cost recovery excluding LAPPs and halibut subsistence programs)			
		Option 1: Charge for permits not issued in cost-recovered programs	Option 2: exempt exempted fishing permits	Option 3: exempt prohibited species donation permits	Option 4: incorporate Options 2 and 3.
Does the alternative accomplish the objectives for this action? Objectives are listed in Section 1.3. Note that objectives may conflict.	This alternative does not meet the objective of recovering costs, of charging fees equal to the incremental cost of processing applications, of compliance with federal guidelines for cost recovery, or of consistency with methods in existing cost-recovered programs. It meets the objective of minimizing costs and of avoiding fees that compromise program objectives.	This alternative partially meets the objective of recovering program costs and the objective of avoiding fees that compromise program objectives.	This alternative partially meets the objective of recovering program costs and the objective of avoiding fees that compromise program objectives.	This alternative partially meets the objective of recovering program costs and the objective of avoiding fees that compromise program objectives.	This alternative partially meets the objective of recovering program costs and meets the objectives of avoiding fees that compromise program objectives and of minimizing costs.
		All four options meet the objectives of charging fees equal to the incremental cost of processing permit applications, of compliance with Federal guidelines for cost recovery, of consistency with methods used in other programs, and of minimizing costs.			
Costs of the alternative	No change - Baseline.	Regional Administrative costs of charging for permits are \$20,000 to \$30,000.	Regional Administrative costs of charging for permits are \$20,000 to \$30,000.	Regional Administrative costs of charging for permits are \$20,000 to \$30,000.	Regional administrative costs of charging for permits are \$20,000 to \$30,000.
		Minor setup costs (~\$5,000). Potential increase in elapsed time for processing permit applications may create costs for fishermen. Some additional Treasury costs for processing funds.			
Benefits of the alternative	No change - Baseline.	Cost recovers about \$105,000 plus costs of cost recovery program	Cost recovers about \$100,000 plus costs of cost recovery program	Cost recovers about \$105,000 plus costs of cost recovery program	Cost recovers about \$95,000 plus costs of cost recovery program
		Programs may have efficiency benefits if permit holders who value the permit less than the costs of processing the application are discouraged from applying. Program helps achieve the action's purpose of consistent and equitable application of permitting requirements across U.S. fishermen.			
Net benefit to the Nation of the alternative	No change - Baseline.	These programs use labor and capital resources to change the distribution of application processing costs reducing taxpayer subsidies and providing a more uniform application of permit cost recovery across all U.S. fishermen. Evaluation of the net social benefit requires a policy judgment about the relative value of the distributional benefit in comparison to the costs incurred.			
Note: Dollar values for 2008 if program had been adopted. Value estimates rounded to the nearest \$5,000. Program costs and costs recovered will be lower if certain programs are designated as LAPPs (see Table 5). This table is based on Table 6 in the analysis.					

Initial Regulatory Flexibility Analysis

This analysis includes an Initial Regulatory Flexibility Analysis conducted pursuant to the Regulatory Flexibility Act. This action will directly regulate small businesses, governments, and non-profits applying for permits issued under the authority of the fishery management plans of the North Pacific Fishery Management Council. Natural persons are not considered small entities within the meaning of the RFA. The estimated number of directly regulated small entities is shown in the following table for each of the relevant permits.

Estimated numbers of directly regulated small entities impacted by the action

Program	Permit types	Estimated directly regulated entities	
		Total	Small
Halibut CDQ	Annual CDQ	6	6
	Hired Master	500	0
License Limitation program	Groundfish/Crab Licenses Transfers	194	175
	Scallop License Transfers	2	2
American Fisheries Act	Catcher Vessel Replacement	111	0
	Catcher Processor Replacement	21	0
	Mothership Replacement	3	0
	Inshore Processor Replacement	8	0
	Annual Inshore Cooperative	7	0
Federal Groundfish Permits	Federal Fisheries - Vessel	1,665	1,500
	Federal Processors	134	58
	Replacement FFP/FPP	1,799	1,558
Gulf of Alaska Rockfish Pilot Program	Annual Cooperative Quota	7	1
	Annual Cooperative Quota Transfers	7	1
	Entry level	635	600
Amendment 80	Quota Share	28	0
	Limited Access	7	0
	Annual Cooperative Quota	1	0
Aleutian Islands Atka mackerel harvest limit area	Lottery participant	8	0
Aleutian Islands nomination	The Aleut Enterprise corporation nominates the vessels that will fish for AI pollock on its	1	0
Exempted Fisheries Permits	Experimental	3	3
Prohibited Species Donation program	Authorized distributor	1	1

This action will require minimal changes in application forms, and the submission of the cost recovery fee by check, money order, credit card, or use of the U.S. government online "Pay-go" system. The analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action. An IRFA should include "A description of any significant alternatives to the proposed rule that accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that would minimize any significant (implicitly adverse) economic impact of the proposed rule on small entities." At the time of the preparation of this draft IRFA, the Council has not identified a preferred alternative. However, Options 2, 3, and 4, which provide exemptions for exempted fishing permits and prohibited species donation permits could exempt some small entities.

**DRAFT ACTION PLAN FOR ANNUAL CATCH LIMIT AMENDMENTS
TO THE BERING SEA/ALEUTIAN ISLANDS AND GULF OF ALASKA GROUND FISH FMPs
May 28, 2009**

PROPOSED ACTION Amend the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish FMPs and revise federal regulations under 50 CFR part 679 to comply with requirements under the Magnuson-Stevens Reauthorization Act (MSRA) for annual catch limits (ACLs) and accountability measures (AMs). The FMPs will be revised to include a description of:

1. specification of minimum stock size thresholds (MSST) that define when a stock is considered overfished.

Action: Add text to the FMPs to describe the specification of MSSTs. This description is currently incorporated into the annual SAFE reports. *Tasked to AFSC/NPFMC staff.*

2. measures that are taken if and when a stock drops below MSST.

Action: Add text to describe measures that are taken if and when a stock drops below MSST. This is an ongoing evaluation and a management response will occur when needed. *Tasked to AKRO/AFSC/NPFMC staff.*

3. accountability measures (AMs) that are triggered if an ACL (i.e., the ABC) is exceeded.

Action: Add text to describe AMs that are triggered if an ACL is exceeded; reference the current in-season management system which is more timely than what would occur in the year following an exceedance. *Tasked to AKRO/NPFMC staff.*

4. how catch from all sources (commercial catch, recreational catch, research catch (e.g., scientific research permits, letters of acknowledgement, and experimental fishing permit (EFP) harvests) is counted against the OY.

Action: (1) Add text to describe how catch from all sources is counted against the OY. The groundfish FMPs describe OY as a range of landings for all species combined (BSAI = 1.4 to 2.0 million mt; GOA = 116,000 to 800,000 mt). For individual stocks, the catch from some (but not all) sources other than federal commercial fisheries is currently incorporated into the assessments/SAFE Reports. This amount is generally very low, and when added to the total yearly groundfish catch, is less than the maximum of the OY range. *Tasked to AKRO/NPFMC staff.* (2) Revise experimental fishing permit procedures in the FMPs (*may result in a separate analysis to address national EFP regulations). *Tasked to AKRO/AFSC staff (T).* (3) Revise SAFE Report practices by creating a uniform system to include all removals in the stock assessments. *Tasked to AKRO/AFSC staff.*

5. how the Tier levels for ABC and OFL are based on the best scientific information about the stock/complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. Although some effort is underway to examine more explicit use of uncertainty in the setting of groundfish ABCs, additional action is not required to comply with NS1 guidelines.

Action: (1) Add text to describe above. *Tasked to AFSC staff;* (2) The AFSC is examining more explicit use of uncertainty in the setting of groundfish ABCs; however additional action is not required to comply with NS1 guidelines. The AFSC has initiated an analysis to revise/review the groundfish tier system, which could result in a separate FMP amendment. *Tasked to AFSC staff.*

6. how OY is derived from MSY and how the OY will produce the greatest benefit to the Nation.

Action: Add text to describe ecological factors that are considered by the Council in reducing OY from MSY (*Tasked to AFSC/Council staff.*)

7. stocks in the fishery and to consider adding an ecosystem component (EC) category.

Action: Revise the groundfish FMPs to define the stocks "in the fishery" which will likely result in

adding an EC category. The current target and other species categories would be defined as 'in the fishery'. The current forage fish category and prohibited species category could be included in the EC category. The non-specified category is considered outside of the fishery. This would be a two-stage process where currently managed species will be examined for compliance; non-specified species would be removed from the groundfish FMPs and in a trailing amendment, a vulnerability analysis would determine if any should be included as EC species (e.g., grenadiers). AFSC will provide sensitivity/vulnerability analysis to identify which stocks are "in the fishery;" three possible management avenues may result:

- a. "in the fishery" = e.g., Target Species or Other Species
- b. Ecosystem component = e.g., forage fish, prohibited species(?), some target species or other species(?)
- c. Eliminate the non-specified category from the FMP
Tasked to AFSC staff.

PROBLEM STATEMENT/OBJECTIVE On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the MSA .The guidelines clarify how to comply with new annual catch limit and accountability measure requirements for ending overfishing of fisheries managed by federal FMPs. A legal review of the BSAI and GOA Groundfish FMPs found inadequacies in the FMP texts that need to be addressed. This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield.

ANALYSIS An Environmental Assessment (EA) for amendments to the BSAI and GOA Groundfish FMPs is required. A Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) is required for complementary revisions to federal fisheries regulations.

RANGE OF ALTERNATIVES

- Alternative 1. No Action
- Alternative 2. Amend the BSAI and GOA Groundfish FMPs and revise federal regulations under 50 CFR part 679 to comply with annual catch limit and accountability requirements pursuant to revised guidelines for National Standard 1.

APPLICABLE LAWS

MSA, National Environmental Policy Act, EO 12866, Regulatory Flexibility Act

STAFF RESOURCES

Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the NS 1 guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries, although these reports have not been finalized.

- NPFMC Jane DiCosimo
- NOAA AKR Sue Salvesson, Melanie Brown, Dr. Ben Muse
- NOAA AFSC Dr. Grant Thompson, Dr. Anne Hollowed, Dr. Paul Spencer, Dr. Olav Ormseth, Sandra Lowe
- NOAA Habitat No habitat implications
- NOAA PR Kaja Brix
- NOAA GCAK Clayton Jernigan
- HQ Galen Tromble, Rick Methot, Mark Milliken, Mark Nelson

TIMELINE TO IMPLEMENTATION

January 2009	NMFS HQ issues final guidelines for National Standard 1.
April 2009	NMFS HQ issues draft working group reports (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) on how to carry out the technical components of the guidelines.
April/May May 2009	Interagency staffs meet numerous times to coordinate Council response. Annual Catch Limit Workshop at AFSC coordinates SSC and Groundfish Plan Teams responses to draft work group reports.
June 2009	Council approves draft action and tasks staff with preparation of analysis.
August 2009	Staff prepares technical analyses (Thompson/Turnock prepare uncertainty analyses for groundfish/crab); Spencer/Ormseth prepare groundfish vulnerability analysis).
September 2009	Staff consults with BSAI and GOA Groundfish Plan Teams on draft alternatives and technical analyses.
October 2009	Staff presents progress report on EA/RIR/IRFA as necessary.
November 2009	Staff consults with Plan Teams on preliminary analyses.
December 2009	Council conducts preliminary review of analyses.
February 2010	Council conducts initial review of draft ACL EA/RIR/IRFA for public review.
March 2010	NMFS publishes 2010/2011 harvest specifications.
April 2010 ¹	Council takes final action and selects a preferred alternative.
May 2010	Council staff submits EA/RIR/IRFA to NMFS for review.
June 2010	Council staff submits EA/RIR/IRFA to NMFS for Secretarial review; NMFS publishes NOA and proposed rule to implement ACL amendments.
September 2010	Plan Teams recommend proposed 2011 and 2012 harvest specifications based on new ACL amendments; SOC approves ACL amendments.
October 2010	Council recommends proposed 2011 and 2012 harvest specifications based on new ACL amendments; NMFS publishes final rule implementing ACL amendments.
November 2010	Plan Teams recommend final 2011 and 2012 harvest specifications.
December 2010	Council recommends final 2011 and 2012 harvest specifications.
Late 2010	NMFS publishes inseason adjustment to correct mis-specified 2011 harvest specifications that were published March 2010, if needed.
January 1, 2011	Revised harvest specifications are in effect.

MAJOR ISSUES

- The Council and NMFS should place these groundfish FMP and regulatory amendments (along with ACL amendment to the Crab FMP) among its highest priorities for action in 2009/2010. Statutory deadline of January 1, 2011 for implementation of ACL/AM requirements for groundfish requires final action no later than April 2010¹.
- NMFS needs to identify changes to federal regulations that would result from ACL amendments to the groundfish FMPs (ongoing).
- Improvements to uncertainty calculations and management of vulnerable species (beyond meeting legal requirements for revised NS1 guidelines) will require separate trailing groundfish FMP amendments.
- The Council (e.g., Non-Target Species Committee) should reevaluate its previous tasking priorities for revising management of (1) BSAI skates (October 2009 final action), (2) BSAI/GOA squids (December 2009 final action), (3) BSAI/GOA sharks and sculpins (February 2010 final action), (4) BSAI/GOA octopods (not scheduled), and (5) BSAI/GOA grenadiers (not scheduled). For example, moving grenadiers from non-specified species to target or an EC category could be undertaken in a trailing amendment.

¹ NMFS may advise that final action will be needed in February 2010 to facilitate implementation by the deadline.

**DRAFT ACTION PLAN FOR ANNUAL CATCH LIMIT AMENDMENTS
TO THE BSAI KING AND TANNER CRAB FMP
May 28, 2009**

AGENDA D-1(b)(2)
JUNE 2009

PROPOSED ACTION Amend the BSAI King and Tanner Crab FMP to comply with the Magnuson-Stevens Reauthorization Act (MSRA). The FMP will be revised to address the following requirements:

1. An ABC control rule which articulates how ABC will be set compared to the OFL based on the scientific knowledge about the stock or stock complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. The ABC must be recommended to the Council by the SSC,

Action: Amend FMP to include an ABC control rule, define ACL as ABC, and include a process for recommending this ABC annually to the Council by the SSC. Multiple alternatives may be considered in evaluating an appropriate ABC which explicitly considers uncertainty for crab stocks. Alternative ABC control rule and the means by which they consider explicitly scientific uncertainty are being developed by analysts following discussion at the ACL Workshop May 21-22. Review of comparative control rule strategies will occur at the September 14-16 Crab Plan Team meeting. The SSC review process for recommending specifications to the Council must also be modified (both in scope and timing) to meet these requirements. Options for doing this are currently under consideration and may require changes to the current timing for TAC-setting by the State of Alaska. Tasked to NPFMC/AKRO/AFSC/ADFG staff.

2. Councils must build into the reference points and control rules appropriate consideration of risk, taking into account uncertainties in estimating harvest, stock conditions, life history parameters, or the effects of environmental factors.

Action: Explicit consideration of uncertainties will be evaluated in conjunction with alternative ABC control rule strategies under Action 1. Tasked to NPFMC/AKRO/AFSC/ADFG staff.

3. Catch from all sources must be counted against the OY. Accountability measures (AMs) that are triggered if an ACL (i.e., the ABC) is exceeded.

Action: Amendment to FMP to include explicit directive that the total not exceed the established ACL, describe AMs that are triggered if an ABC is exceeded; reference the current in-season management system and provisions for annually calculating all catch and comparing against the ACL. Bycatch mortality must be taken into account when evaluating the status of stocks. This is being done in conjunction with the annual assessments and reference in FMP could be made specifically to annual SAFE reports production. Tasked to NPFMC/AFSC/AKRO/ADFG staff.

4. Include estimate of OY and MSY and provide specification analysis.

Action: Explicit consideration of uncertainties will be evaluated in conjunction with alternative ABC control rule strategies under Action 1. Tasked to NPFMC/AFSC/AKRO/ADFG staff.

PROBLEM STATEMENT/OBJECTIVE On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They provide guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. Annual catch limits are amounts of fish allowed to be caught in a year. A legal review of the BSAI King and Tanner Crab FMP found there were inadequacies in the FMP texts that need to be addressed. Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the NS 1 guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries although these reports have not been finalized.

This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield. ANALYSIS An EA¹ for amendment to the BSAI King and Tanner Crab FMP is required.

RANGE OF ALTERNATIVES

- Alternative 1. No Action
- Alternative 2. Amend the BSAI King and Tanner Crab FMP to comply with annual catch limit and accountability requirements pursuant to revised guidelines for National Standard 1.

Note Alternative 2 may contain multiple options for ABC control rules.

APPLICABLE LAWS NEPA, MSA

STAFF RESOURCES

NPFMC	Diana Stram
ADF&G	Doug Pengilly, Shareef Siddeek, Forrest Bowers, Jie Zheng
NOAA AKR	Sue Salveson, SeanBob Kelly, Gretchen Harrington, Ben Muse
NOAA AFSC	Anne Hollowed, Jack Turnock, Bob Foy, Lou Rugolo
NOAA Habitat	No habitat implications
NOAA PR	No protected resource implications
NOAA GCAK	Clayton Jernigan
HQ	Galen Tromble, Rick Methot, Mark Milliken, Mark Nelson

TIMELINE TO IMPLEMENTATION

January 2009	NMFS HQ issues final guidelines for National Standard 1.
April 2009	NMFS HQ issues draft working group reports (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) on how to carry out the technical components of the guidelines.
April/May	Interagency staffs meet numerous times to coordinate NPFMC response.
May 2009	Annual Catch Limit Work Shop at AFSC coordinates SSC and Groundfish Plan Teams response(s).
June 2009	Council approves draft action and tasks staff with preparation of analysis
Summer 2009	ADF&G and AFSC Staff prepares analyses of alternative control rule strategies
September 2009	Crab Plan Team reviews alternative ABC control rule strategies and make recommendations for alternatives to include in analysis
October 2009	SSC reviews CPT recommendations and analyses of draft ABC control rules and provides recommendations for alternative to include in analysis
March 2010	CPT special meeting to review draft assessments including alternative control rule applications, make 'mock' ABC recommendations by stock for analysis
April/May 2010	Staff completes draft EA incorporating impact analysis of ABC recommendations
June 2010	Initial review of EA
Oct/Dec 2010	Final action-Council selects preferred alternative
Early 2011	Council staff submits EA to NMFS for Secretarial review; NMFS publishes NOA (and proposed rule if necessary) to implement ACL amendments
September 2011	CPT reviews assessments, recommends ABCs for 2011/12 fishing year
October 2011	SSC reviews assessments, reviews CPT recommendations, recommends ABCs for 2011/12 fishing year
October 2011	Crab fisheries begin under new specification process

¹ AKRO staff will advise if regulatory amendment(s) is required; an RIR/IRFA would be prepared if necessary

MAJOR ISSUES

- The Council and NMFS should place this amendment (along with Scallop and Groundfish FMP amendments) among its highest priorities for action. Statutory deadline of June, 2011 for implementation of ACL/AM requirements for scallop requires final action no later than October 2010.
- Need to resolve timing issue of CPT and SSC ability to make ABC recommendations prior to TAC setting.

**DRAFT ACTION PLAN FOR ANNUAL CATCH LIMIT AMENDMENTS
TO THE ALASKA SCALLOP FMP
May 28, 2009**

PROPOSED ACTION Amend the Alaska Scallop FMP to comply with the Magnuson-Stevens Reauthorization Act (MSRA). The FMP will be revised to address the following requirements:

1. An ABC control rule which articulates how ABC will be set compared to the OFL based on the scientific knowledge about the stock or stock complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. The ABC must be recommended to the Council by the SSC,

Action: Amend FMP to include an ABC control rule, define ACL as ABC, and include a process for recommending this ABC annually to the Council by the SSC. Multiple alternatives may be considered in evaluating an appropriate ABC for scallop stocks including reconsideration of the existing MSY, currency for evaluation of stock status (meat weight versus individual scallops), region-specific ABCs, and statewide ABCs. Tasked to NPFMC/AKRO/ADFG staff.

2. Catch from all sources must be counted against the OY. Accountability measures (AMs) that are triggered if an ACL (i.e., the ABC) is exceeded.

Action: Amendment to FMP to include explicit directive that the GHR not exceed the established ACL, describe AMs that are triggered if an ABC is exceeded; reference the current in-season management system and provisions for annually calculating all catch and comparing against the ACL. Bycatch mortality must be taken into account when evaluating the status of stocks. This could be done in conjunction with the annual SAFE report production for the previous fishing year. Tasked to AKRO/NPFMC staff.

3. Define the stocks in the fishery.

Action: Amendment to remove non-target scallop stocks (pink scallops, spiny scallops, rock scallops) from the FMP and redefine as a weathervane scallop FMP. Tasked to AKRO/NPFMC staff.

4. Councils must build into the reference points and control rules appropriate consideration of risk, taking into account uncertainties in estimating harvest, stock conditions, life history parameters, or the effects of environmental factors.

Action: Explicit consideration of uncertainties will be evaluated in conjunction with alternative ABC control rule strategies under Action 1. Tasked to NPFMC/AKRO/ADFG staff.

PROBLEM STATEMENT/OBJECTIVE On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They provide guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. Annual catch limits are amounts of fish allowed to be caught in a year. A legal review of the Alaskan Scallop FMP found there were inadequacies in the FMP texts that need to be addressed. Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the NS 1 guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries although these reports have not been finalized.

This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield.

ANALYSIS An EA¹ for amendment to the Scallop FMP is required.

¹ AKRO staff will advise if regulatory amendment(s) is required; an RIR/IRFA would be prepared if necessary

RANGE OF ALTERNATIVES

- Alternative 1. No Action
Alternative 2. Amend the Alaskan Scallop FMP to comply with annual catch limit and accountability requirements pursuant to revised guidelines for National Standard 1.

Note Alternative 2 will contain several options for MSY and ABC control rules.

APPLICABLE LAWS NEPA, MSA

STAFF RESOURCES

NPFMC Diana Stram
ADF&G Gregg Rosenkrantz
NOAA AKR Sue Salvesson, SeanBob Kelly, Gretchen Harrington, Scott Miller
NOAA AFSC TBD
NOAA Habitat No habitat implications
NOAA PR No protected resource implications
NOAA GCAK Clayton Jernigan
HQ Galen Tromble, Rick Methot, Mark Milliken, Mark Nelson

TIMELINE TO IMPLEMENTATION

January 2009 NMFS HQ issues final guidelines for National Standard 1.
April 2009 NMFS HQ issues draft working group reports (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) on how to carry out the technical components of the guidelines.
April/May Interagency staffs meet numerous times to coordinate NPFMC response.
May 2009 Annual Catch Limit Work Shop at AFSC coordinates SSC and Groundfish Plan Teams response(s).
June 2009 Council approves draft action and tasks staff with preparation of analysis
Summer/Fall 2009 Staff prepares analysis
February 2010 Staff prepares draft EA for Scallop Plan Team review and recommendations
March-May 2010 Staff incorporates SPT revisions as applicable
June 2010 SSC/Council initial review of EA
October 2010 Council recommends preferred alternative
Late 2010 Council staff submits EA to NMFS for Secretarial review; NMFS publishes NOA (and proposed rule if necessary) to implement ACL amendments
February 2011 Scallop Plan Team recommends ABCs for 2011 fishing year
April 2011 SSC reviews Scallop SAFE report, SPT recommendations and recommends ABCs for 2011 fishing year
June 2011 Scallop fishery begins under new specification process

MAJOR ISSUES

- The Council and NMFS should place this amendment (along with Crab and Groundfish FMP amendments) among its highest priorities for action. Statutory deadline of June, 2011 for implementation of ACL/AM requirements for scallop requires final action no later than October 2010.
- Need to identify whether any changes to federal regulations will result which would require a Regulatory Impact Review (RIR) and Regulatory Flexibility Analyses (IRFA/FRFA)
- Consideration must be given to annual SAFE report changes to enable informed recommendations of annual ABCs (ACLs).

*****DRAFT*****

**Report of the Annual Catch Limit Workshop
North Pacific Fishery Management Council
May 21-22, 2009
Alaska Fisheries Science Center
Seattle, Washington**

***Formal recommendations resulting from the workshop are in italics (#10, 28, 29, 32, 38).**

Agenda Item 1. Introduction

1. Chair Pat Livingston opened the meeting and welcomed participants.
2. Jane DiCosimo (Items #1 - 4, and 7), Jim Ianelli (Item #5), and Diana Stram (Item #6), were appointed rapporteurs.
3. Participants introduced themselves; the list of participants is Attachment 1.

Agenda Item 2. Overview of NS1 guidelines

4. Rick Methot summarized the revised guidelines for National Standard 1 (NS1); http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ControlRules_Uncertainty.pdf
5. Diana Stram summarized required groundfish, crab and scallop FMP amendments to comply with NS1; http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ACL_stram_FMPs.pdf
6. Clayton Jernigan summarized groundfish, crab and scallop legal requirements to amend the FMPs to comply with NS1; http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ACL_PPT.pdf

Agenda Item 3. Scientific review workgroup reports--NS2 "Best available science"

7. Pat Livingston discussed the timeline for publishing the proposed revisions to National Standard 2 guidelines, which are the product of a separate NMFS workgroup. A preliminary draft revision of the guidelines was prepared in February 2009; internal review of the draft occurred in April 2009; final revisions to the draft are scheduled to be completed in May 2009; the proposed rule for NS2 guidelines is scheduled to be published in the *Federal Register* in June 2009; public comments would be received between mid-June and mid-September; the final rule would be published in the fall of 2009.

Agenda Item 4. Ecosystem components vulnerability assessments

8. Paul Spencer summarized the general results of analyses and recommendations from the draft work group report for assessing vulnerable stocks http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/Vulnerability509.pdf; http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/VEWG_PPT_Spencer.pdf
9. Olav Ormseth presented possible approaches of the vulnerability analyses to stocks off of Alaska. http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ormseth_Ospecies.pdf
10. *The ad hoc SSC/PT participants recommended proceeding with an immediate amendment to the BSAI and GOA groundfish FMPs to move non-specified species outside the FMPs and move forage fish into a new ecosystem component category. Subsequent FMP amendments to revise management of other species groups and management of complexes would follow.*

Agenda Item 5. Uncertainty and ACL specifications

11. Rick Methot presented an overview of requirements for incorporating uncertainty into determining annual catch limits, entitled, "Control Rules & Uncertainty". The key point of his presentation was to demonstrate how uncertainty could be addressed when making catch level recommendations that avoid overfishing. He presented key components of uncertainty, and these include how well the model fit the data and how model structure uncertainty and model mis-specification could lead to a misleading level of confidence. Treatment of uncertainty should include consideration of fixed and estimated parameters, model complexity, and retrospective patterns.

http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ConceptualApproach_ABC_Buffers_v4_Mar20.pdf

12. For situations where no survey information is available, Methot outlined possible actions with an attempt to bring in expert scientific advice as listed in the following table:

Historical Catch	Expert Qualitative Judgment	Possible Action
Nil, not targeted	Inconceivable that catch could be affecting stock	Not in fishery; Ecosystem Component; SDC not required
Small	Catch is enough to warrant including stock in the fishery and tracking, but not enough to be of concern	OFL unknown; Set ABC above historical catch; Set ACT at historical catch level. Allow increase in ACT if accompanied by cooperative research and close monitoring.
Moderate	Possible that any increase in catch could be overfishing	OFL = unknown ABC = f(catch, vulnerability) So caps current fishery
Moderately high	Overfishing or overfished may already be occurring, but no assessment to quantify	Set provisional OFL = f(catch, vulnerability); Set ABC below OFL to begin stock rebuilding

13. Kyle Shertzer presented a paper entitled, "Probabilistic approaches to setting catch levels." He noted that the ACT and ACL would be computed directly from buffers off of the OFL but clarified that adding a buffer from ACL, so that the ACT would be conditional on ACL rather than OFL, was also acceptable and would be possible using his method. http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/TechMemoApproaches509.pdf, http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ShertzerPstarACL_PPT.pdf
14. Dana Hanselman presented a related approach entitled, "A general method to adjust catch limits/targets with survey uncertainty." This approach enforces a strong link to uncertainty and frequency of surveys or another abundance of index. Alternative estimates of uncertainty were presented and buffers with pre-specified P* values were computed. It appeared that the Kalman filter approach for obtaining measures of uncertainty was most appropriate since measurement errors and process errors were included and could be extended for estimates of future uncertainty (without new information). http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ACL_survey_uncertainty_hanselman509.pdf; http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/HanselmanACL_PPT.pdf
15. Participants noted that selection of P* (and P** from Shertzer's work) were selected arbitrarily in these presentations; selection of final values for these parameters is envisioned as a policy decision. For both methods, accommodation for lapses in survey and/or assessment information will generally result in lower ACL values for future projections, since new information would be lacking and hence uncertainty would be greater.

16. Participants noted that P^* is analogous to methods where the probability of rebuilding are specified, in that uncertainty is accounted for and the probability is selected as a policy decision. Also, multi-species technical interactions could have unforeseen consequences to other fisheries.
17. Participants discussed how it is common that variance estimates are often under-estimated and the potential repercussions that P^* values would be applied inconsistently.
18. Some control rules have a reduction in harvest rates below a reference stock size, and the group questioned how a P^* -like buffer should be implemented in such cases. It was noted that the F_{lim} control rule could have a kink in it, but that this could be undesirable and inconsistent. It may be possible that the use of AM (accountability measures) instead of a kink in the F_{OFL} control rule would have the desired effect of ensuring that ABC levels were rarely exceeded. Presently, the Alaska groundfish and crab (under the new plan) measures have used lower F_{OFL} levels when the stock is below biomass reference levels.
19. Participants noted that new ACL measures may affect structural changes in the fishery.
20. Participants expressed concern that many methods for the lower tier stocks were ignoring uncertainty regarding natural mortality and survey catchability (or assuming a constant level of such uncertainties across stocks), and that these likely contribute substantively to the uncertainty.
21. Grant Thompson presented: "A decision-theoretic approach to setting buffers between fishery management targets and limits." A focus of his work included developing a method for calculating a buffer given different levels of uncertainty (estimation, implementation, and process errors) and risk aversion. Much of the discussion centered on the form of the utility function and the degree of risk aversion that should be appropriately selected. While most anticipated factors (in particular, economic and social or protected resource interactions) can be explicitly included in utility functions, the meeting noted that the ACL/ABC/OFL setting process was just one part of the management process and that other measures (such as closed areas, technical interactions etc) play a role in how fisheries are prosecuted. http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/Decisionapproach509.pdf, http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/Thompson%20ACL_PPT.pdf
22. Participants discussed the potential of including EY (economic yield) more explicitly since MEY is a natural extension of MSY. However, several participants felt that the present task should focus on single-species yields only and that other factors (such as socio-economics, essential fish habitat, protected resources etc.) might be handled by other management actions.
23. Participants discussed how attitudes toward risk might relate to the existence and location of a kink in the F_{OFL} control rule.
24. Participants noted that the technical definition of risk aversion is complicated, and that the Council should be aware of how it could affect management.
25. Dana Hanselman reviewed information needs and decision points for his proposed approach for estimating uncertainty of survey variability, which compared groundfish Tiers 3 and 5 for rockfish and a Tier 6 example (sleeper shark). http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/Hanselman_simplePPT.pdf In all cases, the means to estimate a buffer depends on the survey but is problematic for most Tier 6 stocks due to lack of confidence in biomass estimates (for those Tier 6 stocks where some survey information is available). The group discussed whether additional parameter uncertainties were accounted for (e.g., M , survey q) and should be included in his proposed approach. Several examples were shown describing the relationships between P^* values compared with the current ABC/OFL buffers. Further exploration of the relationship of P^* and current buffers across species and tiers would be useful.
26. Grant Thompson presented ways to implement his analysis for data-poor stocks, and the group discussed the pros/cons of regression analysis versus a fully Bayesian approach. http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/Thompson_DT_PPT.pdf Participants questioned the extent to

which results might be dependent on the specific form of the utility function. Participants also questioned how other relevant variables (e.g., socio-economic considerations other than risk aversion) might be considered in such an approach.

27. Jack Turnock presented results from a simulation exercise applying an ACL rule to evaluate the frequency (probability) that the current OFL definition for crab stocks would be exceeded. His proposed approach for Tier 4 Tanner crab stock, as an example, indicated that the input levels of uncertainty affected the probability that ACL would exceed the OFL. This method was a parametric Bootstrap with male M set at a constant value of 0.23 and a normal distribution with CVs (S.E. relative to the mean) of 0.15, 0.2, and 0.25. The survey biomass distribution was assumed to be lognormal with CVs of 0.15, 0.2, and 0.25. The biomass reference point was calculated using biomass estimates resampled with replacement from the original time series of estimates and the frequency that the ACL was greater than OFL was tabulated for Tier 4 Tanner crab, with a sloping control rule, where $F_{ref} = M$, B_{ref} = average survey biomass 1968 to 1980, $\alpha = 0.1$, and $\beta = 0.25$.
28. *The participants recommended that an analysis of these proposed approaches be completed by mid-August 2009 and be reviewed at the Groundfish and Crab Plan Team meetings in September 2009. These teams may meet jointly for this discussion. This should include a list of uncertainty corrections that evaluates the impact of P^* on buffer size at different tiers. Groundfish could be used as a starting point; the analysis should include a table, by tier category, with the implied assumptions regarding P^* or the level of risk aversion underlying each buffer. This should help inform the table presented below on uncertainty components and should clearly document each component of variability.*
29. *The participants recommended that the analysts construct a table for a transparent qualitative approach for developing alternatives. This would be drawn from Methot's ideas on framing bounds for adjustments from OFLs to obtain ACLs. Participants listed components of uncertainty that they consider important for consideration, noting that the components ideally should have limited overlap and that some may be considered more relevant than others. The regression coefficients estimated for different levels of risk aversion from Thompson's paper could be used to help objectively quantify the appropriateness of some default adjustments. The list of components is shown below:*

Uncertainty component	Qualitative Level	Weight	Adjustment Value
Baseline fraction of OFL			X%
Stock-recruitment	High	1	
Survey catchability	Med	1	
Natural mortality	Med	1	
Maturity / reproduction	...	1	
Handling mortality		1	
Growth		1	
Stock structure/movement		1	
Selectivity		1	
Model mis-specification		1	
Other		1	
Total			

Agenda Item 6. Applicability to crab & scallop ABC control rules

Discussion of crab management

Note that discussion of Tier 3 and 4 application of the ACL control rule is described under Agenda Item 5 above.

30. The participants discussed the possible applicability of establishing individual 'sector-ACLs' for crab stocks to address bycatch in other (e.g. groundfish) fisheries.
31. The participants discussed additional issues specific to application of proposed uncertainty adjustments for ABC control rules for crab stocks including: reproductive potential measured as mature male biomass (MMB), crab stock vulnerability at low stock sizes, spatial issues of fishery concentration, and differential survival and reproductive potential between stocks, which could be included in a table as recommended in No. 29 above. Additional difficulties must be addressed in the application of uncertainty approaches to data moderate/poor crab stocks (Tiers 4 and 5), where no projection model exists.
32. *The participants recommended that an analysis of proposed uncertainty buffer control rule approaches similar to those outlined above (under Agenda Item 5 recommendations, numbers 27, 28, 29) be considered for crab stocks in Tiers 3 and 4 over the summer and presented at the September Crab Plan Team meeting in conjunction with presentation of the groundfish results. Buffer results for groundfish may help inform appropriate buffers for crab stocks at Tiers 3 and 4. At that time, consideration will be given by the CPT to the proposed uncertainty approaches for higher tiers as compared against the straight application of the groundfish Tier 3 ABC control rule as well as a default $ABC=0.75*OFL$. For Tier 5 crab stocks, where only annual catch information is available and the OFL is defined as the long-term mean annual catch and is estimated by the mean of the historical annual catch, the sampling distribution of the average historical catch could be employed to obtain the appropriate buffer (e.g., the ABC could be the historical mean minus the standard error of the mean multiplied by an appropriate factor (e.g., 1.5 or 2.0) to obtain the desired buffer).*

Discussion of scallop management

33. Diana Stram summarized the current management of scallop stocks, information available for management on a regional basis, and the difficulties in addressing ACL compliance for the scallop FMP. http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ScallopACLStram.pdf
34. The participants reviewed ideas for ACL specification alternatives, noting the difficulties in equating dated MSY specification (statewide) with regional management. There are notably fundamental issues in estimating bed-specific biomass due to lack of available and consistent survey information in most regions. Video-survey methodology is ongoing and expected to be promising for additional biomass estimation in the future for most beds. Additional work on age-structured modeling is needed but expected to be limited in the near-term to those beds for which sufficient information exists. Other sources of mortality should be accounted for, including those from the NMFS trawl survey and other groundfish fisheries as the current OFL is based on retained catch only.
35. The participants noted the issue of currency, that is, the current OFL is measured in terms of pounds of shucked meat and is for retained catch only. If the OFL is expanded to include total catch under the ACL action, total catch would primarily include scallop bycatch in the directed scallop fishery, bycatch in the groundfish fisheries, and survey catch, which are accounted for in numbers of animals. These catches can be converted into pounds of shucked meat, but managers should consider whether number of animals is the better measure of biomass (i.e., not convert to meat weights).

36. Participants noted that the approach to incorporate uncertainty in the absence of a tier-based approach is a critical management issue.
37. The participants identified a need to estimate the density of unfished plus fished scallop beds. An expansion to unfished beds could be based on areal extent of the beds to better estimate statewide biomass. The ability to perform this expansion based on NMFS trawl surveys is limited, as data mainly indicate presence/absence of scallops. Most information comes from past records of fishing activities.
38. *The participants recommended the following alternative approaches for scallop ACL analysis:*
 1. *Statewide ABC(ACL) = 75% of MSY*
 2. *Re-estimate MSY by two means:*
 - a. *use trawl survey data and/or other expansion estimate of scallop density in all areas*
 - b. *use older estimate of average catch*
 3. *Statewide ABC(ACL) = 90% of MSY*
 4. *Consider region-specific ACL in addition to statewide as above. Justification for this consideration at ACL level based on observed differences in regional productivity: e.g. Yakutat compared to Kodiak*

Agenda Item 7. Prioritizing FMP amendments

39. Jane DiCosimo reviewed the action plan for amending the BSAI and GOA groundfish FMPs. The Council should take final action no later than April 2010 for the FMP amendment to take effect by the statutory deadline of January 1, 2011. <http://www.alaskafisheries.noaa.gov/npfmc/analyses/GFAMendments509.pdf>
40. Diana Stram reviewed the proposed actions for amending the crab and scallop FMPs. The Council should take final action no later than October 2010 for the FMP amendments to take effect by the statutory deadlines of June 2011 (scallop) and October 2011 (crab).
http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ACLactionsCrabFMP509.pdf;
http://www.alaskafisheries.noaa.gov/npfmc/current_issues/ACL/ACLactionsScallopFMP509.pdf

Attachment 1- ACL Work Shop Participation*

* for all or part of the meeting

SSCs

Martin Dorn (NMFS)
Anne Hollowed (NMFS)
George Hunt (UW)
Pat Livingston (NMFS)
André Punt (UW)
Theresa Tsou (WDFW)
Farron Wallace (WDFW)
Doug Woodby (ADF&G)

BSAI Groundfish

Kerim Aydin (NMFS)
Henry Cheng (WDFW)
Bill Clark (IPHC)
Jane DiCosimo (NPFMC)
Mary Furuness (NMFS)
Lowell Fritz (NMFS)
Dana Hanselman (NMFS)
Alan Haynie (NMFS)
Grant Thompson (NMFS)

GOA Groundfish

Henry Cheng (WDFW)
Mike Dalton (NMFS)
Bob Foy (NMFS)
Nancy Friday (NMFS)
Steven Hare (IPHC)
Jon Heifetz (NMFS)
Jim Ianelli (NMFS)
Sandra Lowe (NMFS)
Tom Pearson (NMFS)
Paul Spencer (NMFS)
Diana Stram (NPFMC)

Crab

Forrest Bowers (ADF&G)
Gretchen Harrington (NMFS)
Doug Pengilly (ADF&G)
André Punt (UW)
Lou Rugolo (NMFS)
Herman Savikko (ADF&G)
Shareef Siddeek (ADF&G)
Diana Stram (NPFMC)
Jack Turnock (NMFS)

Scallop

Gretchen Harrington (NMFS)
Scott Miller (NMFS)
Herman Savikko (ADF&G)
Diana Stram (NPFMC)
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July 2, 2008

Mr. Doug Mecum
Acting Regional Administrator
P.O. Box 21668
Juneau, AK 99802-1668

Dear Doug:

I am writing to follow through on the Council's June discussions regarding potential amendments to our FMPs which would implement permit fees in our fisheries, pursuant to a request from NMFS headquarters to have this authority in all FMPs for all U.S. fisheries. After reviewing the initial discussion paper in June, the Council expressed a reluctance to proceed further, based on a number of concerns. You indicated during those discussions that NMFS would proceed with development of an FMP amendment package, and that the Council would determine at a future point in time whether to act upon that amendment package.

As your staff develops that amendment package, I request that they take into account the issues and concerns raised by the Council, and to the extent possible address those issues and concerns in the draft amendment package. These can be summarized as follows:

- The Council was reluctant to proceed with the proposed FMP amendments given that any fees collected would divert to the general Treasury, rather than go to support fisheries management activities.
- Related to the point above, the Council was unclear on the distinction between 'permit fees' and 'cost recovery', and why proposed permit fees could not be defined in a way that allows them to be used to support fisheries management.
- The discussion paper we reviewed in June illustrated a potential wide spectrum of permit fees, depending on type of permit. The Council was concerned, for example, that fees for some lower revenue fisheries would be substantially higher than fees for other, higher revenue fisheries.
- There was concern raised that some of the most expensive permitting processes (for example the exempted fishing permits) did not fully account for the real costs of issuance, and additionally that they were proposed as candidates for exemption from the fees.
- There were questions raised regarding the comparability and consistency with fees for fisheries in other regions of the U.S., and a desire to see more information in this regard.

Mr. Doug Mecum
July 2, 2008
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Our understanding is that it would be at the Councils' discretion whether to recommend approval of any FMP amendments to implement such permit fees. We appreciate the agency's consideration of these issues as your staff proceeds with further analysis and a potential amendment package for Council consideration.

Sincerely,



Eric A. Olson
Chairman

cc: Mr. Samuel Rauch
Dr. James Balsiger

Potential Alternatives for Bering Sea (BSAI) and Gulf of Alaska (GOA) Groundfish Fishery Management Plan (FMP) Amendments to Meet National Standard 1 Revised Guidelines

Alternative 1: Status Quo. The Groundfish FMPs remain unchanged.

Alternative 2: Action Alternative. Revise the BSAI and GOA Groundfish FMPs to meet the National Standard 1 Guideline requirements.

Action 1: Identify Stocks in the Fishery

- Option 1: Status quo. Target species, other species, prohibited species, forage fish, and nonspecified species are in the fishery. *Annual catch limits required for all stocks.*
- Option 2: Target species and other species are in the fishery; forage fish and prohibited species are under an Ecosystem Component category; nonspecified species are removed from the FMPs. *Annual catch limits and accountability measures required for target and other species. Other management measures apply to target, forage fish, and prohibited species. No management of nonspecified species.*

Rejected options:

- Option 3: Target species and other species are in the fishery. *Forage fish, prohibited species, and nonspecified species would be removed from the FMPs. Annual catch limits and accountability measures required for target and other species.*
- Option 4: Target species and other species are in the fishery; forage fish, prohibited species, and nonspecified species are under an Ecosystem Component category. *Annual catch limits and accountability measures required for target and other species. Other management measures apply to target, forage fish, and prohibited species and may apply to nonspecified species.*

Action 2: Housekeeping: Amend the FMP text to explain current practices.

These include adding text to the FMPs to describe:

- Specification of Minimum Stock Size Thresholds (MSSTS). This description is currently incorporated into the annual Stock Assessment and Fishery Evaluation (SAFE) reports.
- Measures that are taken if and when a stock drops below MSST. This is an ongoing evaluation and a management response will occur when needed.
- Accountability measures that are triggered if an ACL (ABC) is exceeded; reference the current in-season management system which has a more timely response than what would occur in the following year.
- Ecological factors that are considered by the Council in reducing Optimum Yield from Maximum Sustainable Yield.
- How the tier levels for Acceptable Biological Catch and Overfishing Level (OFL) are based on the scientific knowledge about the stock/complex and the scientific uncertainty in the estimate of OFL and any other scientific uncertainty.
- How the stock assessments account for all catch

** The Council may revise these alternatives during its review of the analysis. A categorical exclusion could be applied to the housekeeping action; therefore an Environmental Assessment would be prepared for Action 1 only. No federal regulations appear to be required to be revised; therefore a Regulatory Impact Review/Initial Flexibility Analysis is not required. Preliminary review could be scheduled for October 2009; initial review, in December 2009; and final action, in February 2010. Implementation is required by January 1, 2011.*