

# North Pacific Fishery Management Council

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September 29, 2009

**DRAFT AGENDA**  
**194th Plenary Session**  
**North Pacific Fishery Management Council**  
**October 3-9, 2009**  
**Anchorage Hilton Hotel**

The North Pacific Fishery Management Council will meet at the Hilton Hotel, 500 W. 3rd Avenue, Anchorage, AK 99501. Other meetings to be held during the week are:

<u>Committee/Panel</u>	<u>Beginning</u>
Advisory Panel	Oct 1 – 8am – Dillingham/Katmai Room
Scientific and Statistical Committee	Oct 1 – 8am – King Salmon Room
Enforcement Committee (T)	Oct 2 – 1-4pm – Illiamna Room
IFQ Implementation Team	Sept 30 – 9am-5pm – Chart Room
Interpreting Stock Assessments – by Dr. Low	Oct 3 – 6pm – Dillingham/Katmai

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

## **INFORMATION FOR PERSONS WISHING TO PROVIDE PUBLIC COMMENTS**

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

**Submission of Written Comments.** Written comments and materials to be included in Council meeting notebooks must be received at the Council office by 5:00 pm (Alaska Time) on **Monday September 28, 2009**. Written and oral comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. Comments can be sent by mail or fax—please **do not** submit comments by e-mail. **It is the submitter's responsibility to provide an adequate number of copies of comments after the deadline.** Materials provided **during** the meeting for distribution to Council members should be provided to the Council secretary. A minimum of **25** copies is needed to ensure that Council members, the executive director, NOAA General Counsel, appropriate staff, and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (**28**), Scientific and Statistical Committee (**18**), or the public after the pre-meeting deadline, they must also be provided by the submitter.

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

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

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

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

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

**COMMONLY USED ACRONYMS**

<b>ABC</b>	Acceptable Biological Catch	<b>IRFA</b>	Initial Regulatory Flexibility Analysis
<b>AI</b>	Aleutian Islands	<b>LLP</b>	License Limitation Program
<b>AP</b>	Advisory Panel	<b>MSFCMA</b>	Magnuson-Stevens Fishery Conservation and Management Act
<b>ADFG</b>	Alaska Dept. of Fish and Game	<b>MMPA</b>	Marine Mammal Protection Act
<b>BS</b>	Bering Sea	<b>MRA</b>	Maximum Retainable Amount
<b>BSAI</b>	Bering Sea and Aleutian Islands	<b>MSY</b>	Maximum Sustainable Yield
<b>CDQ</b>	Community Development Quota	<b>mt</b>	Metric tons
<b>EA/RIR</b>	Environmental Assessment/Regulatory Impact Review	<b>NMFS</b>	National Marine Fisheries Service
<b>EEZ</b>	Exclusive Economic Zone	<b>NOAA</b>	National Oceanic & Atmospheric Adm.
<b>EFH</b>	Essential Fish Habitat	<b>NPFMC</b>	North Pacific Fishery Management Council
<b>EFP</b>	Exempted Fishing Permit	<b>OY</b>	Optimum Yield
<b>ESA</b>	Endangered Species Act	<b>PSC</b>	Prohibited Species Catch
<b>FEP</b>	Fishery Ecosystem Plan	<b>SAFE</b>	Stock Assessment and Fishery Evaluation
<b>FMP</b>	Fishery Management Plan	<b>SSC</b>	Scientific and Statistical Committee
<b>GHL</b>	Guideline Harvest Level	<b>SSL</b>	Steller Sea Lion
<b>GOA</b>	Gulf of Alaska	<b>TAC</b>	Total Allowable Catch
<b>HAPC</b>	Habitat Areas of Particular Concern	<b>USFWS</b>	United States Fish & Wildlife Service
<b>IFQ</b>	Individual Fishing Quota		
<b>IPHC</b>	International Pacific Halibut Commission		

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

September 29, 2009

**DRAFT AGENDA  
194<sup>th</sup> Plenary Session  
North Pacific Fishery Management Council  
October 3-9, 2009**

**Estimated Time**

**A. CALL MEETING TO ORDER**

- (a) Election of Officers
- (b) Approval of Agenda
- (c) Approval of Minutes

**B. REPORTS**

(4 hrs)

- B-1 Executive Director's Report
- B-2 NMFS Management Report
- B-3 ADF&G Report (including report on BOF proposals)
- B-4 USCG Report
- B-5 USFWS Report
- B-6 Protected Species Report

**C. MAJOR ISSUES/FINAL ACTION ITEMS**

- C-1 GOA Pacific Cod Allocation (8 hrs)  
Initial review GOA P. cod sector split.
- C-2 GOA Rockfish Program (6 hrs)  
Discussion paper and action as necessary.
- C-3 Observer Program (6 hrs)
  - (a) Receive report on electronic monitoring EFP Phase 2.
  - (b) Review implementation analysis; Receive OAC report and action as necessary.
- C-4 Bering Sea Crab Issues (10 hrs)
  - (a) BSAI Crab Regional Delivery Relief, identify preliminary preferred alternative.
  - (b) Initial Review of Crab ROFR provisions.
  - (c) Review proposals to address western AI golden king crab fishery.
  - (d) Review outline for 5-year review of the program.
  - (e) Approve BSAI Crab SAFE and OFLs; receive discussion paper on PSC limits.
  - (f) Review status of St Matthew & Pribilof BKC and Opilio rebuilding plans.
- C-5 Groundfish Final Actions (6 hrs)
  - (a) Final action on trawl sweep requirements for flatfish trawl fishery.
  - (b) Final Action on management of BSAI Skates complex.
  - (c) Receive Plan Team reports; Approve proposed catch specifications.
- C-6 Permit Fees (2 hrs)  
Final action on permit fees.

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

**D. OTHER ISSUES**

- D-1 Salmon Bycatch (4 hrs)  
(a) Initial Review of salmon bycatch data collection.  
(b) Receive Geiger/Pella report on salmon bycatch sampling. (SSC only) and NMFS response on salmon sampling protocol
- D-2 Management Issues (6 hrs)  
(a) Review progress on ACL requirements.  
(b) Review discussion paper on GOA Tanner and Chinook bycatch.  
(c) ~~Initial review of AI Cod Processing Sideboards (T)~~ (postponed)  
(d) Approve 5-year Research Priorities.  
(e) HAPC evaluation criteria (SSC only)
- D-3 Halibut Issues (2 hrs)  
(a) 3-year charter halibut logbook review
- D-4 Staff Tasking (2 hrs)  
(a) Review Committees and tasking.  
(b) Review Rural Community Outreach Committee report.  
(c) Consider additional alternative for Amendment 93 per NMFS request.
- D-5 Other Business

(T) = tentative

Total Hours: (56 hrs)

**NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

**Draft Agenda and Schedule**

**October 2009**

	SSC King Salmon	AP Dillingham/Katmai	Council Aleutian	
<b>Thursday Oct 1</b>	8:00 am C-3 Observer program D-1 Salmon Bycatch	8:00 am C-2 GOA Rockfish		
	1:00 pm C-4 Bering Sea crab	1:00 pm C-2 continued C-1 GOA P. cod split		
<b>Friday Oct 2</b> Crab Industry meeting – AP room – 6pm	8:00 am Review draft minutes 9:00 am C-4 continued D-2(a) ACL requirements	8:00 am C-1 continued C-3 Observer Program		
	1:00 pm C-5 Groundfish Actions	1:00 pm C-3 continued D-1 Salmon Bycatch		
<b>Saturday Oct 3</b> Interpreting Stock Assessments: A presentation by Dr. Loh-lee Low. 6pm	8:00 am Review draft minutes 9:00 am D-2 (d,e) Management Issues	8:00 am C-4 BSAI crab		8:00 am B Reports C-1 GOA P. cod split
	1:00 pm D-3 Halibut Logbook	1:00 pm C-4 continued C-5 Groundfish Actions		1:00 pm C-1 continued
<b>Sunday Oct 4</b>		8:00 am C-5 continued	8:00 am D-1(a) Salmon Bycatch Data C-2 GOA Rockfish	
		1:00 pm C-6 Permit Fees D-2 Management Issues	1:00 pm C-2 continued	
<b>Monday Oct 5</b>		8:00 am D-2 continued	8:00 am C-3 Observer Program	
		1:00 pm D-3 Halibut Logbook D-4 Staff tasking	<b>12:00pm Executive Session (T)</b> 1:00 pm C-3 continued D-1(b) NMFS report C-4 BSAI Crab Issues	
<b>Tuesday Oct 6</b>			8:00 am C-4 continued	8:00 am C-4 continued
			1:00 pm C-4 continued	1:00 pm C-4 continued
<b>Wednesday Oct 7</b>	8:00 am C-5 Groundfish Actions		8:00 am C-5 Groundfish Actions	
	1:00 pm C-5 continued C-6 Permit Fees		1:00 pm C-5 continued C-6 Permit Fees	
<b>Thursday Oct 8</b>	8:00 am D-2 Management Issues		8:00 am D-2 Management Issues	
	1:00 pm D-2 continued		1:00 pm D-2 continued	
<b>Friday Oct 9</b>	8:00am D-3 Halibut Logbook D-4 Staff tasking	8:00am D-3 Halibut Logbook D-4 Staff tasking		
	1:00 pm continue as necessary	1:00 pm continue as necessary		

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

## OCTOBER 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		IPHC Bycatch Workshop - Seattle	IFQ Implementation Team - Chart Room	<b>1</b> SSC/AP - Anch Hilton	<b>2</b> SSC/AP	<b>3</b> SSC/API Council
<b>4</b> AP/Council	<b>5</b> AP/Council	<b>6</b> AP/Council	<b>7</b> Council	<b>8</b> Council	<b>9</b> Council	<b>10</b>
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
<b>18</b>	<b>19</b> International Arctic Symposium - Capt Cook thru 21st	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b> Salmon Bycatch Workgroup - Hawthorne Suites	<b>30</b>	<b>31</b>

## NOVEMBER 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>1</b>	<b>2</b>	<b>3</b> Rebuilding Depleted Fish Stock - Germany thru 6th	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>8</b>	<b>9</b>	<b>10</b> SSC National Workshop thru 13 <sup>th</sup> - St Thomas	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
<b>15</b>	<b>16</b> Groundfish PT - AFSC thru 11/20	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b> Holiday	<b>27</b>	<b>28</b>
<b>29</b>	<b>30</b>					

## DECEMBER 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<b>1</b> IPHC Interim Mtg thru 2nd	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> SSC/AP – Anch Hilton	<b>8</b> SSC/AP Joint Mtg w/BOF	<b>9</b> SSC/API/ Council	<b>10</b> AP/Council	<b>11</b> AP/Council	<b>12</b> AP/Council
<b>13</b> Council	<b>14</b> Council	<b>15</b> Council	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b> Holiday	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		

## JANUARY 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					<b>1</b> HOLIDAY	<b>2</b>
<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b> Interim CCC mtg thru 14 – WA, DC	<b>14</b>	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> HOLIDAY NO Pac Marine Science Conf thru 22nd	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
<b>24/31</b>	<b>25</b>	<b>26</b> IPHC mtg – Sea thru 29th	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>

## FEBRUARY 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8 SSC/AP – Benson Portland	9 SSC/AP	10 SSC/AP/ Council	11 AP/Council	12 AP/Council	13 AP/Council
14 Council	15 HOLIDAY Council	16 Council	17	18	19	20
21	22 HOLIDAY	23	24 NBSRA Community & Subsistence Workshop thru 25 - Anch	25	26	27
28						

## MARCH 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 Scallop PT thru 5 - Juneau	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 Crab PT thru April 1 - Sea - AFSC	30	31			



## APRIL 2010

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

## MAY 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10 Crab Plan Team thru 14 - Girdwood	11	12	13	14	15
16	17	18 Annual CCC mtg thru 20 - Anch - Capt Cook	19	20	21	22
23/30	24/31 Holiday	25	26	27	28	29

# JUNE 2010

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

# JULY 2010

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

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Certified by \_\_\_\_\_

Date \_\_\_\_\_

## ADVISORY PANEL MINUTES North Pacific Fishery Management Council June 1-6, 2009

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

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

The AP unanimously approved the minutes from the previous meeting.

### **C-1(a) Central GOA Rockfish Pilot Program**

Glenn Merrill (NMFS-AKR) provided the AP with a table showing sideboard limits applicable in the Rockfish Program and it is included as Appendix A in these minutes. **The AP recommends the following elements and options for the Rockfish Pilot Program alternatives.** *The motion passed 18/0.* (Additions are indicated in ***bold and italics*** and deletions are indicated as ~~stricken~~.)

#### **ICA Set Aside**

Prior to allocation of catch history to the sectors, NMFS shall set aside an Incidental Catch Allocation (ICA) of Pacific Ocean perch (POP), northern rockfish, and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the cooperative program.

#### **Entry-level Set Aside**

A percentage of CGOA POP, northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program.

#### **Trawl and fixed gear entry level fisheries**

- The annual set aside will be 5% of each of these target rockfish species.
- Set-asides shall be apportioned at 50% for trawl gear and 50% for fixed gear
- The trawl sector's allocation by weight (based on the aggregate TAC for Pacific Ocean perch, Northern and pelagic shelf rockfish) shall first be Pacific Ocean perch.
- Unharvested allocations to either sector shall be available to both sectors at the end of the third quarter.

- The entry level fishery will be managed as a limited entry fishery
- Start dates for the entry level fishery should be January 1 for fixed gear and approximately May 1 for trawl gear.

Halibut PSC Limit Allocation

Option 1 – (Alt. 2) Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species. If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), the start date will be on the next release of halibut PSC.

Option 2 – (Alt. 4) Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species. If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), halibut usage will be deducted against the following quarter’s halibut PSC allowance.

Vessels that can participate in the Entry Level fishery are those vessels that did not qualify for the CGOA rockfish cooperative program. Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel that includes a statement from a non-qualified processor confirming an available market.

Processors who purchase and process the entry level rockfish quota must be non-qualified processors.

Entry level fixed gear sector are exempt from VMS requirements.

Fixed gear only entry level fishery (Alt. 3/4)

The annual set aside will be;

- 5 mt percent of the POP TAC
- 5 mt percent of the northern rockfish TAC
- 25 mt percent of the pelagic shelf rockfish TAC.

If the entry-level fishery harvests 90% or more of their allocation of a species, the set-aside would increase *by the amount of the initial allocation the following year: by \_\_\_\_\_ percent, up to a maximum set-aside of 5 percent*

- 5 mt POP
- 5 mt Northern rockfish
- 25 mt pelagic shelf rockfish

*This increase would be capped at a maximum of:*

**POP**

- a. 1%
- b. 3%
- c. 5%

**Northern Rockfish**

- a. 2%
- b. 3%
- c. 5%

**Pelagic Shelf Rockfish**

- a. 2.5%
- b. 3%
- c. 5%

The entry level fishery will be managed as a limited entry fishery

Start date for the entry level fishery should be January 1.

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

**Any vessel or gear type exempt from CGOA LLP requirements or any holder of a CGOA fixed gear LLP may enter a vessel in the entry level fishery. Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel**

Entry level fixed gear sector are exempt from VMS requirements.

*Notes: Provisions concerning processor qualification are omitted, as those requirements may be inapplicable under this structure.*

*In addition, no provision is made for reallocations of unharvested amounts, as it is assumed that the allocation to the entry level sector will be set based on harvest performance of the fishery.*

*Options for cooperative management, individual allocations, and lotteries are not included, as those options appear unable to address problems cited with the entry level fishery. If the Council wishes to pursue an entry level trawl fishery under cooperative management, additional effort could be devoted to that management structure.*

*The provision for an entry level fishery might satisfy the requirement of §303A(c)(5)(C) for the consideration of a set aside for entry level and small vessel owner-operators, where necessary and appropriate.*

***The trawl gear entry level fishery will be eliminated. Qualified Trawl entry level participants will graduate into the main quota share program.***

### **Program eligibility**

The eligibility for entry into the cooperative program is one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period using a CGOA trawl LLP license.

**Options (Alt.4)** - In addition, the following participants would be eligible to enter the program:

**Option 1** - Those persons whose vessel had one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period with interim trawl CGOA license that was later determined to be an invalid trawl CGOA endorsement, but who acquired a valid CGOA trawl license prior to December 31, 2003, which ~~is still~~ **has been continuously** assigned to ~~that~~ **the vessel with the target landing since acquired until the date of final Council action.**

~~**Option 2** - Eligible entry level CGOA trawl LLPs that participated in the entry level program.~~

### **Qualified catch**

Basis for the allocation to the LLP license holder is the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the allocation of

harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

Option (Alt. 4) – For licenses qualified based on catch of a vessel using an interim license, the basis for the allocation will be the catch history of such vessel, notwithstanding the invalidity of the interim Central Gulf trawl LLP endorsement under which the vessel operated during the qualifying period. History allocated under this provision shall be assigned to the LLP license.

Catch history will be the history during the following qualifying period:

- 1) 1996-2002 (drop two) Alt. 2
- 2) 1998-2006 (drop two or four) Alt. 3
- 3) 2000-2006 (drop two) Alt. 3

Qualified target species history is allocated based on retained catch (excluding meal) during the rockfish target fishery. Different years may be used (or dropped) for determining the history of each of the three rockfish species.

The CP catch history will be based on WPR data.  
CV catch history will be based on fish tickets.

*To include participants in the pilot program entry level fishery, pilot program years (i.e., 2005-2008) could be considered qualifying years.*

***Entry Level Trawl qualification/allocation for the main program:***

- 1) Vessels / LLPs that do not qualify for Cooperative quota (CQ) for the CGOA rockfish cooperative program.***
- 2) The trawl LLP must have registered for the entry level fishery both in 2007 and 2008.***
- 3) The trawl LLP must have made a landing of fish in the entry level fishery with trawl gear in either 2007 or 2008.***

***The Qualified Trawl LLP would receive an allocation of QS for the primary rockfish species equivalent to:***

- 1) Average of the lowest one-quarter to one-third of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008.***
- 2) Average of the lowest one-quarter to one-third of all qualified CV LLPs.***
- 3) Actual catch history of the vessel/LLP in 2007 or 2008 (information would be withheld due to confidentially restrictions unless the vessel(s) agrees to have the data released to the public).***

***Note: secondary and Halibut PSC allocations are calculated the same as the other qualified LLPs.***

#### **Sector definitions**

Trawl catcher vessel – A trawl catcher-vessel that has a CV or CP LLP license, but does not process its catch on board;

Trawl catcher processor - A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

## Rationalized areas

History is allocated for the CGOA only (NMFS statistical areas 620 and 630)

## Sector allocations

### Target rockfish species

Catch history is determined by the sector's qualified catch in pounds as a proportion of the total qualified catch in pounds.

Sector allocations of target rockfish species are based on individual qualified vessel histories applying any applicable drop year provision at the vessel level.

Full retention of the target rockfish species required

### Secondary species

Secondary species history is allocated based on retained catch of the species while targeting rockfish over retained catch in all fisheries.

Except as provided below, history will be allocated to each sector for the following secondary species:

- sablefish,
- shortraker rockfish
- roughey rockfish,
- thornyhead rockfish, and
- Pacific cod.

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

Option 1 (Alt. 2) - Only primary allocated rockfish species

Option 2 (Alt. 4) - All allocated species

Except as otherwise provided below, secondary species allocations will be based on:

The sector's average annual percentage of retained catch of the secondary species by the rockfish target fisheries during the qualifying period. For each qualifying year calculate the sector's retained catch of the species in the target rockfish fisheries divided by the retained catch of all CGOA fisheries. Sum these percentages and divided by the number of qualifying years. The calculated average annual percentage is multiplied by the secondary species TAC for that fishery year and allocated to each sector in the cooperative program.

Exceptions:

For the catcher processor sector, Pacific cod history will be managed by MRA of 4%.

For shortraker and roughey:

For the CP sector, a shortraker allocation of the TAC will be:

Option 1a (Alt. 2): 30.03%

Option 1b (Alt. 4): 50%

to be managed as a hard cap, and a roughey allocation of 58.87% of the TAC, to be managed as a hard cap.

Option 2 (Alt. 4): shortraker and roughey will be managed with a combined MRA of 2%.

For the CV sector, shortraker and rougheye should be managed with a combined MRA of 2%. If harvest of shortraker by the CV sector reaches 9.72% of the shortraker TAC, then shortraker should go on PSC status for that sector.

Participants must retain all allocated secondary species and stop fishing when cap is reached.

Prohibited species (halibut mortality)

Allocation to the rockfish cooperative program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years by the number of years. This allocation will be divided between sectors based on the relative amount of target rockfish species allocated to each sector (e.g., the sector's share of total qualified catch).

Allocation from sector to vessel

Within each sector, history will be assigned to LLP holders with CGOA endorsement that qualify for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Target Species

Each LLP holder will receive an allocation of history equivalent to the license's proportion of the total of the sector qualifying history.

Secondary Species

Each LLP holder will receive an allocation of allocated secondary species equal to the license's proportion of the sector's target rockfish history

PSC (Halibut Mortality)

Each LLP holder will receive an allocation of halibut mortality equivalent to the license's proportion of the sector's target rockfish history

Allocations are revocable privileges

The allocations under this program:

- 1) may be revoked, limited, or modified at any time,
- 2) shall not confer any right of compensation to the holder, if it is revoked, limited, or modified, and
- 3) shall not create or be construed to create any right, title, or interest in or to any fish before the fish is harvested by the holder.

Domestic processing

All fish harvested with an allocation from this program must be processed in the U.S.

*Alt. 3 – required by Section 303A(c)(1)(E)*

***Regionalization – Apply to catcher vessel sector only***

***All CV CQ must be landed in the Port of Kodiak.***

**Shore based processor provisions – Apply to catcher vessel sector only**

Processor eligibility

An eligible processor is a processing facility that has purchased:



**Option 1 (Alt. 2)** - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvest per year, for 4 years, from 1996 to 2000.

**Option 2 (Alt. 3)** - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish *per year, for 4 years, from 2000 to 2006.*

**Suboption: (entry level fishery processor):** 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvested from 2007 to 2008.

Harvesters can participate in a:

Option 1 (Alt. 2): cooperative or LLP/open access. The LLP's share will be fished in a competitive fishery open to rockfish qualified vessels that are not members of a cooperative and must be delivered to one of the qualified processors.

Option 2 (Alt. 4): cooperative

*This option can be modified to consider years other than those provided in the rockfish legislation.*

**Option A - Processor allocation of harvest shares (Alt. 3/4)**

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be apportioned between harvesters (CV only) and shore based processors:

Option 1: 90/10

Option 2: 80/20

Option 3: 100/0

Eligible processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares in proportion to its qualifying processing history. Annual allocations will be of the same species and subject to the same allocation and harvest rules governing catcher vessel allocations.

**Suboption: Eligible Entry Level Processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares that are derived from those trawl LLPs that graduate from the entry level trawl fishery into the main program.**

**Processor qualifying years**

Each eligible shore based processor is allocated processor catch history based on individual processor histories of CGOA target rockfish for the years:

Option 1 - 1996-2000 (drop 1 year)

Option 2 - 2000-2006 (drop 2 years)

**Suboption: entry level processors 2007-2008**

*This option can be modified to consider years other than those provided in the rockfish legislation.*

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

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

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

**Option B – Harvester cooperatives with processor associations (Alt. 2)**

Voluntary cooperatives may form between eligible harvesters in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the processor qualifying years. If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors, but its membership would not be considered in determining whether the threshold is met for cooperative formation.

Harvester cooperative/processor association qualifying years are:

1996–2000 (drop 1 year)

Drop year is selected by the processor and applied to all LLP licenses when determining associations.

Catcher vessel cooperatives are required to have at least 75% of the eligible historical shares for each cooperative associated with its processor

If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.

The processor will be an associate of the cooperative but will not be a cooperative member.

A pre-season contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an annual allocation.

Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.

Processors are limited to 1 co-op per plant.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Harvester cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

**Option C – Modified harvester cooperatives with initial processor association (Alt. 3/4)**

On implementation of the program, each eligible harvester will be eligible to join a cooperative in association with any processing facility in the community to which it delivered the most pounds of the three rockfish species combined in the processor qualifying years.

Harvester cooperative/processor association qualifying years are:

Option 1 – 1996-2000 (drop 1 year)

Option 2 – 2000–2006 (drop 2 years)

*Suboption:– (entry level processor 2007–2008 (no drop)*

Drop year is selected by the processor and applied to all LLP licenses when determining associations.

If an eligible harvester joins a cooperative in association with the processor to which it delivered the most pounds of the three rockfish species combined during the processor qualifying years, it will maintain all landings history without forfeiture. An eligible harvester may elect not to join the cooperative in association with the processor identified by its landings history in any year, including the first year of the program. In the first season that an eligible harvester elects not to join a cooperative in association with the processor identified by its landings history, it will forfeit:

- Option 1 - 10%
- Option 2 - 20%
- Option 3 - 0%

of its qualified catch history to the *(1) identified processor or (2) identified processor affiliated cooperative. The share forfeiture is (1) a permanent forfeiture or (2) a temporary forfeiture for a period of 1 to 2 years. If the forfeiture is a permanent forfeiture, the harvester may elect to enter and exit any cooperative in the fishery without share forfeiture. If the forfeiture is a temporary share reduction the harvester pays the penalty: (1) one time or (2) each time they exit a cooperative.*

If an LLP holder has no deliveries to a qualified processor, the harvester may join a cooperative associated with any processor in the community to which it delivered the most pounds of the three rockfish species during the harvester cooperative/processor qualifying years. After the first year, the harvester will make a forfeiture of qualified catch history on changing processor associations, as if the processor were identified by the harvester's landings history.

If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.

The processor will be an associate of the cooperative but will not be a cooperative member.

Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.

Membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.

Harvester cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

### **Catcher processor cooperatives**

More than one co-op may form within the sector

Allocations may be transferred between co-ops of at least two LLPs.

Participants would have a choice of participating in:

- Option 1 (Alt. 4): a co-op or opt out of the rockfish program,
- Option 2 (Alt. 2): a co-op, a limited access fishery, or opt of the rockfish program

Under the LLP/open access fishery option, the LLP's historic share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative.

**General cooperative provisions – apply to both sectors**

Duration of cooperative agreements is 1 year.

The cooperative membership agreement (and an ancillary agreement with an associated processor, if applicable) will be filed with the RAM Division. The cooperative membership agreement must contain a fishing plan for the harvest of all cooperative fish.

Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative agreement.

Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the cooperative to the extent permitted under the Contract.

The cooperative agreement must have a monitoring program. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target rockfish species, secondary species and PSC mortality, as may be adjusted by inter-cooperative transfers.

A cooperative may adopt and enforce fishing practice codes of conduct as part of their membership agreement.

Option (Alt. 2) - Cooperative membership agreements shall allow for the entry of other eligible harvesters into the cooperative under the same terms and conditions as agreed to by the original agreement.

Cooperatives will report annually to the Council as per AFA.

**Sector Transfer provisions**

CP annual allocations may be transferred to CV cooperatives. CV annual allocations may not be transferred to CP cooperatives.

All transfers of annual allocations would be temporary and history would revert to the original LLP at the beginning of the next year.

A person holding an LLP that is eligible for this program may transfer that LLP. That transfer will effectively transfer all history associated with the LLP and any privilege to participate in this program that might be derived from the LLP.

Permit post-delivery transfers of cooperative quota (annual allocations to cooperatives).

There would be no limits on the number or magnitude of post-delivery transfers. All post-delivery transfers must be completed by December 31st.

No cooperative vessel shall be permitted to begin a fishing trip unless the cooperative holds unused cooperative quota.

## **Cooperative Harvest Use Caps**

### **CV cooperatives (Alt. 2)**

No person may hold or use more than 5% of the CV historic shares, using the individual and collective rule (with grandfather provision).

Control of harvest share by a CV cooperative shall be capped at 30% of aggregate POP, Northern Rockfish and PSR for the CV sector.

### **CP cooperatives (Alt. 2)**

No person may hold or use more than 20% of the CP historic shares, using the individual and collective rule (with grandfather provision).

Control of harvest share by a CP shall be capped at 60% of aggregate POP, Northern Rockfish and PSR for the CP sector. Eligible CPs will be grandfathered at the current level.

### **Shoreside Processor Use Caps**

Shoreside processors shall be capped at the entity level.

No processor shall process more than 30% of aggregate POP, Northern Rockfish and PSR for the CV sector. (The year 2002 will be used as a base (or index) year for applying the aggregate caps.)

Eligible processors will be grandfathered.

*At the time of implementation, the Council expressed an intent to reconsider use caps for share holdings and vessels, in the event this program has a duration of more than 2 years. The Council could consider whether to modify use caps by changing cooperative or individual use cap levels or by including vessel use caps.*

*Whether processor use caps are necessary might depend on the processor provisions that are incorporated into the program.*

## **Harvesting provisions**

The cooperative season start date is May 1 and closing date is November 15.

Secondary species allocations may be fished independently of the primary species allocations.

Full retention of all allocated species is required.

## **Program review**

A formal detailed review of the program shall be undertaken 5 years after implementation. The review shall assess:

- 1) the progress of the program in achieving the goals identified in the purpose and need statement and the MSA, and
- 2) whether management, data collection and analysis, and enforcement needs are adequately met. Additional reviews will be conducted every 7 years there after coinciding with the fishery management plan policy review.

Antitrust review – An information collection system and a review process will be defined to provide any information to determine whether any illegal acts of anti-competition, antitrust, price

collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges.

*Alt. 3 – required by Section 303A(c)(1)(J) – note, this is required in any program, but its scope will be based on the program selected – further scoping can be provided after consultation with NOAA GC, NMFS, and other agencies (such as the Department of Justice)*

### **Share duration (Alt. 3)**

The duration of all CGOA rockfish LAPP program permits are 10 years. These permits shall be renewed before their expiration, unless the permit has been revoked, limited, or modified.

The Secretary may revoke any privilege under this program from any person found to have violated antitrust laws.

### **Cost recovery (Alt. 3)**

A fee, not to exceed 3% of ex vessel value, will be charged on all landings to cover the costs of administration of the program.

### **Sideboards**

#### **General Provisions**

There are no exemptions from sideboards, except for a partial exemption for CP vessels which opt out of the cooperative program or join cooperatives.

#### **WYAK and WGOA Primary Rockfish Species**

Option 1 (Alt. 2/3) For fisheries that close on TAC in the GOA, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in aggregate, in the month of July to the historic average catch of those vessels based on the retained catch as a percentage of the retained catch in the fishery in the month of July during the qualification years ~~1996 to 2002~~. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.

Option 2 (Alt. 4) For catcher processors, remove sideboard limits for WYAK and WGOA primary rockfish species.

Option 3 (Alt. 4) For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species.

#### **Halibut PSC**

Option 1 (Alt. 2) For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex as a Gulf-wide cap.

Option 2 (Alt. 4) For catcher processors, remove sideboard limits for WYAK and WGOA 3rd season halibut PSC.

***Option 3 (Alt. 3/4): For the month of July, limit all CVs to the shallow halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK and WGOA).***

***Suboption: Limit all CPs to the deep water halibut complex fisheries for the month of July.***

In the event that one or more target rockfish fisheries are not open, sideboard restrictions will not apply for those target allocations.

IFQ halibut and sablefish are exempt from sideboard provisions

### CP Specific Sideboard Provisions

CP vessels may decide to opt out of the CGOA cooperative program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level in the GOA as described in the general provisions.

The history of CP vessels which opt out will remain with the sector.

CPs that opt out of the rockfish cooperative program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering other GOA fisheries in which they have not previously participated. Participation shall be defined as having been in the target fishery during the first week of July in at least two of the qualifying years. For purposes of qualifying under this provision, history from area 650 (SEO) will be considered the same as history from area 640 (WY). The following weekend dates will be used for determining participation in a target fishery:

1996 – July 6  
1997 – July 5  
1998 – July 4  
1999 – July 10  
2000 – July 15  
2001 – July 7  
2002 – July 6

Opting out is an annual decision. CP vessels which choose to opt out must so notify NMFS. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.

For the CP sector, the cooperative program fishery participants must either:

- 1) start fishing in the target rockfish fisheries at the same time as the opening of the CGOA rockfish limited access fisheries (in July) and harvest 90% of their CGOA rockfish allocation prior to entering any other GOA non-pollock groundfish fishery, or
- 2) standdown for two weeks from the opening of the CGOA rockfish limited access fishery prior to participating in any other GOA non-pollock groundfish fishery.

A vessel which has met either standdown requirement can then move into the GOA open access fisheries subject to the sector level limitations in the GOA in the general sideboard provisions.

To the extent permitted by the motion, history may be leased between vessels ~~that are not members of a cooperative~~. Each ~~non-member~~ of a cooperative that transfers its history to another CP or CV must still refrain from operating in any other GOA groundfish fishery until the earlier of:

- 1) 90% of all of the CGOA rockfish allocation on the stacked vessel is harvested in the CGOA, provided fishing of the allocation began on or after the opening of the limited access fishery
- 2) two weeks from the opening of the limited access fishery prior to participating in any other GOA groundfish fishery.

Members of a cooperative will be subject to all limitations and restrictions described in the general sideboard provisions and CP specific sideboard provisions except that cooperative members shall not be subject to any standdown in the GOA groundfish fisheries, *if all vessels in the co-op maintain adequate monitoring plan during all fishing for CGOA rockfish sideboard fisheries.*

In addition to the other limitations and restrictions described above, each cooperative will be limited in the aggregate:

- 1) for fisheries that close on TAC in the GOA in the month of July, to the historic average total catch of the cooperative members in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish, and
- 2) for flatfish fisheries in the GOA that close because of halibut bycatch in the month of July, to the historic average halibut mortality taken by cooperative members in the target flatfish fisheries in the month of July by deep and shallow complex.

The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). For vessels that account for less than 5% of the allocated CP history in the Pacific Ocean perch fishery that participate in the limited access rockfish fishery, there are no additional intra-sector sideboards. For vessels that account for greater than or equal to 5% of the allocated CP history in the Pacific Ocean fishery that participate in the limited access rockfish fishery and GOA standdowns are in place until 90% of the limited access Pacific Ocean perch quota is achieved.

#### CV Specific Sideboard Provisions

The qualifying vessels in the trawl CV sector cannot participate in the directed yellowfin sole, other flatfish (flathead, etc) or Pacific Ocean perch fisheries in the BSAI in the month of July.

*Alt 4: The qualifying vessels in the trawl CV sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July.*

Qualifying vessels in the trawl CV sector would be limited, in aggregate, in the month of July, to the historic average catch of those vessels in the BSAI Pacific cod fishery based on the retained catch as a percentage of retained catch in the CV trawl fishery in July during the qualification years 1996 to 2002.

*Alt 4: The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July.*

AFA non-GOA exempt CVs qualified under this program are subject to the restraints of AFA sideboards and their coop agreement, and not subject to additional sideboards under this program.

The AP recommends that the Council adopt the following Purpose and Need Statement:



The existing CGOA Rockfish Pilot Program (RPP) will sunset after 2011 unless extended by the North Pacific Fisheries Management Council or the U.S. Congress. The RPP has improved safety at sea, provided economic benefits to the community of Kodiak, controlled capacity of the fleet, and improved NMFS' ability to conserve and manage the species in the program. Economic benefits of the program to the community of Kodiak include stabilizing the residential processing work force, removing processing and fleet conflicts with salmon, bringing more rockfish on shore, and slowing the fishery to increase quality of rockfish products. Conservation benefits of the program for all sectors include no over-fishing, full retention of allocated species, vessel accountability, less sea floor contact due to more off-bottom fishing, and reduced halibut bycatch in the rockfish fishery that in turn has allowed for increased catches of underutilized flatfishes species. If the fishery reverts back to management under the license limitation program, the benefits of this share-based management program will be lost.

The Council needs to resolve identified issues in the management and viability of the entry level fishery. Additionally, the Council needs to consider issues that arise under the new MSA limited access privilege program requirements.

The intent of the action is to retain the conservation, management, safety and economic improvements created by the RPP through an amendment to the GOA FMP for the management of Central GOA Rockfish which will maintain benefits to the fishery for historically dependent harvesters, processors, catcher-processors and the community of Kodiak.

*The motion passed 17/1.*

*A motion recommending the Council appoint a workgroup to make recommendations regarding community options failed 13/4/1.*

*Minority Report: Four members of the AP supported recommending the Council appoint a work group to discuss and recommend community options for the Rockfish Program, including allocative set-asides, per MSA requirements to consider community provisions in any new LAPP. The work group would report to the Council at the October 2009 meeting.*

*The minority noted that some of the relevant issues were identified on page eight of the discussion paper: "In developing participation criteria for communities the Council is required to consider traditional fishing and processing practices and fishery dependence, the cultural and social framework in the fishery, economic barriers to fishery access, the existence and severity of projected economic and social impacts of LAPPs on harvesters, captains, crew, processors and other businesses substantially dependent on the fishery, and the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting and processing in the fishery (see 303A(c)(3))."*

*The minority also noted that:*

- It was understood and appreciated that the timeline presented challenges but the minority believed that the issues raised by the LAPP provisions of MSA were just too important to give short shrift to.*
  - The Rockfish Program is complicated*
  - The new LAPP provisions are also complex*
  - There was inadequate time to gather meaningful comment from the CQE communities in response to the issues raised in the discussion paper*
  - Rulemaking/Guidance from NOAA on the LAPP provisions of MSA has not been finalized*
- Signed: Chuck McCallum, Theresa Peterson, Becca Robbins Gisclair and Simon Kinneen.*

## **C-1(b) Parallel Waters Issue in Pacific Cod Sector Split**

The AP recommends that the Council adopt the following changes to the options in Component 10 for further analysis:

Delete Option 1. Aleutian Islands sablefish model (parallel fishery catch cap).

Revise suboption ii, under Option 2, to read as follows:

ii. Suboption: ~~In the Western/Central GOA, vessels may only surrender and/or reactivate the FFP:~~

*(a) vessels may surrender and reactivate the FFP, or (b) vessels may surrender or reactivate the FFP:*

- 1) Once per calendar year
- 2) Once every eighteen months
- 3) Once every *three* ~~two~~ years

*The motion passed 18/0.*

## **C-2 BSAI Fixed Gear Pacific Cod Parallel State Waters Fishery**

The AP recommends that the Council take final action on this issue with the following alternatives and modifications:

Alternative 2: Require any catcher processor using pot or hook-and-line gear with an FFP to also have a BSAI, CP, and pot or hook-and-line designation on their FFP. Require any catcher processor using pot or hook-and-line gear with an LLP to also have a BSAI, CP, and pot or hook-and-line designation on their LLP, along with an Amendment 67 Pacific cod endorsement and the appropriate area endorsement to participate in the BSAI Pacific cod parallel State waters fishery.

Alternative 3: as written

Alternative 4: Vessels with a BSAI endorsement, CP designation, and a pot or hook-and-line gear endorsement on the FFP cannot remove the BSAI endorsement, CP designation, or the pot or hook-and-line gear endorsement from the FFP, and:

- (c) FFP cannot be surrendered during the 3-year term of the permit.

*The motion passed 18/0.*

The AP recommends that the Council modify the Purpose and Need Statement to remove the second to the last sentence which reads, "Additionally, changes to the rules regarding Federal Fisheries Permits for CP designated licenses may need to be consistent across the North Pacific fisheries to reduce the administrative burden for NMFS and prevent unforeseen permitting loopholes." *The motion passed 18/0.*

## **C-3 BSAI Crab Program**

### **C-3(a) Initial Review of Emergency Delivery Relief analysis**

The AP recommends the Council add as options the following changes to the purpose and need statement and alternatives on the emergency delivery relief analysis. *The motion passed 17/0.* (Additions are indicated in ***bold and italics*** and deletions are indicated as ~~stricken~~.)

#### **Purpose and need statement:**

In developing the crab rationalization program, the Council included several measures to protect regional and community interests. Among those provisions, the Council developed regional designations on individual processing quota and a portion of the individual fishing quota that require the associated catch to be delivered and processed in the designated region. In the first three years of the program, all the crab IFQ was harvested and delivered. ***However, Congress's adoption of Section 122(e) of the Magnuson-Stevens Act, which grants custom processing use cap exemptions for Opilio IPQ holders on the condition that they process on shore or in the harbor of North region community, resulted in North region Opilio deliveries being concentrated in St. Paul harbor to a greater degree than prior to rationalization.*** However, icing conditions in the Northern Region did create safety concerns, and delayed and in some cases prevented harvesters from entering harbors to deliver to shore-based and floating processors located in the regions, as required by the regional share designations. In addition, other unforeseeable events, events such as an earthquake or tsunami, or man-made disaster, could prevent deliveries or limit the available processing capacity in a region necessary for compliance with the regional designations on Class A IFQ and IPQ. A well-defined exemption from regional landing and processing requirements of Class A IFQ and IPQ that includes requirements for those receiving the exemption to take efforts to avoid the need for and limit the extent of the exemption could mitigate safety risks and economic hardships that arise out of unforeseeable events that prevent compliance with those regional landing requirements. Such an exemption should also provide a mechanism for reasonable compensation to communities and IPQ holders harmed by the granting of the exemption to ensure that the protections intended by the regional designations continue to be realized despite the exemption.

#### **Alternatives:**

**Alternative 1** – Status quo (no exemptions from regional landing requirements)

**Alternative 2** – Contractually Defined Exemption

#### **Method of defining the exemption and compensation:**

The exemption shall be generally defined in regulation. To receive an exemption, however,

Option 1: an IFQ holder, the holder of matched IPQ, and the entity holding (or formerly holding) the right of first refusal for the IPQ, or

Option 2: an IFQ holder, the holder of matched IPQ, and an entity identified by the community benefiting from (or formerly benefiting from) the right of first refusal for the IPQ, or in the event that the subject IPQ was never subject to a ROFR, any entity qualified to act as the regional representative with respect to any IPQ in that region and fishery may act as the regional representative for the subject IPQ.

Option 3: an IFQ holder, the holder of matched IPQ, and a regional entity agreed to by the communities benefiting from rights of first refusal (or formerly benefiting from rights of first refusal) in the designated region of the IFQ and IPQ,

shall have entered a contract defining conditions under which an exemption will be granted and the terms of any compensation.

#### Administration of the exemption

~~The exemption shall be administered through submission of an affidavit by the holder of the IFQ for which the exemption is applied. An affidavit attesting to the satisfaction of requisite conditions for the exemption (as agreed in the contract) shall constitute conclusive evidence of qualification for the exemption.~~

*The exemption shall be administered through delivery submission of an affidavit by the holder of the IFQ for which the exemption is applied to the IPQ holder and regional representative, attesting to the satisfaction of requisite conditions for the exemption (as agreed in the contract). On receipt by NOAA Fisheries of notice of such delivery of an affidavit NOAA Fisheries shall grant the exemption. NOAA Fisheries granting of an exemption shall not affect any claim or obligation a party may have under the contract (including any claim concerning the sufficiency or content of the affidavit).*

#### Definition of the exemption

The following provision shall be included in the civil contract among the IFQ holder, the holder of matched IPQ and the entity representing community interests:

*An affidavit may only be filed if "Circumstances Outside of a Harvester's or Processor's Control" made it "Impracticable" for a harvester to deliver crab within the designated region to the processor(s) with whom the related Class A IFQ are matched or their designated agents, or make it "Impracticable" for a processor to process crab within the designated region.*

*"Circumstances Outside Of A Harvester's or Processor's Control" include ice, earthquake, volcanic eruption, silting, erosion, flooding, fire, explosion, mechanical breakdown, injury, disease, governmental agency action and comparable conditions that make it "Impracticable" for a harvester to deliver crab in the designated region to the processing facility designated by the IPQ holder with whom the related IFQ is matched, or make it Impracticable for a processor to process crab at such facility, during the applicable crab fishing season.*

*"Impracticable" means that delivery or processing of crab (a) is prohibited by governmental authority, (b) appears to be impossible, (c) involves extreme and unreasonable delay, difficulty, or expense, (d) in the judgment of the master of the affected vessel, would result in a significant risk of injury to crew or damage to vessel, or (e) involves a significant risk of substantial loss of value to the crab (i.e., equal to or greater than five percent (5%) of the affected crab's fair market value).*

*"Qualifying circumstance: An unavoidable circumstance that unreasonably delays or prevents the delivery or processing of crab in a region as required by regionally designated IFQ and matched IPQ will qualify for the exemption from regional landing requirements. To qualify for the exemption a circumstance must: (a) be unavoidable, (b) be unique to the IFQ and/or IPQ holder, (c) be unforeseen or reasonably unforeseeable, and (d) have actually occurred."*

Additional specificity of the exemption and its term may be included in any contract between the IFQ holder, the holder of matched IPQ and the entity representing region/community interests.

A contract executed by the three parties identified above shall provide conclusive evidence that a qualifying circumstance has been adequately described in satisfaction of this requirement.

**Mitigation requirements or Conditions to Be Satisfied to File Affidavit**  
Requirement to attempt to mitigate:

The following provision shall be included in the civil contract among the IFQ holder, the holder of matched IPQ and the entity representing community interests:

“To receive an exemption the IFQ holder and the holder of matched IPQ shall have exerted all reasonable efforts to avoid the need for the exemption, which may include attempting to arrange delivery to other processing facilities in the designated region unaffected by the unavoidable circumstance, attempting to arrange for the use of IFQ (and IPQ, if needed), and CDQ not requiring delivery in the affected region, and delaying fishing.”

Option: An IFQ holder will not be granted an exemption, if the IFQ holder holds any unused Class B IFQ, C share IFQ, or Class A IFQ that may be delivered outside of the affected region

**Conditions to be Satisfied to File Affidavit**

*Additional conditions that must be satisfied to file an affidavit are:*

- 1. If Circumstances Outside of a Harvester's or Processor's Control are affecting a fishing trip that is in progress, such circumstances must not have been reasonably foreseeable at the time the affected harvester began setting fishing gear;*
- 2. Circumstances Outside of the Harvester's or Processor's Control must exist at the time that an IFQ holder or IPQ holder files an affidavit, and must continue to exist as of the date on which crab is transported out of the designated region under the related NMFS exemption;*
- 3. An affidavit must contain an accurate description of the Circumstances Outside of the Harvester's or Processor's Control that make it Impracticable to deliver the affected crab using regionally designated Class A IFQ for an alternate region; and*
- 4. The affidavit shall only request re-designation of an amount of IFQ and IPQ equal to the estimated amount of crab that the affected harvester or processor reasonably projects that the harvester will be unable to deliver or that the processor will be unable to process as a result of Circumstances Outside of the Harvester's or Processor's Control.*

*It would be a breach of the emergency relief contract for an IFQ holder or IPQ holder to file an affidavit if any of the conditions specified above is not satisfied at the time that the affidavit is filed.*

**Compensation**

Compensation shall be as agreed in the contract among the IFQ holder, the holder of matched IPQ, and the entity representing regional/community interests.

**Mitigation (as an alternative to Compensation)**

*To mitigate the effect of emergency relief on communities in the North region, harvesters and processors would have an obligation to insure that the percentage of Opilio crab delivered in the North region on a 3 year rolling average basis would equal or exceed the percentage of Opilio crab required to be delivered in that region during that period.*

*The 3 year rolling average requirement would apply only in connection with short term conditions that make North region landings impracticable, such as intermittent sea ice. The requirement would not*

*apply in connection with circumstances that make it impracticable to deliver in the North region for an extended period, such as an extended harbor closure or loss of an essential processing facility.*

*Class B, Class C, Catcher-Processor Owner ("CPO") and CDQ landings in the North region would be counted toward the 3 year rolling average requirement. However, there would be no obligation to use Class B, Class C, CPO or CDQ to meet the 3 year rolling average requirement.*

*In the event that Class B, Class C CPO and CDQ landings in the North region are not sufficient to offset emergency relief landings taken out of the region, harvesters and processors would need the ability to deliver South region Class A IFQ in the North region as necessary to meet the 3 year rolling average requirement.*

*Suboption: Remove the South region designation from an appropriate amount of Class A IFQ through an amendment to the crab rationalization program.*

*Suboption: Provide for a "mitigation affidavit" under the emergency relief contract, which, when filed, would compel NMFS to remove the South region designation from the amount of South region Class A IFQ specified in the affidavit, permitting it to be delivered in the North region.*

#### Arbitration

*To facilitate use of Class A IFQ to address regional delivery relief, provide for one additional arbitration proceeding per processor per fishery per year.*

#### Contract finalization dates

Option 1: Fishery openings

Option 2: January 1

Option 3: Open, and can be finalized at any time.

The AP requests the document be released for public review, if possible.

*The motion passed 16/0/1.*

### **C-3(b)(1) Right of first refusal (ROFR)**

The AP recommends the Council adopt the purpose and need statement and alternatives below to enhance the community/processor right of first refusal (ROFR) agreements.

#### Purpose and Need Statement:

The Bering Sea/Aleutian Islands (BSAI) Crab Rationalization Program recognizes the unique relationship between specific crab-dependent communities and their shore-based processors, and has addressed that codependence by establishing community "Right of First Refusal" agreements as a significant feature of the Program. These ROFR agreements apply to the Processor Quota Shares (PQS) initially issued within each community, and are entered into and held by Eligible Crab Community Organizations (ECCO) on behalf of each respective community.

To date there have been several significant Processor Quota Share transactions, resulting in ECCOs now owning between 20% and 50% of the PQS in each rationalized fishery. These community ownership levels exceed the Council's expectations this early in the Program.

In spite of this success, some communities feel that ROFRs should be permanent, and the terms for each ROFR transaction should be liberalized.

Alternative 1: Status quo, no action.

*(Alternatives 2 and 3 can be combined).*

Alternative 2: Increase community protections by making ROFRs permanent.

- a) Require parties to rights of first refusal contracts to remove the provision that rights lapses, if the IPQ are used outside the community for a period of three consecutive years.
- b) Require parties to right of first refusal contracts to remove any provision for the right to lapse if an entity chooses not to exercise its right.
- c) Require that any person holding PQS that meet landing thresholds qualifying a community entity for a right of first refusal to maintain a contract providing that right at all times.

Alternative 3: Increase an ECCOs timeframe for acceptance and execution of a ROFR.

- a) Require parties to rights of first refusal contracts to extend the period for exercising the right of first refusal from 60 days from receipt of the contract to 90 days from receipt of the contract.
- b) Require parties to rights of first refusal contracts to extend the period for performing under the contract after exercising the right from 120 days from receipt of the contract to 150 days from receipt of the contract.

The AP recommends that the Council write a letter to the Secretary of Commerce supporting the creation of a loan program. *The motion passed 18/0.*

### **C-3(b)(2) Western AI golden king crab regionalization and PQ issues**

The AP recommends that harvesters, processors and communities work together to develop proposals for an exemption from regionalization in the event processing capacity is unavailable as described in the discussion paper. Proposals are due back by October 2009. *The motion passed 17/1.*

### **C-3(b)(3) Extinguishing crab PQ**

The AP recommends the Council take no further action on this item. *The motion passed 16/2.*

### **C-3(b)(4) Leasing restrictions**

The AP recommends the Council take no further action on this discussion paper. *The motion passed 13/4.*

*Minority Report: Minority members believe the implications of leasing and comparable transactions in rationalized fisheries is an important discussion to continue. There are currently three rationalized programs from which we can learn. There has been a decline in percentages paid to the deck and this action should be monitored. It is important to capture the characteristics of the pre-rationalized fleet, to*

monitor and to modify each program in order to meet the intent and unforeseen consequences of the program. Signed: Theresa Peterson, Jeff Farvour, Chuck McCallum, Rebecca Robbins Gisclair

### **C-3(c) Plan for 5-year Review of Crab Program**

The AP received the staff report on this issue.

### **C-4(a) Bering Sea Chum Salmon Bycatch**

The AP recommends the Council move forward with the following refinements to the chum salmon bycatch alternatives:

#### **Alternative 1 – Status Quo**

Alternative 1 retains the current program of the Chum Salmon Savings Area (SSA) closures triggered by separate non-CDQ and CDQ caps with the fleet's exemption to these closures per regulations for Amendment 84 and as modified by the Amendment 91 Chinook bycatch action.

#### **Alternative 2 – Hard Cap**

Component 1: Hard Cap Formulation (with CDQ allocation of 10.7%)

- a) 58,000
- b) 206,000
- c) 353,000
- d) 488,000

Component 2: Sector Allocation

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
  - 1) Pro-rata to pollock AFA pollock sector allocation
  - 2) Historical average
    - i. 2004-2006
    - ii. 2002-2006
    - iii. 1997-2006
  - 3) Allocation based on 75% pro-rata and 25% historical
  - 4) Allocation based on 50% pro-rata and 50% historical
  - 5) Allocation based on 25% pro-rata and 75% historical

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors
  - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
    - 1) 50%
    - 2) 70%
    - 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

Component 4: Cooperative Provision



- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.  
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
  - 1) 50%
  - 2) 70%
  - 3) 90%

**Alternative 3 – Trigger Closure**

**Component 1: Trigger Cap Formulation**

- a) 45,000
- b) 58,000
- c) 206,000
- d) 353,000
- e) 488,000

**Application of Trigger Caps**

- a) Apply trigger to all chum bycatch
- b) Apply trigger to all chum bycatch in the CVOA
- c) Apply trigger to all chum bycatch between specific dates

**Component 2: Sector allocation**

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
  - 1) Pro-rata to pollock AFA pollock sector allocation
  - 2) Historical average
    - i. 2004-2006
    - ii. 2002-2006
    - iii. 1997-2006
  - 3) Allocation based on 75% pro-rata and 25% historical
  - 4) Allocation based on 50% pro-rata and 50% historical
  - 5) Allocation based on 25% pro-rata and 75% historical

**Component 3: Sector Transfer**

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors  
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
  - 1) 50%
  - 2) 70%
  - 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

**Component 4: Cooperative Provisions**

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

- 1) 50%
- 2) 70%
- 3) 90%

Component 5: Area Option

- a) Area identified in October, 2008 discussion paper
- b) Existing Chum Salmon Savings Area (differs from status quo with application of other components)

Component 6: Timing Option – Dates of Area Closure

- a) Existing closure dates (August 1 – August 31 and September 1 through October 14 if trigger is reached.)
- b) New closure dates

Component 7: VRHS Exemption – Similar to status quo, participants in a vessel-level (platform level for Mothership fleet) VRHS would be exempt from a triggered closure.

- a) All VRHS participants would be exempt from a triggered closure (as provided by Amendment 84)
- b) VRHS participants achieving a certain level of rate-based performance would be exempt from the triggered closures. (Enforcement through VRHC agreement).

The AP recommends that the Council: (a) compile available data on recent bycatch rates; and (b) use a blended rate of CDQ and CDQ partners' bycatch for calculating historical bycatch rates. *The motion passed 16/0.*

The AP recommends that an EIS is the appropriate measure to be used. The AP views the significance of the proposed chum salmon bycatch management measures makes an EIS essential. Not only are the proposed measures likely to be controversial in nature, but the size and scope of their potential environmental, social and economic effects on the human environment are likely to be quite substantial as well. These are two of the factors cited as key to the identification of "significant" actions which compel the preparation of an EIS under the Department of Commerce's Administrative Order (DAO) 216-6.01 and 6.02—the Order by which the DOC implemented the National Environmental Policy Act. Under these circumstances, preparation of an EIS is clearly mandated. *The motion passed 16/0.*

### C-4(b) Bering Sea Salmon Bycatch Data Collection

The AP recommends that the Council proceed with analysis of the alternatives proposed by the Comprehensive Data Collection Committee with revisions noted. Referring to Alternatives 2A and 2B, replace components (2) and (3) which proposed using surveys to determine why a skipper chose to move fishing operations to a new area in hopes of reducing Chinook bycatch and at what cost, with the language below (additions are indicated in *bold and italics* and deletions are indicated as ~~stricken~~).

Alternative 1

Status quo (existing data sources)

### Alternative 2A

In addition to the status quo data sources:

- (1) Transaction data for salmon – quantity and price of transfers (survey will be used to determine whether these are arm's length transactions).
- ~~(2) Surveys to estimate costs of moving vessels to avoid salmon bycatch (vessel fuel use, transit time, and lost fishing time).~~
- ~~(3) Post-season surveys of skippers to determine rationale for decision-making during the pollock season (fishing location choices and salmon bycatch reduction measures).~~

*(2) Mandatory Inseason Bycatch Management Report to be filled out at the time of a move. Information collected would include:*

- a) For both the original and new fishing grounds, the date, time bycatch rate, location and CPUE of tow.*
- b) Pollock quota remaining for harvest and salmon allowance remaining at time of event.*
- c) Time, distance and use of fuel in searching for cleaner fishing grounds.*

### Alternative 2B

In addition to the status quo data sources:

- (1) Transaction data for salmon and pollock– quantity and price of transfers (survey will be used to determine whether these are arm's length transactions).
- ~~(2) Surveys to estimate costs of moving vessels to avoid salmon bycatch (vessel fuel use, transit time, and lost fishing time).~~
- ~~(3) Post-season surveys of skippers to determine rationale for decision-making during the pollock season (fishing location choices and salmon bycatch reduction measures).~~

*(2) Mandatory Inseason Bycatch Management Report to be filled out at the time of a move. Information collected would include:*

- a) For both the original and new fishing grounds, the date, time bycatch rate, location and CPUE of tow.*
- b) Pollock quota remaining for harvest and salmon allowance remaining at time of event.*
- c) Time, distance and use of fuel in searching for cleaner fishing grounds.*

### Alternative 3

In addition to the status quo data sources:

- (1) Transaction data for salmon and pollock– quantity and price of transfers (survey will be used to determine whether these are arm's length transactions).
- (2) Surveys to estimate costs of moving vessels to avoid salmon bycatch (vessel fuel use, transit time, and lost fishing time).
- (3) Post-season surveys of skippers to determine rationale for decision making during the pollock season (fishing location choices and salmon bycatch reduction measures).
- (4) Survey of roe quantity, quality, and revenues at the minimum level collected by the company (e.g., lot, trip).

### Alternative 4

In addition to the status quo data sources:

- (1) Transaction data for salmon and pollock– quantity and price of transfers (survey will be used to determine whether these are arm's length transactions).
- (2) Surveys to estimate costs of moving vessels to avoid salmon bycatch (vessel fuel use, transit time, and lost fishing time).
- (3) Post-season surveys of skippers to determine rationale for decision making during the pollock season (fishing location choices and salmon bycatch reduction measures).
- (4) Survey of roe quantity, quality, and revenues at the minimum level collected by the company (e.g., lot, trip).

(5) Survey of daily vessel operating costs (labor, observer, etc.).

NMFS staff should develop draft surveys that could be shared with interested stakeholders for comment. Workshops could be held with industry and other stakeholders to discuss revisions to surveys. Once revised, surveys could be incorporated into an analysis for presentation to the Council for initial review at its October meeting.

*The motion passed 17/0.*

### **D-1(a) Establish Permit Fees for all Fisheries**

The AP recommends that the Council send out the analysis for public review. *The motion passed 13/0.*

### **D-1(b) Workplan for ACL Requirements and Salmon FMP Withdrawal**

The AP recommends the Council adopt the action plans and move forward with the timeline recommended in the plans. *The motion passed 15/0.*

Additionally, the AP recommends that the Council request NOAA General Counsel provide legal guidance to the industry regarding what the implications of the opilio rebuilding plans are by August 1, 2009. Specifically, guidance is requested on the following issues:

- State actions that are possible under deferred authority
- Requirements to meet rebuilding plans.

*The motion passed 15/0.*

### **D-2(a) Bottom Trawl Gear Sweep Requirements**

The AP recommends that the Council send out the document for public review. *The motion passed 14/0.*

### **D-2(a) Catch Specifications for BSAI Skate Complex**

The AP recommends the Council move the analysis forward. *The motion passed 15/0.*

### **D-3(a) HAPC Process**

The AP recommends the Council delay the HAPC process until the 5-year review of EFH is completed. *The motion passed 17/0.*

### **D-3(b) Northern BS Research Plan**

The AP received the staff report on this issue.

**Sideboard Limits Applicable in the Rockfish Program**

Sideboard Limits for July	CV Sector	CP Cooperatives	CP Limited Access	CP Opt-out
<b>Catch Limits</b>				
Western GOA: POP, Pelagic shelf rockfish, northern rockfish	Limit applicable to all qualified CVs – because sideboard amounts are low, NMFS does not open sideboards for directed fishing.	Cooperative-specific limit for each species in each region.	Combined Limited Access and Opt-out limit for each species in each region	
West Yakutat: POP, Pelagic shelf rockfish				
BSAI: Pacific cod		N/A	N/A	N/A
<b>Halibut Mortality Limits (Effective During July only – 3<sup>rd</sup> Season)</b>				
GOA shallow-water PSC	Combined limit to all qualified CVs: Shallow-water flatfish closed when limit reached	Cooperative specific limit: Shallow-water flatfish closed when limit reached.	Combined Limit: Shallow-water flatfish closed when sideboard limit reached. Sideboard is low, NMFS does not allow directed fishing	
GOA deep-water PSC	Combined limit for all qualified CVs: Deep-water flatfish closed when limit reached. Sideboard is low, NMFS does not allow directed fishing.	Cooperative specific limit: Deep-water flatfish closed when limit reached.	Cooperative specific limit: Deep-water flatfish closed when limit reached.	
<b>Prohibited Fishing</b>				
BSAI Groundfish: (Pollock and IFQ sablefish excluded)	July 1-31: Directed fishing prohibited for most flatfish and rockfish species	July 1-14: No directed fishing <b>Proposed Rule to Remove (Amendment 85 to GOA FMP)</b>	July 1 until 90% of CP Central GOA POP is harvested (Only for CPs with >5% of total CP Central GOA POP QS) <b>Proposed Rule to Remove</b>	N/A
GOA Groundfish: (IFQ sablefish excluded)	N/A	N/A (Assuming monitoring requirements are met).	N/A (Assuming monitoring requirements are met)	July 1-14: Unless previous participation in that target fishery from 1996-2002.

**Text from June 2005, Rockfish Program Motion**

**The effects of the Council motion on CP sideboards can be summarized to contain the following provisions:**

**Opt OUT Vessels**

- 1-subject to 9.1(a) at aggregate sector level – (WYAK & WGOA rockfish)**
- 2-subject to 9.1(b) at aggregate sector level – (GOA flatfish halibut limits)**
- 3-prohibited from directed fishing for CGOA rockfish**
- 4-standdowns do not apply (except in GOA fisheries for which a vessel doesn't have prior participation)**
- 5-history stays with sector (pro-rata to Limited Access and Coop vessels)**

**Opt IN Vessels (Co-op)**

- 1-subject to 9.1(a) at aggregate sector level – (WYAK & WGOA rockfish)**
- 2-subject to 9.1(b) at aggregate sector level – (GOA flatfish halibut limits)**
- 3-also subject to co-op's share of 9.1(a) sideboard – (WYAK & WGOA rockfish)**
- 4-also subject to co-op's share of 9.1(b) sideboard – (GOA flatfish halibut limits)**
- 5-subject to 2 week standdown in BSAI groundfish**
- 6-not subject to standdowns in GOA fisheries – IF - NMFS accepts the co-op sideboard monitoring program**
- ELSE – 2 week stand-down or until 90 % of the co-op's CGOA rockfish is harvested**

**Opt IN Vessels – (Limited Access)**

- 1-subject to 9.1(a) at aggregate sector level – (WYAK & WGOA rockfish)**
- 2-subject to 9.1(b) at aggregate sector level – (GOA flatfish halibut limits)**
- 3-can't fish CGOA rockfish before July**
- 4-If 5% or >, THEN:**
  - a) stand-down from BSAI groundfish until 90% of POP taken**
  - b) stand-down from GOA non-pollock groundfish until 90% of CGOA POP is taken**
- 5-If <5%, THEN:**
  - a) 2 week stand-down from BSAI groundfish doesn't apply**
  - b) 2 week stand-down from GOA non-pollock groundfish doesn't apply**

Minority Report  
Advisory Panel  
Agenda Item C-1a  
Rockfish Program

A minority of four members of the AP supported recommending the Council appoint a work group to discuss and recommend community options for the Rockfish Program, including allocative set-asides, per MSA requirements to consider community provisions in any new LAPP. The work group would report to the Council at the October 2009 meeting.

The minority noted that some of the relevant issues were identified on page eight of the discussion paper: "In developing participation criteria for communities the Council is required to consider traditional fishing and processing practices and fishery dependence, the cultural and social framework in the fishery, economic barriers to fishery access, the existence and severity of projected economic and social impacts of LAPPs on harvesters, captains, crew, processors and other businesses substantially dependent on the fishery, and the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting and processing in the fishery (see 303A(c)(3))."

The Minority also noted that:

- It was understood and appreciated that the timeline presented challenges but the minority believed that the issues raised by the LAPP provisions of MSA were just too important to give short shrift to.
- The Rockfish Program is complicated
- The new LAPP provisions are also complex
- There was inadequate time to gather meaningful comment from the CQE communities in response to the issues raised in the discussion paper
- Rulemaking/Guidance from NOAA on the LAPP provisions of MSA has not been finalized

The AP members of the Minority:

  
\_\_\_\_\_

Chuck McCallum

  
\_\_\_\_\_

Theresa Peterson

  
\_\_\_\_\_

Becca Robbins Gisclair

  
\_\_\_\_\_

Simon Kinneen

Minority Report C-3 (b) 4 - Leasing  
Restrictions

Minority members believe the implications of leasing and comparable transactions in rationalized fisheries is an important discussion to continue. There are currently 3 rationalized programs from which we can learn from. There has been a decline in percentages paid to the deck and this action should be monitored. It is important to capture the ~~make up~~<sup>characteristics</sup> of the pre-rationalized fleet, to monitor and to modify each program in order to meet the intent and unforeseen consequences of the program

Signed,

Theresa Peterson  
Jeff Farkore  
R.P.G.

Theresa Peterson  
Jeff Farkore  
~~R.P.G.~~  
Rebecca Robbins Gisdair  
Steve Williams



# North Pacific Fishery Management Council

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Certified: Lew Bendy  
Date: 9/21/09

## SCIENTIFIC AND STATISTICAL COMMITTEE of the NORTH PACIFIC FISHERY MANAGEMENT COUNCIL June 1-3, 2009

The SSC met during June 1-3, 2009 at the Hilton Hotel, Anchorage, Alaska. Members present were:

Pat Livingston, Chair

*NOAA Fisheries—AFSC*

Robert Clark

*Alaska Department of Fish and Game*

Gordon Kruse

*University of Alaska Fairbanks*

Franz Mueter

*University of Alaska Fairbanks*

Farron Wallace

*Washington Dept of Fish and Wildlife*

Keith Criddle, Vice Chair

*University of Alaska Fairbanks*

Anne Hollowed

*NOAA Fisheries—AFSC*

Kathy Kuletz

*US Fish and Wildlife Service*

Lew Queirolo

*NMFS—Alaska Region*

Doug Woodby

*Alaska Department of Fish and Game*

Troy Buell

*Oregon Department of Fish and Wildlife*

George Hunt

*University of Washington*

Seth Macinko

*University of Rhode Island*

Terry Quinn II

*University of Alaska Fairbanks*

Members absent were:

Sue Hills

*University of Alaska Fairbanks*

Ray Webster

*International Pacific Halibut Commission*

### C-3(d) BSAI Crab SAFE

Diana Stram (NPFMC), Forrest Bowers (ADF&G), and Jack Turnock (NMFS-AFSC) presented information from the Crab Plan Team report and SAFE analyses.

Table 1 shows the SSC recommendations for tier designations, years of biomass or catch, gamma (a multiplier for natural mortality), natural mortality, and OFL. This year, the SAFE reports for Pribilof Islands golden king crab and Adak red king crab will be reviewed in September by the Crab Plan Team (CPT) and in October by the SSC. Next year, the assessments will be ready for the May CPT meeting.

### General recommendations to all assessment authors for future assessments:

1. As reiterated from our June 2008 report, “future stock assessments should provide analyses to support the choice of  $\gamma$ ...” in Tier 4. Currently, analysts have used, and the Crab Plan Team and the SSC have supported, a value of 1 for  $\gamma$  in the calculation  $F_{OFL} = \gamma M$ , in which  $M$  is natural mortality, which results in a proxy for  $F_{MSY}$ . The SSC recommends that analysts provide rationale for the selection of  $\gamma=1$ . The value of 1 for  $\gamma$  is the default value used in Tier 5 for groundfish and should be conservative for crab stocks, since only the legal male component of the adult stock is harvested. However, analysis in the Environmental Assessment for Amendment 24 to revise overfishing definitions for crab showed that values of  $\gamma$  between 2 and 3 might be appropriate for  $F_{msy}$  estimation for some Bering Sea crab stocks. Therefore, it is desirable to investigate whether alternative approaches can be developed. Some suggestions for doing this

2. will be forthcoming from the crab data weighting and stock assessment workshop, held in Seattle during the May Crab Plan Team meeting. A report from that workshop will be available in time for the September Crab Plan Team meeting.
3. The SSC encourages stock assessment authors and the Plan Team to discuss whether there is evidence for a common year that corresponds with a shift in recruitment across stocks. If there is not a single year, then evidence should be examined for a number of years that are common across groups of species or areas.

### **EBS Snow Crab**

Public testimony was provided by Leonard Herzog (Alaska King Crab Harvesters Co-op), and Arni Thomson (Alaska Crab Coalition).

The SSC has reviewed this assessment several times over the last few years. The central component of this assessment is a length-based model, which integrates length composition, fishery catch, and survey data. A CIE review and an external review completed last year provided many useful suggestions for improvement. **The SSC supports continued use of this model for stock status determinations and specifications.**

The SSC appreciates the author's efforts to improve methodological descriptions and to undertake retrospective and projection analyses. The SSC concurs with the recommendations made on page 10 of the Introduction to the SAFE, for improvements to be completed this year (for the September Plan Team meeting) and next year (for the May Plan Team meeting).

The SSC has three additional recommendations for the stock assessment authors to complete by September (or next June, where noted):

1) Provide a comparison of model results between the model using old survey data in this document, and a model using newly revised data that corrects previous errors in the database. The SSC is interested in seeing the results of this analysis, to evaluate the sensitivity of the model to changes in the biomass time series. We do not envision a complete MSE evaluation with the new data for September, because a project to do that is being funded by NPRB.

2) The SSC strongly reiterates the need for additional work on the effect of selectivity on the stock assessment. In October 2008, the SSC requested an analysis of survey selectivity, to be presented at this meeting. We noted that the model estimates of selectivity (approximately = 1, depending on year) are considerably higher than those estimated by an underbag experiment, as shown in Figure 24. The requested analysis has not yet been conducted. Instead, the current SAFE report explains that a second field experiment is to be done this year to provide new experimental estimates. While it is commendable to conduct these new experiments to obtain improved estimates, the results of the original selectivity study by Somerton and Otto (1999, Fish. Bull. 97) are currently the best scientific information available, and may be more realistic than the new model derived estimates.

**The SSC requests that, by June 2010, the stock assessment author include a thorough investigation of the effects of using the model-derived survey selectivities, in comparison to using the experimentally derived survey selectivities of Somerton and Otto (1999), and the results of new field experiments on selectivity, to be conducted in the summer of 2009. Specifically, the SSC requests comparisons of all reference points, including  $B_{35\%}$  and  $F_{35\%}$ , as well as time series of mature and legal male biomass estimates, fits to survey size frequencies for male and female crabs, and projections of future populations toward the rebuilding target.**

3) The projection analyses in the document show that the probability of achieving the rebuilding target in the next two years is less than 50%, under current harvest policy. However, the analyses suggest that a

50% probability of rebuilding could be achieved, with a substantial reduction in fishing mortality. The Plan Team recommends such an approach and suggests how it would be implemented. The SSC requests that forecast errors be included in the projection graphs, so that the uncertainty in the projections can be better visualized. Also, it would be helpful for the author to provide an indication of the uncertainty in the rebuilding target biomass. This could be done either for the original target in the Rebuilding Plan, or for an updated target based on more recent information, or both. This will help show how uncertainty in data and model inputs affect the perception of stock rebuilding.

**The SSC concurs with the Plan Team recommendations for OFL: the stock should be managed under Tier 3, the range of years (1979 and later) used for parameter estimation is appropriate, and OFL should be determined using  $F_{35\%}$  and the model. Council staff informed the SSC that the revised snow crab SAFE will be available for SSC review at the October Council meeting. To accommodate this additional level of review, the Alaska Department of Fish and Game will delay setting the EBS snow crab TAC until after SSC review in October.**

Unlike the Plan Team, the SSC has no recommendation on the issue of adjusting TAC downward, to increase the probability of reaching the rebuilding target within the 10 year timeframe required in the rebuilding plan (year 2011). The topic of how often to evaluate and revise harvest rebuilding plans during the stock rebuilding period has been debated nationally in scientific and management circles. There is no clear consensus on the optimal approach, but it is clear that there are tradeoffs. However, this does not remove the obligation to rebuild overfished stocks.

**The SSC recommends that changes in rebuilding policy be carefully evaluated under a range of management scenarios and population responses.** The current harvest strategy provides for rebuilding to the target level. Progress in stock rebuilding has already been made, and the time of rebuilding will depend on future recruitment trends, population status, and magnitude of harvesting. The SSC seeks clarification, before the October Council meeting, about its role in providing advice on rebuilding overfished crab stocks in which management authority has been delegated to the State of Alaska.

### **Bristol Bay Red King Crab**

A length-based model, using trawl survey data, catch data (retained + bycatch), length-frequencies from the fishery, and fishery CPUE data, is used to estimate abundances and management parameters. This model was first introduced in 1995, and underwent some major changes in 2004. Last year's model was based exclusively on post-1984 data, but at the request of the CPT and the SSC, this year's model was again fit to the full time series from 1968 through 2009. Additional changes from last year include the incorporation of revised trawl survey data from 1975 through 2008, incorporation of the Bering Sea Fisheries Research Foundation (BSFRF) survey data for 2007/2008, and allowances for temporal variation in female maturity and in male and female natural mortality. The authors present results for three models: Model 1 includes a fixed natural mortality ( $M=0.18$ ) with "additional" mortality terms for males and females in 1980 through 1984, and for females in 1976 through 1979 and 1985 through 1993. Model 1 also includes the BSFRF survey data. Model 2 assumes a constant  $M=0.18$  across years and includes BSFRF data. Model 3 is similar to Model 1, but without the BSFRF data.

The results suggest that Model 2 fits the data very poorly, as evidenced by the much higher value of the negative log-likelihood and by poor fits to the survey data (Fig. 12). Models 1 and 3 have very similar fits in terms of the log-likelihood, but there are some marked differences in the estimated biomass series, in particular, during the peak in the late 1970s / early 1980s and in recent years. However, estimates from both models are well within the 95% confidence intervals of the survey data. The SSC supports continued exploration of the implications of including the BSFRF data. However, the SSC concurs with the CPT that, without better documentation of the BSFRF data, and without some examination of its apparent influence on biomass trajectories, the data should not be included for setting the OFL for 2009/10. The

SSC also remains concerned about the apparent ad-hoc approach to incorporating additional mortality terms, as detailed below.

In addition to the choice of models, another issue concerns the time period over which recruitment estimates should be averaged to estimate  $B_{35\%}$  (as a proxy for  $B_{MSY}$ ). As in last year's assessment, the authors argue for using the recruitment series since 1995, because of the documented 1989 regime shift (affecting recruitment about 6 years later, in 1995) and the apparent higher productivity following the regime shift (Figure 33). The SSC provisionally accepted the 1995 through 2008 period for last year's assessment and concurs with the author's and the CPT's choice of the 1995 through 2009 recruitments for estimating  $B_{35\%}$  in this year's assessment.

**The SSC concurs with the CPT recommendation that the stock continue to be managed under Tier 3 and that Model 1, using the 1995 through 2009 series of estimated recruitments, be used as a basis for estimating  $B_{35\%}$  and the associated  $F_{OFL}$  and  $OFL$ , once 2009 survey data are incorporated.**

The SSC appreciates the authors' responsiveness to previous requests and the improved documentation of the model, model results, and much of the underlying data. We recognize that the Bristol Bay red king crab model is one of the best developed crab stock assessments and encourage further development of the model in an attempt to move the stock to an eventual Tier 1 designation. However, a number of issues remain to be resolved, and the SSC offers the following points for consideration in the 2010 assessment cycle:

1. We request that the authors continue to explore a model that uses a constant  $M$  over time or other ways of accounting for the large biomass peak in the late 1970s / early 1980s and the subsequent steep decline in crab abundance. It remains unclear whether the decline was due to increased mortality (e.g., predation by Pacific cod), a shift in productivity, or a fishing impact. In particular, any changes in fishing mortality should be modeled as such, based on the history of changes in gear and fishing practices. Although Model 2 fit the data poorly, the reasons for the poor fit, in particular to the latter parts of the time series, are not entirely clear and may, in fact, suggest failure of convergence in the optimization routine, rather than model misspecification.
2. The incorporation of a number of periods that allow for "additional" male and/or female mortality needs to be re-evaluated, and a sound rationale for the choice of these periods must be provided. For example, the rationale for why the time periods are different for males and females and why female mortality differs between 1980 through 1984, 1976 through 1979, and 1985 through 1993 is not clearly stated. To the extent practicable, these periods should be based on clearly documented oceanographic and biological considerations.
3. The SSC continues to question the rationale for using the 1995 through the current time period of recruitment for estimating  $B_{35\%}$ . We recognize that the rationale is more developed for this stock than for some other stocks and that it is primarily based on a perceived shift in productivity in 1989 (first apparent in the 1995 recruitment of 6-year old crab). However, while recruitment was somewhat higher in the post-1988 period, the difference in mean recruitment is not significant (fertilization years 1977-88, i.e. post 76/77 shift, vs. 1989-2002:  $t = 0.125$ ,  $p = 0.91$ ; 1979-88, the period used in the assessment, vs. 1989-2002:  $t = 1.57$ ,  $p = 0.13$ ). Therefore, we request that model runs continue to be based on both periods, for comparison, and that the rationale for using only the post-1988 period be re-evaluated, perhaps as part of a broader evaluation of appropriate productivity periods across crab stocks in this region.
4. There is a discrepancy between the recruitment estimates summarized in Table 6, those shown in Figure 33, and those shown in the stock-recruitment relationship in Figure 35. The latter seem to be labeled by year of hatching, rather than the year of mating, as stated in the legend. These need to be checked, in order to provide appropriate recruitments for estimating reference points. In

addition to the parameter estimates in Table 6, it would be very useful if the document included a table of actual recruitment estimates.

5. The rationale for using three different time periods for estimating average size at 50% maturity (Figure 9) is unclear and needs to be clearly articulated in the document. For example, these periods differ from those that were used to model additional mortality for females, and it could be argued that the same mechanism may be responsible for higher mortalities and smaller size-at-maturity, suggesting that the same periods be used for modeling changes in these parameters. A more objective approach to modeling size-at-maturity might be to fit a smooth trend to size at 50% maturity over time or use an appropriate algorithm to find change points in the time series.
6. The SSC appreciates the inclusion of likelihood components that incorporate appropriate coefficients of variation, rather than arbitrary weights. We request that the weighting issue be explored further, following recommendations from the recent stock assessment/data weighting workshop. Possible approaches to pursue include conducting additional sensitivity analyses to examine the influence of different weights, estimating effective N for multinomial likelihood components within the model, as is done for many groundfish assessments, or employing a fully Bayesian implementation of the model with appropriate priors, as recommended by the CPT.
7. In addition to using the BSFRF data to get an improved estimate of capture probability by size, the data should also be included in a model alternative presented to the CPT and SSC. However, as noted earlier, all data must be clearly described and documented and the model fit to the data should be shown.

## Tanner Crab

Estimates of MMB biomass are derived annually from information collected during the EBS trawl survey. Following this summer's survey, assessment authors will incorporate new estimates into revised assessments for CPT review in September 2009. Fish ticket and observer data are used to estimate retained and non-retained catch, and assumed handling mortality rates are applied to the non-retained portion of the catch, to estimate a total catch OFL. Estimated abundance of legal males increased over 2007 abundance by 9%, largely due to a high density of legal males observed at a single survey station. Although the stock was determined to be rebuilt in 2007, the 2008 survey showed a marked decline in estimated abundance across all other size classes of males and females, possibly signifying the commencement of a declining period of abundance for this stock.

The revised EBS bottom trawl time series was not used in the Tanner crab assessment. **This information is important for stock status determination and the SSC recommends use of the revised time series for the final assessment in 2009. The SSC agrees with the CPT and authors that the OFL for this stock should be based on the Tier 4 control rule, since no formal assessment has been developed for the entire EBS region. The SSC agrees with the CPT and authors that  $B_{REF}$  be based on the average mature male biomass (MMB) for the years 1969 through 1980, discounted by fishery removals (retained and non-retained mortalities) and natural mortality between the time of survey and mating, and that  $\gamma=1.0$  and  $M=0.23$ . This equates to a  $B_{REF}$  of 189.76 million pounds of MMB. The SSC notes that the current BSAI Crab SAFE Introduction mistakenly lists the range of years for calculating  $B_{REF}$  as 1975 through 1980.**

The SSC recommends that the stock assessment authors should:

1. Use the most recent data available, including revised survey data to be available for review in September and revised bycatch data from the groundfish fisheries when those become available.
2. By September, 2009, provide complete documentation on data sources and the calculations and assumptions used in the stock assessment for computing OFL. Table headings should clearly and

accurately describe the data, including indicating when data includes a handling mortality assumption.

3. Develop an assessment model that incorporates the entire stock area in the next assessment cycle.

### **Pribilof Islands Red King Crab**

**The SSC agrees with the Plan Team recommendations for management of Pribilof Islands red king crab under Tier 4, setting  $\gamma=1$ ,  $M=0.18$ , using the 1991 through 2009 period to determine the average mature male biomass as a proxy for  $B_{MSY}$ , once the 2009 bottom trawl survey results for this area are available.** The SSC appreciates the inclusion of estimates of  $B_{MSY}$  proxies for the two time periods, 1980 through 2009 and 1991 through 2009, and looks forward to the results of the final analysis in October. The Plan Team's rationale for beginning the time series at 1991, was based on the observation that red king crab were relatively uncommon in the area, prior to 1991. The SSC would like to see this rationale included in the final SAFE report. The SSC also looks forward to seeing the implementation of the catch-survey analysis in next year's iteration of the assessment.

The SSC notes that there is a possibility that the abundance trends of red king crab are related to those of blue king crab, in that red king crab may be replacing blue king crab in the Pribilof Islands area. Given this possibility, it would be valuable to include interactions between these crab species, as a factor in any future development of population dynamics models. This might take the form of a single king crab model with partitioning of size class abundances between the two species, or of two separate models with a factor in each to account for the interaction.

In regards to ecosystem considerations, the SSC would like to see consideration given to time trends in the abundance and potential influence of major fish predators, including arrowtooth flounder. Also, the SSC suggests that calculations of the impact of pot gear on the substrate should be based on the area inhabited by the Pribilof Islands red king crab population, rather than the entire area of the Bering Sea shelf.

### **Pribilof Islands Blue King Crab**

**The SSC agrees with the Plan Team recommendation for management of Pribilof Islands blue king crab under Tier 4, with  $\gamma=1$ ,  $M=0.18$  using the 1980 through 1984 and 1990 through 1997 time periods, to determine the average MMB as a proxy for  $B_{MSY}$ , estimated as 9.01 million pounds.** The SSC appreciates seeing the written justification in the SAFE omission of the 1985 through 1989 period, because it may not represent the productivity potential of the current stock.

This stock was declared overfished in 2002 and, even though there has not been any directed fishing since 1999, the stock has continued to decline. It is unlikely that it will be rebuilt by the end of the rebuilding plan 10 year horizon in 2012. Recognizing that a new rebuilding plan will be needed, and that additional protective measures could be taken, the SSC commends the Plan Team for considering five alternatives (listed in the September 2008 plan team minutes) to reduce bycatch of blue king crab, four of which pertained to closing areas to all targeted groundfish harvest or just to directed Pacific cod harvest. The fifth alternative was to modify pot gear for Pacific cod. If the Council initiates a review of these alternatives, the SSC requests that the analysts identify expected bycatch reductions that might be accrued. The SSC also encourages additional observer coverage as appropriate to improve monitoring of blue king crab bycatch. While the Plan Team suggested not considering this fifth alternative, the SSC suggests that use of a slick ramp for Pacific cod pots to make entry into a pot difficult for king crab should be considered.

In regards to a revised rebuilding plan, the SSC recommends reconsideration of the time frame for estimation of  $B_{REF}$  in terms of potential environmental changes that may have altered the potential productivity of the population. The SSC also requests that when a revised rebuilding plan is developed, it

should include an analysis examining information on stock separation from the St. Matthew Island blue king crab stock and the possibility of competitive or predation interactions with Pribilof Islands red king crab.

### **St. Matthew Island Blue King Crab**

St. Matthew blue king crabs are assessed by a four-stage catch-survey analysis of males only. This stock was declared overfished in 1999, and the fishery has since been closed and managed under a rebuilding plan. This stock has been recovering, and mature male biomass exceeded the rebuilding target in 2008. If this occurs in 2009, as well, which the Crab Plan Team feels is likely, the stock will be considered to be rebuilt.

Five model scenarios were analyzed. Among these, the Crab Plan Team recommended scenario 1, with a fixed catchability coefficient ( $q$ ) and natural mortality ( $M$ ), with a separate  $M$  estimated for 1999. **The SSC agrees with the choice of model scenario 1, the Plan Team's recommendation for Tier 4 designation, and the Plan Team's itemized comments listed on p. 18 of the introduction section of the Crab SAFE.** In summary, these are: (1) towards possible future Tier 3 designation, continue model refinements for review at the May 2010 Crab Plan Team meeting; (2) include bycatch in the estimation model, so that a total male catch OFL can be estimated and, ultimately, total male and female catch OFL; (3) include confidence intervals on model output and CVs for surveys; (4) examine the sensitivity of weighting choices; (5) include separate likelihood components for total number of crab and breakdown to size classes; (6) report the number of parameters for each model scenario; (7) justify how changes in molting probability affect model results; and (8) run the model to determine how the stock might respond at a  $F_{MSY}$  proxy to inform  $B_{MSY}$ .

### **Norton Sound Red King Crab**

This assessment utilizes a length-based model that combines multiple sources of data, including information from four surveys and three fisheries. The revised model does not include discard mortality or mortality from non-directed fishery bycatch. The stock trajectory exhibited a sharp decline in the 1980s, from high biomass levels during the 1970s, followed by a gradual increase after 1996. The harvest rate was high in the late 1970s and early 1980s, and it fluctuated around 10% after 1983. The authors addressed the SSC request for a likelihood profile on natural mortality.

**The CPT recommended, and the SSC agrees, that the assessment model output be used as the basis for estimating biological reference points for the 2009/10 season.** The author provided scenarios under two different assumptions regarding natural mortality ( $M = 0.3$  and  $M = 0.18$ ). The CPT recommended, and the SSC concurs, that the scenario based on  $M = 0.18$  be used for estimating stock status in 2009. The CPT also recommended, and the SSC concurs, that this stock qualifies for Tier 4 management, that the reference time period for estimation of  $B_{MSY}$  proxy should be 1983 through 2009, and  $\gamma$  should be set at 1. **Based on these considerations, the SSC recommends a 2009/10 OFL for Norton Sound red king crab of 0.71 million pounds (retained catch OFL).**

In addition to the recommendations above, the CPT provided the following recommendations for improvements to the model (see following paraphrased from CPT minutes). The SSC agrees with the CPT that these additional requests should be addressed in the 2010 assessment including:

1. The assessment model from the previous year should be included in the current assessment in order to evaluate the impact of changes made to the model, and to have those results as a fall-back option if the current model is unsuitable and rejected for OFL-determination.
2. In this assessment, stock losses due to natural mortality and retained catch are considered. Mortalities due to directed fishery discards and non-directed bycatch are not included; thus,

handling mortality is explicitly set equal to zero. In the absence of observer data on discards and bycatch, the assessment should include a sensitivity analysis as to a plausible range of non-retained mortalities. Also, the approach used in the Bristol Bay red king crab assessment for estimating discarded catch in the directed fishery should be investigated, with the results compared to those from the zero non-retained mortality assumption.

3. The assessment should be updated for September 2009, with the 2008/09 retained catch, in order to determine if overfishing was occurring in 2008/09.
4. Further analysis of the retrospective pattern in the assessment should be performed given concerns regarding the consistent pattern indicating an overestimate of biomass, compared to the trawl survey.
5. The assessment should include an assumed bycatch and discard mortality.

The CPT also requested, and the SSC concurs, that subsequent assessments include an OFL calculation based on Tier 5. However, the SSC continues to encourage the author to work on the Norton Sound red king crab assessment model, with a long-term goal of moving this stock to Tier 3. In particular, the SSC requests that likelihood profiles on natural mortality be included in the 2010 assessment, to re-examine the results when bycatch mortality and discard are included in the model.

The SSC recognizes that the author made last-minute adjustments to the SAFE chapter, in response to CPT requests. Several sentences appear to be remnants from the earlier version and should be fixed. For example:

1. Page 15 2<sup>nd</sup> paragraph. The author should clarify that the information available for the assessment has changed since the publication of Zheng et al. 1998. The conclusions made in 1998, may not reflect the conclusions that would be made with the current model under different assumptions of the baseline natural mortality rate.
2. Page 17, first full paragraph, last sentence. This sentence appears to be in conflict with the recommendation for setting  $\gamma = 1$ .

### **Aleutian Islands Golden King Crab**

Public testimony was provided by Linda Kozak (Kozak & Assoc.) and Dick Tremaine (Norton Sound Economic Development Corporation).

The Crab Plan Team has determined that the assessment model for Aleutian Islands golden king crab is insufficient, and should not be used. They recommend managing this stock under Tier 5, using a retained catch OFL. **The SSC agrees with Tier 5 designation for this stock, but had much discussion over the time period to be used to calculate catch averages.**

The Crab Plan Team recommends using the time period of 1990/1991 through 1995/1996, whereas the SSC continues to recommend the period of 1985/1986 through 1995/1996. The SSC and Crab Plan Team agree that data prior to 1985/1986 are not appropriate to include, due to a reduction in the minimum size limit in 1985. The Crab Plan Team argued that catches during 1985/1986 through 1989/1990 are inappropriate for OFL estimation, because declines in average weight (from 4.5 to 4.1 lbs) and fishery CPUE (from 11.9 to 8.0 crabs per pot) during this period might be indicative of an unsustainable level of harvest. However, the SSC finds that those declines are rather small, relative to variability over the history of the fishery. Moreover, the SSC notes that the fishery may have been affected by other factors, such as changes in fishing effort, market price, and other BSAI crab fishing alternatives. The SSC notes that the management system was relatively constant from 1985 onward. This provides another



justification for using the longer time period to calculate catch averages. A longer time period likely provides a more robust estimate than a shorter time period.

**The SSC recommends a retained catch OFL of 9.18 million pounds (i.e., same as last year) under Tier 5, based on average catch over 1985/1986 to 1995/1996.** The SSC looks forward to further improvements in model development, in hopes that this stock can be managed under Tier 4 in the near future.

**The SSC endorses the detailed CPT comments on page 8 of the May 2009 Crab Plan Team Report,** which in summary are: (1) fits to size-composition data suggest model mis-specification; (2) need for clarity on fully selected F given that selectivity does not reach 1.0 at any size; (3) investigation of unexpected model results that suggest that some large crab are discarded; (4) consideration of whether eq. 25 is redundant with eq. 21 with clarification on what is observed vs. predicted and examination of model sensitivity to removal; (5) consideration that the penalty terms are in disparate units, which may have substantial effects on model performance; (6) fix typos on variables for C and D in eqs. 10 and 11; and (7) include scenarios both with and without commercial CPUE data consistent with previous SSC advice.

Table 1. SSC recommendations, June 2009

(Note: diagonal fill indicated parameters not applicable for that tier level, while shaded sections are to be filled out for the final SAFE in September 2009 and bold indicates changes from the CPT recommendations.)

Chapter	Stock	Tier	Status (a,b,c)	F <sub>OFL</sub>	B <sub>MSY</sub> or B <sub>MSYproxy</sub>	Years <sup>1</sup> (biomass or catch)	2009 <sup>2</sup> MMB	<sup>3</sup> 2009 MMB / MMB <sub>MSY</sub>	γ	Mortality (M)	2009/10 mill lbs [retained]	OFL
1	EBS snow crab	3				1979-current [recruitment]				0.23 (males, immat.) 0.29 (mature females)		
2	BB red king crab	3				1995-current [recruitment] <sup>5</sup>				0.18 default estimated otherwise <sup>4</sup>		
3	EBS Tanner crab	4			189.76	1969-1980 [survey]			1.0	0.23		
4	Pribilof Islands red king crab	4				1991-current [survey] <sup>5</sup>			1.0	0.18		
5	Pribilof Islands blue king crab	4			9.01	1980-1984; 1990-1997 [survey] <sup>5</sup>			1.0	0.18		
6	St. Matthew Island blue king crab	4				1989-current [model estimate] <sup>5</sup>			1.0	0.18 (1978-98, 2000-08); 1.8 (1999)		[total male catch]
7	Norton Sound red king crab	4	a	0.18	3.07	1983-current [model estimate]	5.83	1.9	1.0	0.18	0.7125 [retained]	
8	AI golden king crab	5				1985/86-1995/96 [retained catch]					9.18 [retained]	
9	Pribilof Island golden king crab	5				TBD [retained catch]					TBD [retained]	
10	Adak red king crab	5				TBD [retained catch]					TBD [retained]	

<sup>1</sup> For Tiers 3 and 4 where B<sub>MSY</sub> or B<sub>MSYproxy</sub> is estimable, the years refer to the time period over which the estimate is made. For Tier 5 stocks it is the years upon which the catch average for OFL is obtained.

<sup>2</sup> MMB as projected for 2/15/2010 at time of mating.

<sup>3</sup> Model mature biomass on 7/1/2009

<sup>4</sup> Additional mortality males: two periods-1980-1985; 1968-1979 and 1986-2008. Females three periods: 1980-1984; 1976-1979; 1985 to 1993 and 1968-1975; 1994-2008. See assessment for mortality rates associated with these time periods.

<sup>5</sup> Revised EBS trawl survey time series data used

#### **C-4(b) Bering Sea Chinook salmon PSC avoidance data collection**

Mark Fina (NPFMC) and Jeannie Heltzel (NPFMC) provided an overview of the minutes of the Comprehensive Data Collection Committee meeting on data collection needs for monitoring and assessment of the efficacy and impacts of Amendment 91. Alan Haynie (AFSC) and Ron Felthoven (AFSC) presented a discussion paper on AFA Pollock Fishery Data Collection and Chinook Salmon PSC Avoidance Incentive Program analysis. The paper outlines a menu of data elements that could be collected and the types of questions the data could be used to address. Public testimony was provided by Glenn Reed (Pacific Seafood Processors Association), Stephanie Madsen (At-Sea Processor Association), and Brent Paine (United Catcher Boats).

The Council's purpose for the Chinook PSC Avoidance Data Collection Program is not clearly articulated. This has resulted in some ambiguity regarding the choice of metrics to assess program performance, with respect to that purpose, and identification of the data needed to address those metrics. The question is whether, in the Council's view, a functional Chinook PSC Avoidance Program is demonstrated by a simple reduction in Chinook PSC count in the AFA pollock fisheries or by an increase in net benefit to society. Data and analytic needs depend on which of these questions is central to the Council's purpose for program monitoring and evaluation. **The six sample analytic goals outlined in the discussion paper (page 3) could serve as a focus for refinement of the Council's purpose statement. The SSC notes that, while the discussion paper considers questions that address program effects on some aspects of the pollock fishery (e.g., incremental operating costs of compliance), it does not address questions that explore the broader extent to which PSC avoidance savings translate into increased returns of salmon to their streams of origin (and, thus, value to people and communities dependent on those returns), nor how Chinook PSC avoidance compliance may impact profitability, sectoral economic stability, operational size-sector competitiveness, and consolidation within the regulated pollock sectors.**

The SSC recognizes the administrative and procedural time-constraints associated with Amendment 91 implementation (which is dependent upon data acquisition). The present target date (October 2009) for this action precludes design and implementation of a highly complex and elaborate data acquisition program. **The SSC suggests that consideration be given to a phased implementation of the data collection program.**

The structure of the salmon bycatch reduction program is unique. We do not have prior experience with similar programs off Alaska, or elsewhere. Thus, there are no programs that can be used to judge the likely intended and unintended economic, social, cultural, or distributional impacts of this program. Experience with other innovative management programs off Alaska suggests that unintended impacts are likely. Therefore, the SSC reiterates the need for a comprehensive program evaluation in the near future. As noted in our April, 2009 report:

**the efficacy and consequences ...of Amendment 91 should be subjected to a thorough program review three to five years after implementation.**

The discussion paper could benefit from a formal listing of hypotheses that derive from the key questions, and an appendix that describes models and hypothesis tests that would be used to explore the hypotheses. In addition, the appendix could assess the likelihood that the data to be collected would be sufficiently well-behaved to lead to rejection of null hypotheses.

#### **D-1(a) Permit fees**

The SSC received a presentation (via teleconference) on the draft RIR/IRFA from Ben Muse (NMFS-AKR). Public testimony was provided by John Gauvin (Best Use Cooperative).

The draft analysis contains a thorough review of benefits and costs involved in charging fees to cover the costs of issuing permits in various fisheries managed by the NPFMC. The SSC notes that some “special” types of permits (e.g., experimental fishing permits and food donation permits) may present “public goods” benefits. For these permits, benefits may accrue to a broader collection of beneficiaries (e.g., the public at large) in addition to providing benefits to the holders of these permits. **The SSC recommends that the draft analysis be released for public review.**

#### **D-1 (b) ACL work plan**

Jane DiCosimo (NPFMC), Grant Thompson (NMFS, AFSC), and Jack Turnock (NMFS, AFSC) presented information on the NPFMC’s Annual Catch Limit Workshop, held May 21-22, 2009, at the Alaska Fisheries Science Center, Seattle, Washington.

Jane DiCosimo reviewed the actions needed to bring the Groundfish, Crab, and Scallop Fishery Management Plans into compliance with the revised Magnuson-Stevens Reauthorization Act (MSRA). The required actions outlined in these Action Plans differ by FMP and are detailed in D-1(b) (1-3).

The SSC provides the following general comments regarding the timeline for revising FMPs to comply with the MSRA. Altering the analytical approach for setting harvest specifications for groundfish, crab, and scallops is an important activity that should be carefully analyzed, while the timeline for completion of these analyses is very short. **If the NPFMC elects to consider major modifications to the harvest strategy in the FMPs, then the scope of this analysis will be large because of the technical interactions between species and fishing sectors, and different stakeholders involved, making it difficult to meet the required timelines for compliance with ACL provisions of the MSRA.**

The technical guidelines for the MSRA recommend that scientific uncertainty and management uncertainty be taken into account when setting annual catch limits. A summary of three approaches to assessing scientific uncertainty in stock assessments that were discussed at the NPFMC ACL workshop were presented: 1) a qualitative approach, 2) a probability only (PO) approach, and 3) a decision theoretic (DT) approach. An example was presented that applied the PO approach, but limited the source of uncertainty to trawl survey data. Next presented were results from an application of the PO approach to Tanner crab, which assessed the size of the buffers relative to the probability of exceeding the FOFL (including the sloping control rule) under different levels of uncertainty in  $F_{35\%}$ , natural mortality, maturity, and handling mortality. Finally, the DT approach used a factorial analysis to assess the magnitude of the uncertainty buffer under various assumptions of absolute risk aversion and different levels of uncertainty in natural mortality, process error at all ages except age-0, recruitment (age-0), and relative spawning per recruit. The SSC noted that the PO and DT approaches were highly technical and the SSC did not have sufficient lead time to review the methodology. The SSC was, therefore, unable to make recommendations on a preferred analytical approach to assessing uncertainty.

The SSC notes that the qualitative approach would require several judgment calls on weights and buffers, and suggests that it would be useful to list the sources of uncertainty that have not been addressed. However, the SSC does not believe that authors should attempt to make judgment calls on the magnitude of the uncertainty and the weights or the buffers. The SSC was informed that assessing all sources of uncertainty in the assessment was not a requirement of the MSRA, so simplicity is desirable in the formulation of the amendment packages.

**The SSC recommends to stock assessment authors that, if harvest strategies are modified to explicitly incorporate uncertainty in the buffer between OFL and ABC, then authors should strive to select the “best estimate” for parameterizing models and not the most precautionary estimate.**

## Groundfish FMPs:

Preliminary review of proposed Amendments to the GOA and BSAI Groundfish FMPs is scheduled for October or December 2009. Actions required to modify the FMPs are outlined in Agenda Item D-1(b)(1).

In the case of groundfish management, a buffer currently exists between the OFL and the ABC (ACL). Thus, it is expected that the groundfish management strategy will be compliant with the provisions of the technical guidelines for the MSRA. The key activity will be to assess the level of precaution currently afforded by the management strategy for the groundfish stocks or stock complexes. It was reported that NMFS groundfish assessment authors plan to apply the PO and DT approaches to assess the performance of the current harvest strategy. These analyses should be completed by August 1, 2009. **The SSC supports this activity and will comment on the results at the October NPFMC meeting.**

It was reported that analyses of species currently listed in the Groundfish FMP's will be needed to determine which species or species groups should be included in the FMP and which of these species within the FMP should be managed as Ecosystem Components (EC) or as components "in the fishery." One strategy would be to remove non-specified species from the FMP, and consider forage fish and prohibited species as candidates for EC management. NMFS analysts presented a vulnerability assessment tool at the NPFMC workshop that considers the susceptibility of a species to fisheries and the productivity of the species. Workshop participants recommended that the vulnerability of forage species, target species, non-target species (members of the "other species" complex), and prohibited species should be assessed over the summer. **The SSC supports the recommendation to conduct the vulnerability analysis and will comment on management category assignments at the October Council meeting.**

## Crab FMP

Preliminary review of the proposed amendments to the BSAI Crab FMP is scheduled for June 2010. Actions required to modify the BSAI crab FMP are outlined in Agenda Item D-1(b)(2).

It appears that the major change required is that ABCs (ACLs) will have to be determined, in addition to OFLs. **The SSC seeks clarification about ACL requirements, as well as the SSC role in ACL determinations in FMPs in which TAC-setting has been deferred to the State of Alaska.**

**The SSC reiterates concern that the current timeline for review of OFL determinations for crab stocks does not allow an SSC review of the final OFL recommendations prior to the release of the TACs by the State of Alaska.** It is the SSC's hope that this issue will be revisited by the Council and Board of Fisheries.

If the Crab FMP is modified to provide an ABC (ACL) control rule, it should explicitly consider uncertainty. Workshop participants suggested that the PO and DT approaches could be considered as a method for setting the buffer between ABC (ACL) and OFL. The workshop report suggested that 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. However, the SSC noted that crab assessment authors do not necessarily need to tie their selection of uncertainty buffers to the results from the retrospective analysis of the performance of the groundfish harvest strategy. The SSC recommended that crab stock analysts work over the summer on PO techniques like that presented for Tanner crab. This PO approach could be extended to Tier 3 crab stocks, using model estimates of OFL including uncertainty in current biomass,  $F_{35\%}$  and  $B_{35\%}$ . There are several outstanding sources of uncertainty in crab assessments, including, biomass measure (male limited), vulnerability, and spatial differences in growth and reproductive processes.

## Scallop FMP

Preliminary review of proposed Amendments to the Scallop FMP is scheduled for June 2010. Actions required to modify the BSAI scallop FMP are outlined in Agenda Item D-1(b)(3). The SSC notes that, like crab, major modification of the Scallop FMP will be needed for ACL specification. **As in the case of crab, the SSC had uncertainty about ACL requirements, and the SSC's role in ACL determinations in deferred management situations.**

The SSC reviewed alternative approaches for the scallop ACL analysis (item 38 in the workshop report). **The SSC concluded that the approaches identified by the workshop participants represented a reasonable suite of alternatives.**

### D-2(a) Trawl Sweep requirements in the Bering Sea flatfish fishery

The SSC received a presentation of an initial review draft of the EA/RIR/IRFA for this action, from Diana Evans (NPFMC) and Melanie Brown (NMFS-AKR). Public testimony was received from John Gauvin (Best Use Cooperative) and George Pletnikoff (Greenpeace). The SSC reviewed a discussion paper on this action in February 2007, and thanks the analysts for their efforts to address SSC comments from that time. The analysis reports on a potentially economically and environmentally desirable fishery technology change, which should be regarded as a good first step to reduce adverse fishing impacts imposed by Bering Sea flatfish trawls on the benthic ecosystem.

The SSC notes that the option to expand the boundaries of the St. Matthew Island Habitat Conservation Area (SMIHCA), as presented in the analytical document, has little obvious relation to the modified trawl sweep requirement, and recommends that the document be clarified to explain why gear modification and area restrictions are being considered simultaneously. While the draft EA/RIR/IRFA provides sufficient information in relation to the proposed action requiring use of modified trawl sweeps, the same is not true for the alternatives that consider opening of the modified gear trawl zone (MGTZ or "wedge") or the proposed expansions of the SMIHCA boundaries. **Therefore, the SSC recommends that the draft not be released for public review and that a revised document should be reviewed by the SSC when these issues have been addressed.**

Specific recommendations for improvements to the document are:

- Modify the title of document to better reflect all of the actions contemplated. The current title refers solely to trawl sweep modifications, but should also refer to the proposed changes to boundaries of the MGTZ, SMIHCA, and the Northern Bering Sea Research Area.
- Include a detailed map of the distribution of NMFS trawl survey tows, in relation to the MGTZ and the SMIHCA, and analysis of the species composition of tows occurring in those areas.
- Include input from the Crab Plan Team (CPT) on the proposed changes to the SMIHCA boundaries. It was noted that agency members of the CPT could access confidential information to aid in developing their recommendations. Alternatively, a confidentiality waiver could be sought.
- Add depictions of MGTZ and SMIHCA options to all maps of fishing effort, target species, non-target species, marine mammal, and seabird distributions, especially those for blue king crab.
- The definition of the 2.5 inch clearance performance standard for modified sweeps needs to be clarified in the RIR. As written, the performance standard requires that a minimum of 2.5 inches clearance "from the bottom" or "from the substrate" must be maintained, clearly an unenforceable standard, and contrary to the definition of the performance standard in the draft regulatory language.
- Statements regarding the effects of modified sweeps on invertebrates (e.g. page vii) should be qualified to indicate size and statistical significance of effects.

- Discussion of potential effects of MGTZ and SMIHCA options on seals, walrus, seabirds, and subsistence resources should be expanded. There is a known walrus haul-out on the east side of St. Matthew Island, and known high densities of some seabird species in the area, directly east of St. Matthew Island.
- Tables 1 and 34 state that *“reduction in impacts is expected to improve the productivity of fish stocks beyond what they would have been under the status quo.”* This statement conflicts with the finding of *“no substantial beneficial impact”* to habitat from the adoption of Alternative 2, reported in the EA, and similar findings on page 115 of the RIR. Only one can be correct. The documents should be brought into agreement.

Alternatives 2 and 3 were reviewed by the SSC, as part of the Amendment 89 analysis, at which time concern was expressed about requiring the gear modification. The concern was based on small sample sizes, limited sampled habitats, and limited information on impacts to target catch rates, bycatch rates, and PSC rates. While additional work has been conducted on effects of modified sweeps on benthic habitats, the SSC notes that no additional research has been conducted on target species catch rates, bycatch rates, or PSC rates. The SSC recommends that, if the MGTZ is opened, the NMFS trawl survey should be expanded into that area. In addition, at least 100% observer coverage should be required on all vessels fishing in the MGTZ.

Discussion in the document of economic impacts and small entity implications of the proposed alternative fishing area changes is inadequate. For example, there was no discussion regarding impacts to other fisheries that may be affected by changes in the definition of SMIHCA. As a result, the public would be unlikely to find the necessary data and analysis in the current document to understand the relative benefits and costs of those actions, and to whom each may accrue.

The SSC notes that if the Council wishes to move forward with Alternative 2 (require modified trawl sweeps in Bering Sea flatfish fisheries) at this meeting, that action could be separated from the MGTZ alternative and SMIHCA option, but that this may not be optimal for some stakeholders.

#### **D-2(b) Catch specifications for BSAI skates**

The SSC heard a presentation by Jane DiCosimo (NPFMC) on the need to adopt Amendment 95 to the BSAI Groundfish FMP. The purpose of the amendment is to manage skates as a target species category, rather than have these continue to be included in the “other species” category. The amendment also specifies the maximum retainable amounts (MRA) for skates.

Skates are long-lived species, with low fecundity. They are, therefore, vulnerable to overfishing. As presently managed in the “other species” category, a target fishery for skates could develop using the entire ABC and TAC for all species in the “other species” category. To provide more protection for skates in the BSAI, Amendment 95 assigns skates to the Target Species category, thereby requiring the NPFMC to annually establish OFL, ABC, and TACs for skates, as is presently done for skates in the GOA.

The proposed Amendment will provide the desired management control, without significantly impacting other fisheries or ecosystem components. The analysis is complete and well justified. We commend the authors on including a discussion of the MRA issue and the potential for the proposed changes to MRAs to allow an increase in skate catch. **The SSC recommends that the draft document be released for public review.**

### **D-3(a) Status Report on HAPC process**

In preparation for the next RFP process for HAPC sites, the SSC formed an ad-hoc group, composed of SSC and plan team members, to review HAPC proposal evaluation criteria. The workgroup has just been formed and a chair has been assigned. The workgroup will meet over the summer to design a set of rating criteria that will be used to evaluate candidate HAPC sites. These criteria will be presented to the Plan Teams in September and to the SSC and Council in October.

### **D-3(b) Northern Bering Sea research plan**

An Alaska Fisheries Science Center (AFSC) workgroup is preparing a research plan for the North Bering Sea research area (NBSRA), as stipulated under Amendment 89 to the BSAI Groundfish FMP. Cynthia Yeung (NMFS-AFSC) presented a draft outline of the research plan. The workgroup seeks guidance from the SSC on the plan outline, the proposed trawl studies, and recommendations for a future workshop. Public testimony was given by Arthur Lake (Bering Sea Elders Advisory Group), John Gauvin (Best Use Cooperative), and Dorothy Childers (Alaska Marine Conservation Council).

The draft outline identified four components: (1) preliminary trawl surveys to establish baselines; (2) non-pelagic trawl impact studies; (3) fishery-dependent research; and (4) ecological studies. Only component 2 was described in any detail. The outline is in an early stage of development, and was provided as a starting point for discussion.

The draft plan stated that there is a "lack of baseline information on the bottom habitats and community ecology of the North Bering Sea (NBS) for assessing the effects of non-pelagic bottom trawling". Although it mentions the ongoing BEST/BSIERP studies in the NBS, the outline does not fully acknowledge the scope of these and other studies that have occurred in the area over the past four decades. Areas utilized by marine mammals, seabirds, crab, listed species, and subsistence resources and users should be mapped. These data should be compiled and integrated, either as part of component 1 of the new research plan, or as a new separate mapping and retrospective analysis component. The results of this retrospective analysis may inform the experimental study design and designation of trawl/no trawl areas.

The SSC suggests the expansion of the AFSC summer trawl surveys into the NBSRA to collect data and monitor benthic communities there. Such new survey data will be important to estimate potential fishery resources, as well as species that may be impacted.

The before-after, control-impact (BACI) experimental design appears to be appropriate for investigation of the impact of non-pelagic trawling on the benthic environment (component 2). However, the authors should clarify details of the proposed experiment, such as whether there is spatial overlap of trawl and control study sites, what constitutes a modified research trawl compared to commercial trawls, and how the impacts of research trawls and survey trawls will affect the results. The research plan could consider using low impact sampling methods, such as submersibles or ROV's. Also, the design might consider the potential effects from pelagic trawlers, which occasionally make bottom contact, to minimize these influences on study results. The authors should also clarify whether experimental areas will be open to commercial fishing or only under research charters to commercial vessels.

Component 3, 'Fishery-dependent research' is not well described in the document, but it includes recommendations for areas within the NBSRA that should not be opened to bottom trawling. The SSC concludes that the proposed non-pelagic trawling boundary of 63°N parallel (north with no trawling, south with experimental trawling) is arbitrary and has no physical or biological basis, other than roughly dividing the NBSRA into equal parts. The 63°N cuts through the St. Lawrence Island Conservation area



and omits most of the Spectacled Eider Critical Habitat Area. The SSC suggests that part of the goal of the proposed workshop should be to define these boundaries, and should include a synthesis of detailed maps and information on the distribution of benthic habitats, non-target and protected species, as well as resources important to Native community subsistence users.

The explanation of the 'Ecological studies' component is sparse and general, so it is difficult to comment on how this might integrate into the whole plan. In the introduction, the authors note the potential for direct and indirect effects of non-pelagic trawling on protected species and on higher trophic levels in general. However, the current study plan outline does not address these effects, other than referencing ecological studies, and refers only to 'affected benthic invertebrates and their linkages to managed fish stocks'. This component of the plan should more fully explain how it will integrate linkages to upper trophic levels, including eiders, whales, walrus, and subsistence resources. In addition, the impetus for the NBSRA study plan is the potential redistribution of fisheries due to climate change, yet the outline does not indicate how it will incorporate environmental change into the plan. Some research (e.g., Grebmeier) has already indicated that ecological changes are occurring in this region, owing to climate change.

The SSC agrees with the proposal to convene a workshop to prepare a detailed research plan. The SSC recommends that at least two workshops be convened, with the first occurring in Alaska and at a time when members of Bering Sea communities can participate. Two potential meetings in 2009, include the October 22-24, Alaska Federation of Natives Annual Convention, and the December 1-5 BIA Providers Conference, both to be held in Anchorage. Native communities should be brought into this process early, and should be provided with guidance as to information that could be of value for the workshop. For instance, information on harvested subsistence resources and subsistence harvest areas is critical. The second workshop could occur in Seattle or Anchorage, to accommodate researchers, and would benefit by inclusion of investigators from historic and on-going studies, such as OCSEAP, St Lawrence Island Polynia Studies, cetacean research, and BEST/BSIERP. Identification of subsistence and other resources in advance of this meeting, would help identify appropriate scientists to invite. In addition to researchers, this second workshop should include some managers, to identify potential management alternatives and Council information needs, questions, and priorities. The workshops should also include members of the fishing industry, to identify interest in potential commercial species and areas. Participants from ADF&G and federal agencies with specific knowledge of subsistence practices should also be included.

The SSC recommends that the research plan include a timeline of expected task completions and products, such as scheduling of workshops, deadlines for completed maps, and when to complete the priority list of research questions. The plan should identify priorities for protected resources, areas of interest to industry, and areas important to communities for subsistence, including the habitats that support subsistence species. The SSC heard in public testimony, which included industry representatives, that there is no rush to have a final research plan in place. The current timeline may not allow for a fully informed process, and it is important that the draft plan include management issues and involve all interested parties. **The SSC requests clarification from the Council on the timeline for development of the NBSRA research plan, which was stated in the presentation as 2010, but may have been changed to 2011.**