AGENDA B-1
DECEMBER 2010

Executive Director's Report

SOPPs revisions

In October I provided you with the final rule with regulatory changes that address operations and administration of the Councils, which was primarily done to reflect changes in the 2006 MSA reauthorization. I intended to have a revised version of our Statement of Organization, Practices, and Procedures (SOPPs) for your review at this meeting. However, On November 12 we received from NMFS a new policy directive relative to Council SOPPs, which includes a procedural directive relative to agency review and approval of revised SOPPs, and a model SOPPs for Councils to comport with (Item B-1(a)). While the model SOPPs is based on an earlier NPFMC version, there are still some structural and formatting issues we are grappling with, and there is a desire among the Councils to discuss the review/approval process with NMFS at our upcoming, interim CCC meeting in January. Therefore, my new schedule is to prepare a revised SOPPs for your review at the February 2011 meeting.

Coast Guard Bill

The recently enacted USCG Reauthorization Act of 2010 (H. R. 3619—58) contains several provisions which potentially affect North Pacific fishery participants, and which could also imply Council actions. In Section 602, which sets forth guidance on vessel size limits, contains the following paragraphs:

> "(2) RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

I do not believe this paragraph provides any additional force of law than already exists. Whether the Council would wish to recommend additional actions in this regard would depend on whether and to what extent the other provisions of the bill "diminish the effectiveness of fishery management plans". In part 4 of the same section, there is a paragraph that prohibits replacement of 'covered' catcher vessels from fishing in any other Council managed fishery, except NPFMC fisheries and the whiting fishery.

> "(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—
> "(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting
> fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any Regional Fishery
> Management Council (other than the North Pacific Fishery Management Council) established under section 302(a) of the Magnuson-Stevens Act. (see below)

It appears that the intent of this paragraph is to constrain any retired AFA/whiting vessels to AFA/whiting fisheries. The same section includes a prohibition from GOA vessel replacements that exceed the LLP MLOA.

> "(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph
> (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that

is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that
authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010.

This paragraph appears to protect Gulf of Alaska fisheries from effort by any vessel replaced (and increased in length) under these provisions. There are also some changes to the AFA relative to fishing allowance and catch history for replacement of catcher vessels in the pollock fishery.

"(7) FISHERY COOPERATIVE EXIT PROVISIONS.—
"(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the
fishery allowance for pollock for the vessel being removed— "(i) shall be based on the catch history determination
for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and "(ii) shall be assigned, for all purposes under this
title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

"(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

The paragraphs above appear to amend the AFA, which is incorporated by reference in our existing FMP (and therefore may not require additional amendments). Lastly, there are some changes of vessel safety compliance. I believe they comport with the Council action on Amendment 80 vessel replacement.

(d) LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.—
(1) LIMITATION ON EXEMPTION FOR FISHING VESSELS.—Section 5102(b)(3) of title 46, United States Code, is amended
by inserting after "vessel" the following ", unless the vessel is built after July 1, 2012".
(2) ALTERNATE PROGRAM FOR CERTAIN FISHING VESSELS.—
Section 5103 of title 46, United States Code, is amended by adding at the end the following:
H. R. 3619—62
"(c) A fishing vessel built on or before July 1, 2012, that undergoes a substantial change to the dimension of or type of the vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.".
(e) CLASSING OF VESSELS.—
(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended— (A) by striking the section heading and inserting the following:
"§ 4503. Fishing, fish tender, and fish processing vessel certification";
(B) in subsection (a) by striking "fish processing"; and
(C) by adding at the end the following:
"(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

"(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—
"(A) is at least 50 feet overall in length;
"(B) is built before July 1, 2012; and
"(C) is 25 years of age or older.
"(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2012, that undergoes a substantial change to the dimension of or type of vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

"(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.
"(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of that paragraph until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that paragraph by that date and the vessel owner is meeting that schedule.
"(5) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012, shall—
"(A) remain subject to the requirements of a classification society approved by the Secretary; and
"(B) have on board a certificate from that society.".

As with any legislation, there will likely be implementing regulations required. I am still discussing these provisions with NOAA fisheries staff, including General Counsel, in order to determine whether any such implementing regulations would require Council review (or could allow Council review), or possibly FMP amendment, including an assessment of where any such regulations or plan amendments would allow Council flexibility (vs being prescribed by the Act itself). We will report back to you when we determine what, if any, Council actions are necessary, or whether you could consider any relevant, discretionary actions.

Regional Ocean Partnerships and Coastal and Marine Spatial Planning

In October I updated you on the September NOAA solicitation for proposals to develop and advance Regional Ocean Partnerships (ROPs) and Coastal and Marine Spatial Planning (CMSP). This solicitation, with a deadline of December 10, 2010, would (if appropriated) provide somewhere around $30 million to fund such activities. There are two Focus Areas for funding consideration: Focus Area 1 (intended for regions with existing ROPs, and identified for the majority of the funding) would provide funding to support implementation of activities that contribute to achieving the priorities identified by the ROPs, while also advancing CMSP as envisioned in the national CMSP framework; and (2) Focus Area 2 (more limited funding) intended for ROP development and governance support for administration and operations of existing ROPs, and for start-up costs for those regions beginning ROPs.

The Alaska/Arctic Region does not have an identified ROP. Obviously this could be a critical process, as there is potential that the ROPs established pursuant to this funding solicitation could evolve, in some form or fashion, into the more formal regional planning bodies which are to be established pursuant to the President's Executive Order implementing the recommendations of the Interagency Ocean Policy Task Force. My primary concern has been how to ensure that the Council has a 'seat at the table' as this somewhat amorphous process unfolds. As I reported in October, the regional fishery management Councils are not eligible to apply for any of this funding, but we apparently would be allowed to be

identified as 'collaborators'. Since October I have spent considerable time attempting to better ascertain how and where the Council can effectively engage in this process. What I know is the following:

-On November 9, the inaugural meeting of the National Ocean Council (NOC) principals occurred.

-On November 12, myself, Dave Benson, and other invitees met with Deputy NOAA Administrator Larry Robinson and other NOAA representatives in Anchorage to discuss these initiatives. We provided Dr. Robinson a summary of Council perspectives, particularly stressing the activities of the Council related to CMSP and the necessity of having the Council directly involved in, and represented on, any ROP or regional planning body. That same day a public meeting was held in Anchorage where Dr. Robinson outlined NOAA's vision for implementing the Executive Order.

-On November 24, NOAA announced the leadership positions for the newly created CMSP Program, including the Regional CMSP Leads who will represent NOAA on the nine regional planning bodies described in the Task Force recommendations (Dr. Doug DeMaster for the Alaska/Arctic Region). Item B-1(b) is a copy of that announcement.

-The Alaska/Arctic region does not have a designated ROP (nor is it clear how and when an ROP for this region would be 'approved'), and NOAA is hoping for a proposal under Focus Area 2, which would be specific to the formation of an ROP for the Alaska/Arctic region. Based on the language in the funding solicitation, and on various conversations with NOAA leadership, it seems clear that any proposal relative to Focus Area 2 (formation of an ROP) would have to include the participation and/or clear support of the State of Alaska in order to be considered for funding.

-In the absence of an ROP for this region, and in the absence of a specific proposal to develop such an ROP, a proposal under Focus Area 1 (assimilation of underlying science, data, etc. to support some future ROP/CMSP process) could be considered for funding, if there is support from the State of Alaska, and some indication of efforts to move in the direction of forming an ROP for this region.

-The Alaska Ocean Observing System (AOOS) is submitting a proposal under Focus Area 1, which would be designed to start assimilating data and decision support tools relative to CMSP. These efforts would provide information which would also be helpful to existing management processes (such as the Council), and which could aid the State of Alaska in its assessment and consideration of an ROP for this region. Co-PIs on the proposal include the Nature Conservancy, UAA's Institute for Social and Economic Research, and the Alaska Sea Life Center. Potential collaborators (supporters of the proposal and members of the Project Advisory Committee) include the State of Alaska, NOAA, USGS, Sea Grant, US Arctic Research Consortium, and the NPFMC. Based on the understanding of the scope of this proposal (limited to Focus Area 1), I have tentatively agreed to sign on as a project collaborator, and member of the Project Advisory Committee, on behalf of the NPFMC.

-I further recommend that I work with Chairman Olson to write a letter to the National Ocean Council (including CEQ and NOAA), once again highlighting this Council's activities relative to ocean management and marine spatial planning, and stressing the need for direct Council participation in any ROP or regional planning body identified for the Alaska/Arctic Region. Such a letter would be similar to the letter(s) you saw in October from the Pacific Fishery Management Council to the NOC.

Ted Stevens Tributes

Item C-1(c) is a copy of Public Law 111-284, dated October 18, 2010. While most of you already know this, I thought this tribute to Senator Ted Stevens worth highlighting – the legislation designates "Mount Stevens", a 13, 895 ft. peak in the Alaska Range, and also designates the "Ted Stevens Icefield" and area of more than 8,000 square miles in the northern Chugach Forest area.

Steve Murawski retirement

Item B-1(d) is an announcement of the pending retirement of Dr. Steve Murawski, NOAA Fisheries Chief Scientist. Many of you know Steve, and I have had the pleasure of working with him on numerous issues over the years. I wanted to recognize his 35 years of service, and wish him luck in his new role as Research Professor at the University of South Florida. And, congratulations to Dr. Doug DeMaster who has been appointed Interim Chief Scientist for NOAA Fisheries. We do expect Doug to return to his Alaska post in a few months!

I also want to recognize Galen Tromble, whom most of you know, who is temporarily returning to Alaska as Acting Assistant Regional Administrator for Sustainable Fisheries (which is long-hand for 'Sue'), until a permanent replacement is selected. Welcome back Galen.

Recently Published Papers

Some kudos to staff – Item B-1(e), "Use of Annual Catch Limits to Avoid Stock Depletion in the Bering Sea and Aleutian Islands Management Area (Northeast Pacific)", by DiCosimo, Methot, and Ormseth, and Item B-1(f), "Recovery of the Bristol Bay stock of Red King Crabs Under a Rebuilding Plan", by Kruse, Zheng, and Stram, were recently published in the International Council for the Exploration of the Sea (ICES) Journal of Marine Science. Both publications build upon work done for this Council.

Protected Species Coordinator/Fishery Analyst position

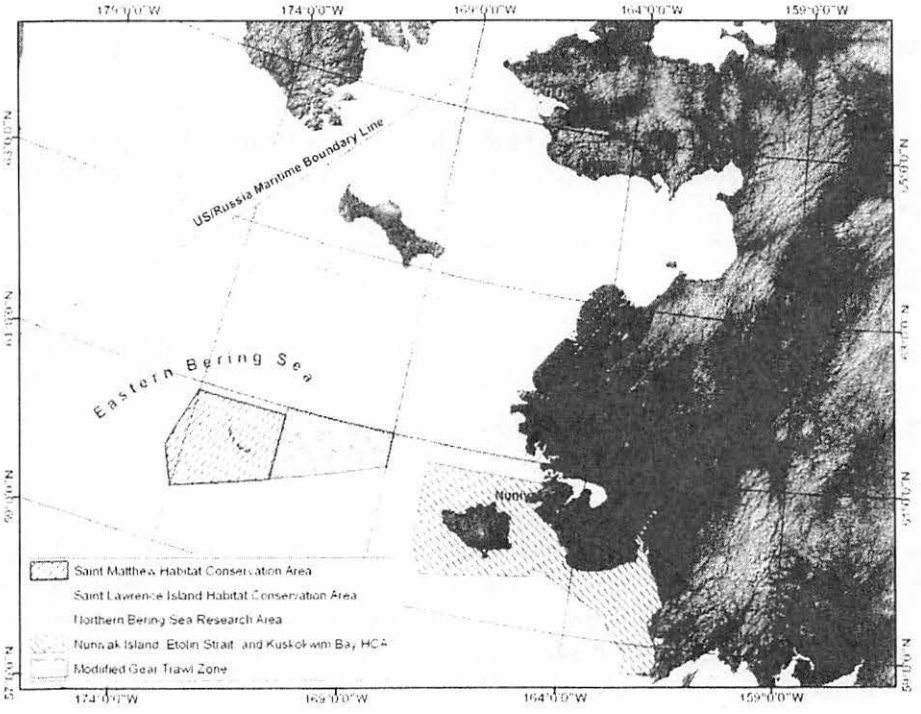
Undoubtedly you noticed a recent vacancy announcement on the Council staff. Jeannie Heltzel will soon be moving to Oregon where her husband has a new position with the U.S. Forest Service. She will remain on staff through next April, so you will see her around for a little while. Jeannie is a fantastic member of the Council staff and we are really sorry to be losing her. But of course we wish her best of luck and hope our paths cross in the future.

Northern Bering Sea Research Area Research Plan Workshop

The AFSC is holding a science workshop for NBSRA research planning during the Alaska Marine Science Symposium from 8am-noon on January 17th, at the Captain Cook (see Item B-1 (g)). Researchers who are currently studying aspects of the Northern Bering Sea ecosystem have been invited to participate. The meeting is open to the public.

Upcoming Council review of Habitat Conservation Area Boundary

Just a head's up - in July 2007, the Council adopted Amendment 89 to the BSAI Groundfish FMP, Bering Sea Habitat Conservation measures, which created a number of habitat conservation areas in which bottom trawling is prohibited. One of these areas is the Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area (Nunivak HCA; see map). During the development of Amendment 89, the boundaries for the Nunivak HCA were developed in close consultation with an industry and Association of Village Council Presidents (AVCP) working group. As part of the Council's final motion adopting the closure, the Council agreed to receive a report in four years to review the boundary line developed for the Nunivak HCA, and to consider appropriate action. The boundary review is on the agenda for June 2011, which will be in Nome, Alaska. Members of the public (representing industry or western Alaska communities) will have the opportunity to inform the Council whether there is any conflict concerning the Nunivak HCA boundary.



Nome in June

And on the subject of Nome – we have already begun receiving inquiries about hotel room availability for our June 2011 meeting in Nome, Alaska. Since spring of this year, Gail and I have been working closely with the Nome Chamber of Commerce, as well as local hotel proprietors, in planning this meeting. We have excellent meeting room facilities lined up, and enough sleeping rooms reserved for Council, AP, SSC, and Council and agency staff; however, sleeping rooms for all remaining meeting attendees will undoubtedly be problematic for this meeting. Item B-1(h) is a letter we recently received from the Chamber of Commerce in this regard, which reflects their willingness to help make sure necessary accommodations are available for the public. This includes a contact person and phone number (Mike Cavin at 907-443-6566). With regard to the rooms already secured by the NPFMC at the Aurora Inn and the Nugget Inn, we ask the public to please not call those hotels (or Mike, or Gail) and ask for one – those are the rooms we have reserved for Council, AP, SSC, and staff! We will provide additional information as we have it.

NMFS Habitat Division Annual Report

For your information, Item B-1(i) is a copy of a report from the NMFS Habitat Division summarizing accomplishments for fiscal year 2010.

MAFAC nominations

Item B-1(j) is a reminder that nominations are open for the national Marine Fisheries Advisory Committee (MAFAC). Nominations are due by January 3, 2011 and instructions for nomination are included in the material. There are currently three openings – Eric Schwaab (now head of NOAA Fisheries), Erica Feller (Nature Conservancy), and Tom Billy (global food safety and seafood services consultant).

Cooperative reports

Pending regulatory change for the timing of AFA cooperative reports (to April of the following year), preliminary reports are still due by December 1. We have received preliminary reports and copies are available from the Council offices; however, we will not receive final reports (capturing the full year's activities) until February. However, we do have a short report from representatives of the Freezer Longline Coalition, who formed a private cooperative in August 2010. They would like to report to the Council on their 2010 B season activities and their plans for 2011.

AGENDA B-1(a)
DECEMBER 2010

Subject: SOPPs Policy, Procedural Directive and Model SOPP
From: William Chappell <William.Chappell@noaa.gov>
Date: Fri, 12 Nov 2010 15:49:39 -0500
To: Paul Howard <PHoward@NEFMC.ORG>, Christopher M Moore <Christopher.M.Moore@noaa.gov>, Bob Mahood <robert.mahood@safmc.net>, Miguel Rolon <miguel_rolon_cfmc@yahoo.com>, Steve Bortone <Steve.Bortone@gulfcouncil.org>, Donald McIsaac <Donald.McIsaac@noaa.gov>, Chris Oliver <chris.oliver@noaa.gov>, Kitty Simonds <Kitty.Simonds@noaa.gov>, Sandy Stone <sstone@nefmc.org>, Carol Sollazzo <csollazzo@mafmc.org>, Cathy Readinger <cathy.readinger@gulfcouncil.org>, Mike Collins <mike.collins@safmc.net>, Maria de los Angeles Irizarry <mairizarry_cfmc@yahoo.com>, Gail Bendixen <Gail.Bendixen@noaa.gov>, Carolyn Porter <Carolyn.Porter@noaa.gov>, Randy Holmen <Randy.Holmen@noaa.gov>, Dan Namur <Dan.Namur@noaa.gov>, Jeff Joyner <Jeff.Joyner@noaa.gov>, George Darcy <George.Darcy@noaa.gov>, Phil Steele <Phil.Steele@noaa.gov>, Mark Helvey <Mark.Helvey@noaa.gov>, Frank Lockhart <Frank.Lockhart@noaa.gov>, Sue Salveson <Sue.Salveson@noaa.gov>, Alvin Katekaru <Alvin.Katekaru@noaa.gov>, Stacey Nathanson <Stacey.Nathanson@noaa.gov>
CC: Emily Menashes <Emily.Menashes@noaa.gov>, Brian Parker <Brian.Parker@noaa.gov>, Caroline Park <Caroline.Park@noaa.gov>, Galen Tromble <Galen.Tromble@noaa.gov>, Linda Moon <Linda.Moon@noaa.gov>, Tara Scott <Tara.Scott@noaa.gov>, Carrie Selberg <carrie.selberg@noaa.gov>, Daniel Morris <Daniel.Morris@noaa.gov>

Stacey Nathanson, please forward to the Regional NOAA General Counsels.
Dan Namur, please forward to the FPOs for the Councils.
All: Please distribute as appropriate within your organization.

Attached are the NMFS Policy on Fishery Management Council Standard Operating Policies and Procedures (SOPPs), a NMFS Procedural directive on how to clear SOPPs and have them approved by NMFS, and a Model SOPP that has been approved as a model by NMFS, NOAA GCF (coordinated with the Regional NOAA GCs) and DOC-FALD.

Concurrent with the new regulations, the goal of these documents is to provide a straightforward and timely method of clearing SOPPs and getting them approved. The system follows a streamlining process where each Council, Region, and Regional NOAA GC work with the appropriate offices in DOC, NOAA and NMFS to resolve any likely questions before submitting a SOPP for approval. When the document does come in for approval, SF will monitor the clearance of the document as it does for regulatory packages to ensure it is cleared as quickly as possible.

These are living documents and can be modified over time. Please contact me if you have any suggestions on improving the documents or process, and with any questions.
Respectfully,
Bill C.

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William D. Chappell
Chief, Regulatory Services Division (F/SF5)
NOAA Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Phone: 301-713-2337x169

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 01-115 ***September 22, 2009***
Administration and Management
FISHERY MANAGEMENT COUNCIL STATEMENTS OF ORGANIZATION, PRACTICES, AND PROCEDURES
NOTICE: This publication is available at: http://www.nmfs.noaa.gov/directives/.
OPR: F/SF5 (Chappell) **Certified by:** F/SF (Risenhoover) **Type of Issuance:** Initial
SUMMARY OF REVISIONS:

1. Authority. In accordance with Magnuson-Stevens Fishery Conservation and Management Act §302(f)(6) [P.L. 94-265, 16 USC 1852(f)(6)], each of the regional fishery management councils is required to "determine its organization, and prescribe its practices and procedures for carrying out its functions" in accordance with uniform standards prescribed by the Secretary. Accordingly, each Council will publish and make available to the public a statement of its organization, practices, and procedures (SOPP). A Council's SOPP will reflect its compliance with the regulations and other requirements listed below.

2. Uniform Standards. On November 19, 2001, NOAA Fisheries Service updated 50 CFR 600 subpart B (Regional Fishery Management Councils) and subpart C (Council Membership). The regulations were published subsequent to the agency's withdrawal of the Council Operations and Administration Handbook, which was a reference guide that compiled various requirements of the Magnuson-Stevens Act and other applicable law related to Council operations. The revised regulations at 50 CFR 600 subparts B and C remain in effect and constitute the Secretary's basic standards for Council operations, practices, and procedures.

3. Requirements. Additional compliance requirements related to the Councils' conduct, funding, and use of funds can be found at:

15 CFR part 14	*Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, other non-profit, and commercial organizations.*
15 CFR part 24	*Uniform administrative requirements for grants and cooperative agreements to state and local governments*
48 CFR part 31	*Contract cost principles and procedures*
2 CFR Part 220	(formerly OMB Circular A-21) *Principles for determining costs applicable to grants, contracts, and other agreements with educational institutions*
2 CFR Part 225	(formerly OMB Circular A-87) *Cost principles for state, local and Indian tribal governments*

2 CFR Part 230	(formerly OMB Circular A-122) *Cost principles for non-profit organizations*
OMB Circular A-133	*Audits of States, Local Governments and Non-Profit Organizations*, as amended by Supplements

Department of Commerce Grants and Cooperative Agreements Interim Manual

References that address Council recordkeeping requirements include:

NAO 205-1	*NOAA Records Management Program*
DAO 205-1	*Department of Commerce Program for Records Management*
NAO 216-100	*Protection of Confidential Fisheries Statistics*

Records Disposition Handbook, with particular attention paid to section 1504, *Fisheries Management and Coordination Files*

4. SOPP Amendments. Per 50 CFR 600.115(b), any amendments to Council SOPPs must be consistent with the Subpart B and Subpart C guidelines, terms and conditions of the Council's financial assistance award from NOAA (cooperative agreement), as well as the Magnuson-Stevens Act and other applicable law. Amendments are to be approved by the Secretary, however, the functions of the Secretary related to implementation of the Magnuson-Stevens Act are delegated to the Assistant Administrator for Fisheries (NOAA Organizational Handbook, Transmittal No. 61, Section II.C.26). Upon approval of a Council's SOPP amendment, a Notice of Availability will be published in the Federal Register. Procedures for the government's review and approval of SOPP amendments are described under the Policy Directives System and NMFS Instruction 01-114-01.

Signed _____s/09-08-09_____
James W. Balsiger Date:
Acting Assistant Administrator
National Marine Fisheries Service

5Department of Commerce $ National Oceanic & Atmospheric Administration $ National Marine Fisheries Service

NATIONAL MARINE FISHERIES SERVICE INSTRUCTION 01-115-01 ***NOVEMBER 3, 2010***
Fisheries Management ***Fishery Management Council Statements of Organization, Practices, and Procedures, NMFSPD 01-115*** ***APPROVAL OF COUNCIL SOPPS***
NOTICE: This publication is available at: http://www.nmfs.noaa.gov/directives/.
OPR: F/SF5 (Chappell) **Certified by:** F/SF (Risenhoover) **Type of Issuance:** Initial
SUMMARY OF REVISIONS: Signed _____//s//_____ October 20, 2010_____ Emily H. Menashes Date Acting Director, Office of Sustainable Fisheries

Approval of Council SOPPs

Table of Contents Page

1. Introduction. In accordance with Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) §302(f)(6), each regional fishery management council (Council) must publish and make available to the public a statement of its organization, practices, and procedures (SOPP). The SOPP is a means by which a Council documents its procedures to carry out its functions under the Magnuson-Stevens Act, as well as its compliance with a variety of other federal laws and policies. Though NMFS provides guidance on the contents of the SOPP, there is no required format or order in which the subjects must be addressed.

A Council may occasionally need to update its SOPP to respond to emerging needs or to comply with changes in relevant statutes, regulations, and policies. Each Council has its own procedures for amending its SOPP. Pursuant to 50 CFR 600.115(b), amendments to Council SOPPs must be approved by the Assistant Administrator for Fisheries (AA), on behalf of the Secretary of Commerce, and a notice must be published in the Federal Register (FR) announcing the availability of the SOPP to the public. This instruction describes the procedures that will be followed by the National Marine Fisheries Service (NMFS) to ensure that SOPPs, when submitted for approval, are handled consistently by the agency, reviewed relative to established standards, and approved in a timely manner. To assist staff at every stage of the SOPP review and approval process, a checklist is included in this instruction and will be posted on the Regulatory Services Division's website.

Although SOPPs are required by the Magnuson-Stevens Act, the documents address many matters that are not directly related to it. A SOPP describes a Council's business rules, its staffing, contracting, procurement, and data management practices, along with other activities. Some regional offices do not host the expertise to advise the Councils on such matters. Technical legal advice and support is provided in these areas of law by the Department of Commerce Office of General Council (OGC). Within OGC, the Federal Assistance Law Division (FALD) works most closely with the Councils and will serve as a single point of contact, representing OGC's broader interests, including employment and labor law, ethics, contract law, and general law.

To the extent practicable, this procedure for approving SOPPs is modeled on those used for preparing and reviewing simple regulatory actions for approval and publication in the Federal Register. To that end, and to ensure only approvable SOPP amendments are submitted to NMFS, Councils should make certain their process for developing SOPP amendments includes close consultation/collaboration with appropriate Regional Office (RO) staff, Regional Counsel, and FALD.

2. SOPP Approval Process. The schematic in Figure 1 describes the SOPP approval process.

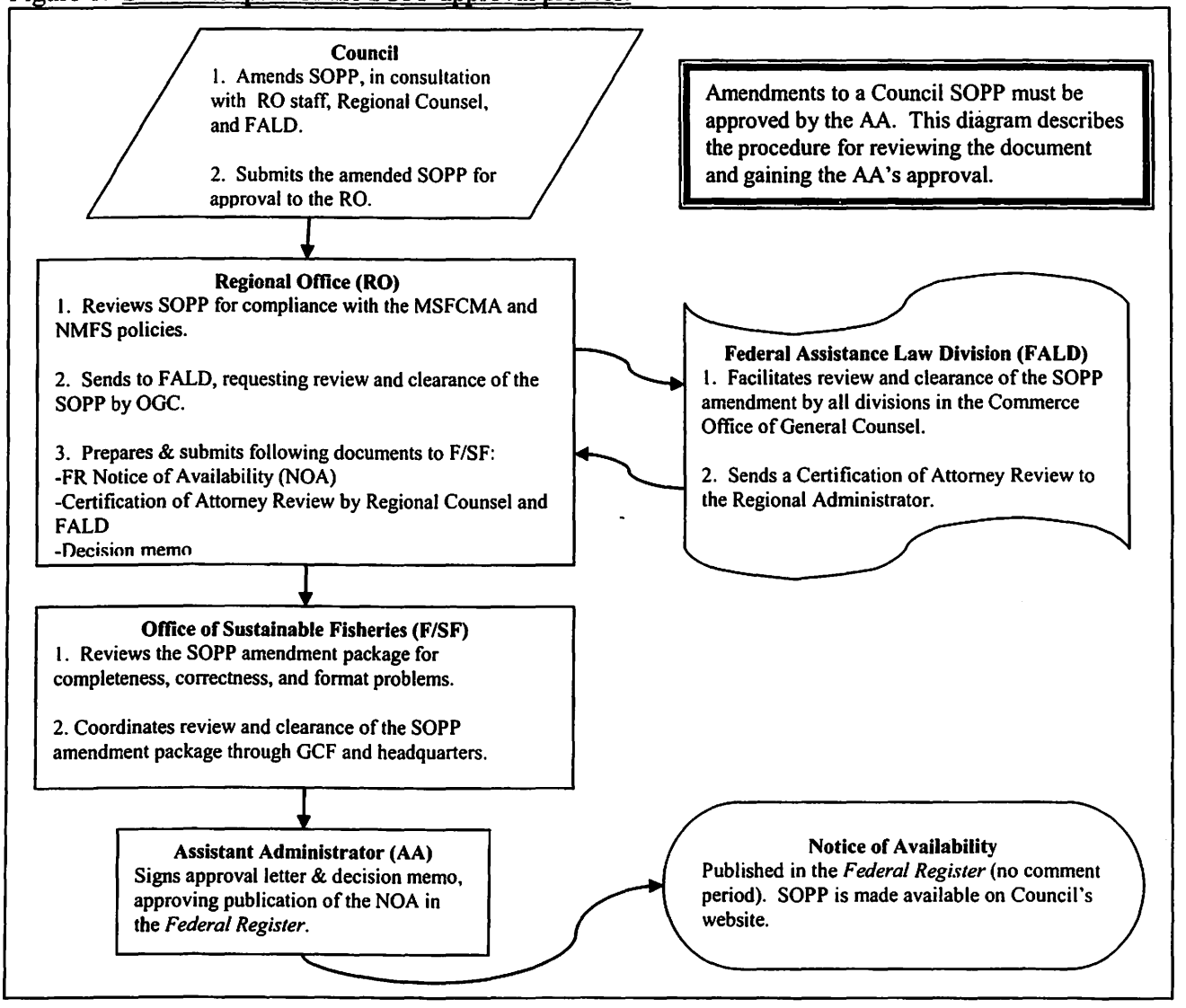
2.1. Overview. The formal SOPP approval process begins after a Council amends its SOPP and submits the document to the RO with a memo describing the changes. The RO and Regional Counsel will review the SOPP for its compliance with the Magnuson-Stevens Act, other laws within their purview, and NMFS policies. The RO will also send the SOPP to FALD for review with regard to legal issues under the purview of OGC. The Office of Sustainable Fisheries (F/SF) and General Counsel for Fisheries (GCF) are available to assist with questions or issues that may arise. When Regional Counsel and FALD have reviewed and cleared the SOPP, the

RO will forward the document to F/SF, along with a decision memo, draft approval letter, review certification memoranda, and the draft Federal Register notice announcing the availability of the SOPP to the public. Templates for all supporting documents are provided in the appendices of this instruction, as is a checklist for the RO to follow when preparing the documents.

F/SF will check the SOPP approval materials for completeness and correctness and submit the package through clearance (including GCF) for approval by the AA.

The AA's approval of the SOPP will be documented with a concurrence signature on the decision memorandum and an approval letter to the Council. The decision memorandum will authorize publication of the notice of availability in the Federal Register. The Council will post the approved SOPP on its official webpage.

Figure 1. Schematic plan of the SOPP approval process.



2.2. Councils. A Council, from time to time, will need to amend its SOPP to provide for updates in Council practices and procedures pursuant to governing policy and regulatory and statutory changes. Each Council has its own procedures for amending its SOPP.

This policy directive has no direct effect on internal Council procedures as regards SOPPs. However, it will be in the interest of the Council to ensure that the amendments to the SOPP are approvable by the AA. To that end, the Council should consult closely with RO staff, Regional Counsel, and FALD as any change to the SOPP is contemplated and drafted.

When a Council adopts an amendment to its SOPP, the Council will submit the amended SOPP to the Regional Administrator (RA) to begin the approval process. The Council's letter to the RA should describe the effect of the SOPP amendments. Submitting an amended SOPP highlighted in some manner to indicate where changes have been made will facilitate the review of the document.

After a SOPP is approved by the AA, the Council will post the SOPP for viewing and download from the Council's website and will make the SOPP available upon request by the public

2.3. Regional Offices. When a Council submits a SOPP for approval, the RO will initiate a review of the SOPP amendment. Typically, Regional Counsel, Sustainable Fisheries Division staff and/or the Federal Program Officer (FPO) (personnel who administer the Council's grant for the RO) will review the SOPP. The RA will send a letter to FALD, requesting review and clearance of the SOPP by OGC.

Ideally, these same parties will have been involved in crafting the SOPP amendment, so the SOPP amendment will be readily approvable. However, if any problems with the SOPP are discerned, RO staff will coordinate the resolution of the problem with the Council and will engage technical support from Regional Counsel, FALD, F/SF, and GCF, as needed.

As with routine regulatory actions, RO staff will develop the memoranda and other documents necessary to facilitate the approval of the SOPP. A decision memorandum will be signed by the RA and submitted to the AA (via F/SF) along with the Certification of Attorney Review from Regional Counsel and FALD and the draft approval letter (from the AA to the Council). Templates for the various memoranda will be provided on the Office of Sustainable Fisheries' Regulatory Services Division (F/SF5) website (http://home.nmfs.noaa.gov/sf/regstream/Examples/Examples_Checklists.htm).

2.4. Regulatory Services Division. The Regulatory Services Division (F/SF5) within the Office of Sustainable Fisheries, is responsible for reviewing the SOPP amendment and associated documents submitted by an RO to ensure the materials are complete and formatted correctly. This function is accomplished though the Clearance Unit, which can be contacted by e-mail at <NMFS.Clearance@noaa.gov >. Similarly, F/SF5's Regulations Unit is responsible for editing Federal Register notices prior to formal submission with the SOPP amendment package. The Regulations Unit can be contacted by e-mail at , <NMFS.Edits@noaa.gov>. F/SF5 will work closely with RO staff to resolve any problems that are identified and to finalize preparation of the Federal Register notice. F/SF5 will submit the SOPP amendment package for final clearance and approval by the AA.

2.5. Federal Assistance Law Division. FALD is one of several divisions in OGC that have interests in matters addressed in a SOPP. For purposes of approving SOPPs and working with the Council and NMFS, FALD is the lead division and our liaison to the whole office. The Council should engage FALD in the development of any changes to its SOPP.

At the request of the RA, FALD will coordinate OGC's review of the amended SOPP for its compliance with grants, general, and administrative law, as well ethics law and guidelines. If any problems with the SOPP are discerned by OGC, FALD will help to resolve the problems through discussions and correspondence with RO and Council staff. FALD's clearance of an amended SOPP will be documented in a Certification of Attorney Review.

2.6. NOAA General Counsel. NOAA GC Regional Counsel will provide legal advice and review during the development of SOPPs, consulting with General Counsel for Fisheries (GCF) as needed. Regional Counsel clearance of a SOPP or amended SOPP will be provided in a Certification of Attorney Review, before the RO forwards the SOPP to F/SF. GCF will review the SOPP before it is submitted to the AA for approval.

2.7. Assistant Administrator for Fisheries. The functions of the Secretary related to implementation of the Magnuson-Stevens Act, including the approval of amended SOPPs, are delegated to the AA in the NOAA Organizational Handbook, Transmittal No. 61, Section II.C.26. The AA's concurrence signature on the decision memo will constitute approval of the SOPP and will authorize publication of the NOA in the Federal Register. The AA will also sign a letter to the Council, acknowledging approval of the SOPP, and requesting that the Council post the SOPP on its official website.

3. Approval. Approval of a SOPP will be indicated in a letter from the AA to the Council. Approval will remain valid until the SOPP is subsequently amended or until relevant policies, regulations, or statutes are revised. Should the governing authorities change, NMFS will notify the Councils of the changes and will provide advice for bringing their SOPPs into compliance with any new requirements.

If properly executed, this procedure should preclude the possibility of formal disapproval of a SOPP amendment. Technical experts from the RO, Regional Counsel, and FALD should be consulted by the Council and involved in the development of SOPP amendments. Their involvement will help to ensure the SOPP is approvable before it is subjected to formal review at the RO and certainly before it is submitted to the AA for approval. Should any reviewer discern a problem with the SOPP that would preclude its approval, then RO staff will work with Council staff to remedy the problem and will pursue correction of the SOPP amendment per Council procedures.

F/SF5 will send all original signed documents related to the SOPP approval to the RO for retention in accordance with NOAA records management practices.

APPENDIX A – Abbreviations

AA	Assistant Administrator for Fisheries
CFR	Code of Federal Regulations
Council	A Regional Fishery Management Council
FALD	Federal Assistance Law Division, Office of General Counsel
FPO	Federal Program Officer
FR	Federal Register
F/SF	Office of Sustainable Fisheries
F/SF5	Regulatory Services Division, Office of Sustainable Fisheries
GCF	General Counsel for Fisheries
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
OGC	Office of General Counsel
RA	Regional Administrator
RO	Regional Office
SOPP	Statement of Organization, Practices, and Procedures

APPENDIX B – Regional Office Checklist

Table of Contents Page

REGIONAL OFFICE CHECKLIST
COUNCIL SOPP AMENDMENT APPROVAL PACKAGE
PARTS 1 & 2

Use this Regional Office Checklist to develop and assemble documentation for Secretarial review and approval of an amendment to a Fishery Management Council's Statement of Organization, Practices, and Procedures (SOPP). SOPP amendments occur infrequently. If you have any questions about what is required of the RO, do not hesitate to contact the Clearance Unit or the SF5 division chief for guidance.

Include a completed Part 1, Summary Checklist, in the formal decision/transmittal package that is submitted. Part 1 identifies the documentation that must be prepared and submitted to the Clearance Unit for the SOPP amendment approval. Part 2 provides more detailed guidance on drafting memoranda/letters and developing portions of the notification document that have been problematic in the past.

The Clearance Unit encourages the RO to use Part 2, File Checklist, when preparing the required documents for the SOPP approval package. Part 2 highlights only those areas where issues, concerns, or problems have been identified during the clearance process by F-NMFS/NOAA/DOC. During this transitional period for the review and clearance of SOPPs, formal completion and submission of Part 2 of the checklist is *optional*. However, the Clearance Unit strongly encourages its use by RO staff for direction and guidance when preparing formal documentation and locating applicable websites.

For each item contained in the checklist, respond with a checkmark in the appropriate column to indicate, "Yes," the action has been completed and the document is included in the approval package (paper copy or electronic) or retained in the RO files. Some of the line items in the checklist will not apply to every SOPP amendment approval. For those items, enter "N/A", as appropriate. Contact the Clearance Unit with questions or concerns regarding the checklist.

The following website provides guidance for submitting the formal decision/transmittal package to the Clearance Unit and defines acronyms used in this document:

http://home.nmfs.noaa.gov/sf/regstream/Examples /Examples_Checklists.htm

SOPP AMENDMENT APPROVAL PACKAGE
(This action does not contain implementing regulations.)
PART 1 – SUMMARY CHECKLIST

Name of Council: _____
Name & telephone number of individual completing Part 1, Summary Checklist: _____

1. **RO completes the following actions *prior* to submission of the SOPP amendment approval package to the Clearance Unit:**
   a. Heads-up e-mail submitted to Clearance Unit (NMFS.Clearance@noaa.gov) and the F/SF Office Director (Alan.Risenhoover@noaa.gov) ..... _____
   b. Obtain an XRIN from PRIME
   c. Editing form & advance notification of availability submitted to NMFS.Edits@noaa.gov for review and editing ..... _____
   d. NMFS.Edits' comments/edits incorporated ..... _____

2. **RO submits the SOPP amendment approval package to the Clearance Unit (NMFS.Clearance@noaa.gov).** ***Formal package includes the following documentation:***
   a. Decision memorandum from the RA to the AA, signed..... _____
   b. Certification of Attorney Review signed by the Regional Attorney..... _____
   c. Certification of Attorney Review signed by FALD ..... _____
   d. Draft approval letter from AA to Council (E-copy)..... _____
   e. Federal Register Notification of Availability (E-copy)..... _____
   f. Completed/signed Part 1, RO Summary Checklist ..... _____

I certify that all actions/documentation identified in Part 1, Summary Checklist, are: (1) contained in the formal submission package; (2) contained in the RO file for action; or (3) not applicable to this action.

_____
Signature Date

SOPP AMENDMENT APPROVAL PACKAGE
PART 2 – RO FILE CHECKLIST

Name of Council: _____
Name & telephone number of individual Completing Part 2, RO File Checklist:

Action/Document

A. Preparation of Documentation.

Yes/NA	
1. Have all Memoranda/Letters/NOA, etc. been prepared according to guidance contained in the Examples Package, Federal Register Document Drafting Handbook, and other policies and procedures issued by the AA or NMFS/NOAA related to the review and clearance of SOPPs? (See: [List website URLs]	

B. Advance Review of Notification of Availability of the SOPP by NMFS.Edits

Prior to submission to NMFS.Edits an XRIN must be obtained from PRIME 1. Once no further substantive changes are anticipated, RO E-mails advance copy of the document to NMFS.Edits@noaa.gov prior to submission of the form package to the Clearance Unit as follows: a. Completed "RSP Editing Form;" and (See http://home.nmfs.noaa.gov/sf/regstream/RulemakingForms.htm) b. Advance copy of notification. c. Subject line of the transmitting e-mail should include: (1) Council Name; (2) "SOPP amendment" (3) ID assigned to the NOA; and (4) The word "ADVANCE" d. Use the same subject line a all e-mails (delete "ADVANCE" once formally submitted) dealing with the action to facilitate tracking of the action and compiling the administrative record. e. Identify the POC and POC's e-mail address and fax and telephone numbers in the transmitting e-mail.	
2. NMFS.Edits returns the document w/comments/ edits within 3 days of receipt.	
3. RO incorporate comments, if applicable, prior to submission of formal NOA package.	
4. If the review process results in substantive changes to the regulatory text after NMFS.Edits has completed its review, the revised document should be resubmitted to NMFS.Edits for review prior to submitting the package to the Clearance Unit.	

C. SOPP Amendment and NOA Transmittal Package. (Templates for the memos and letters noted below can be found at http://[insert URL].

1. Decision memorandum from the RA to AA: a. Describes the extent and likely effect of the proposed changes to the Council SOPP. b. Indicates that RO staff, Regional Counsel, and FALD have reviewed the document and determined it satisfactory. c. Provides additional background materials, if needed, as attachments.	
2. Regional Counsel has signed a Certification of Attorney Review and attached any legal memos referenced therein.	
3. FALD has signed a Certification of Attorney Review and attached any legal memos referenced therin.	
4. Draft approval letter from AA to the Council.	

D. Notice of Availability.

1. SUMMARY section: a. Responds to the following questions: (1) What action is being taken? (2) Why is action necessary? (3) What is the intended effect? b. Contains no legal citations or numerical and alphabetical listings	
2. DATES section: a. Provides a place holder for the date the AA approves the amended SOPP. b. The Clearance Unit will insert the date in the Federal Register document after the decision memorandum has been signed by the AA.	
3. ADDRESSES section: a. Provides the Council address from which print copies of the SOPP may be obtained.	
4. SUPPLEMENTARY INFORMATION section: a. Discusses the extent and effects of the SOPP amendment. b. Indicates that the AA has approved the SOPP, as amended, on behalf of the Secretary. c. Provides the URL from which the public can view or download electronic versions of the SOPP.	

E. OFR Filing and Publication of the NOA

1. The NOA will be sent to the OFR using standard filing and publication practices. 2. F/SF5 informs the RO when notification of the filing and publication dates for the Notice of Availability is received from the OFR. 3. RO informs the applicable Council of the filing and publication date.	

F. Administrative Record for the SOPP Approval

1. RO assembles the consolidated Administrative Record for the SOPP approval, including all documentation related to the publication of the NOA and the final decision.	
2. After publication of the NOA in the Federal Register, the Clearance Unit will provide to the RO all documents containing original signatures. The Clearance Unit documents may include: (a) Decision memoranda; (b) Original routing slips; (c) Copies of all substantive e-mails related to the SOPP approval which did not include the RO's POC as an addressee; (d) FALD's Certification of Attorney Review; (e) Records of any meetings with individuals outside NMFS regarding the SOPP; and (f) Any correspondence submitted only to NMFS HQ.	
3. The Clearance Unit will maintain a duplicate copy of the signed documents for a period of three years.	
4. The RO will maintain the complete Administrative Record and will archive the records according to NOAA policy and guidelines.	

APPENDIX C – Templates for Correspondence

Table of Contents Page

ATTORNEY REVIEW MEMO TEMPLATE FOR SOPP CLEARANCE

ATTORNEY-CLIENT PRIVILEGED - DO NOT RELEASE - FOIA EXEMPT

CERTIFICATION OF ATTORNEY REVIEW

MEMORANDUM FOR:

FROM:

SUBJECT: Review and Clearance of the Statement of Organization, Practices and Procedures (SOPP) [or: the amendments to the Statement of Organization, Practices and Procedures (SOPP)] for the [INSERT Council name] Fishery Management Council

This Statement of Organization, Practices and Procedures (SOPP) [or: [T]he amendments to this Statement of Organization, Practices and Procedures (SOPP)] for the [INSERT COUNCIL] Fishery Management Council is/are legally sufficient and raise(s) no significant legal issue(s) other than those addressed in any attached legal memorandum. I request that this SOPP be forwarded to Department of Commerce General Counsel for their review.

Additional Comments: N/A

Legal Memorandum Attached: [ ] yes [ ] no

_____

Attorney-Advisor Date

_____

[Supervisor=s Title] Date

cc: NOAA GCF

Michelle O. McClelland, Chief
Federal Assistance Law Division
U.S. Department of Commerce
1401 Constitution Ave NW
Room 5099C
Washington, DC 20230

Dear Ms. McClelland,

The ***[Name]*** Fishery Management Council has amended its Statement of Organization, Practices, and Procedures (SOPP) and has submitted it for approval by NOAA Fisheries Service. The amendments to the SOPP would ***[describe]***. The amended sections are highlighted in the attached SOPP.

I seek your division's review and clearance of the SOPP and, as needed, your facilitation of its review by other divisions in the Office of General Counsel. NOAA Fisheries Service **[Region]** Regional Office staff and the Regional Counsel have previously reviewed the document, but are withholding final clearance until you have completed your revew.

Any questions regarding the SOPP should be directed to [name, email address, fax number, phone number] in the [Name] Regional Office. NOAA Fisheries Service appreciates the support of the Office of General Counsel on this important matter.

Sincerely,

[RA's Name]
Regional Administrator

Enclosures

cc: F/SF5
GCF

[Note this memo will be signed by the RA after the review of the SOPP by the RO, Regional Counsel, and FALD is complete and satisfactory.]

MEMORANDUM FOR: [Name]
Assistant Administrator for Fisheries

FROM: [Name]
Regional Administrator

SUBJECT: Approval of a Council's Statement of Organization, Practices, and Procedures (SOPP)—DECISION MEMORANDUM

The [Name] Fishery Management Council has amended its SOPP and is seeking the Secretary's approval of the document.

The amendments to the SOPP would [describe the SOPP amendment, its purpose, and effect, and provide relevant background/legal context].

The SOPP has been reviewed and cleared by the [Region] Regional Administrator, a regional attorney, and the DOC Office of General Council. I recommend that you approve the SOPP by signing the attached letter to the Council and by approving the attached Notice of Availability for publication in the Federal Register.

1. I concur. _____.
Date

2. I do not concur._____.
Date

Attachments

[*Chair's name*], Chair
[*Name*] Fishery Management Council
[*Address 1*]
[*Address 2*]

Dear [*Chair's name*],

On behalf of the Secretary of Commerce and pursuant to 50 CFR 600.115(b), I approve the [*Name*] Fishery Management Council's Statement of Organization, Practices, and Procedures (SOPP), as amended. I have authorized a notice to be published in the Federal Register announcing the availability of the SOPP and instructing the public to contact the Council office for a copy. Electronic downloads of the SOPP should be made available on the Council's website.

Any questions regarding the SOPP should be directed to the [*Region*] Regional Administrator or [*Name*], chief of the Regulatory Service Division in the Office of Sustainable Fisheries, ph: 301.713.2337.

Sincerely,

[Name]
Assistant Administrator

Enclosures

cc: F/SF5
RO
GCF

APPENDIX D – Template for the Federal Register Notice of Availability

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN

[**Name**] Fishery Management Council; Statement of Organization, Practices, and Procedures

AGENCY: National Marine Fisheries Service, (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; Statement of Organization, Practices, and Procedures; Amendment

SUMMARY: The Assistant Administrator for Fisheries has approved amendments to the [**Name**] Fishery Management Council's Statement of Organization, Practices, and Procedures (SOPP). Copies of the document are available to the public.

ADDRESSES: [**Council name and full mailing address**](any special identification requirements)

FOR FURTHER INFORMATION CONTACT: [**Council staff point of contact, title, phone number, fax number.**]

SUPPLEMENTARY INFORMATION: In accordance with the Magnuson-Stevens Fishery Conservation and Magnuson Act §302(f)(6), each regional fishery management council is required to describe its organization and operations in a SOPP. The [**Name**] Fishery Management Council has amended its SOPP. [**Briefly describe the effect of the amendment.**]

Pursuant to 50 CFR 600.115(b), the [Name] Fishery Management Council's SOPP, as amended, has been approved by the Assistant Administrator for Fisheries, on behalf of the Secretary of Commerce. The SOPP is available to the public. Copies may be obtained by contacting the Council. See ADDRESSES. An electronic version of the SOPP may be downloaded from http://www.[**Website URL**].

Authority: 16 U.S.C. 1801 et seq.

Dated:

_____ [Page numbers]

MODEL STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES (SOPP)

Based on the 2006 SOPP of the North Pacific Fishery Management Council

October 2010

TABLE OF CONTENTS

Introduction to the Model SOPP

This document is a model SOPP. It was based on the 2006 SOPP of the North Pacific Fishery Management Council, and it has been updated to be consistent with the new (2010) regulations published to implement changes to the Magnuson-Stevens Fishery Conservation and Management Act relating to Council administration and operations. While it is not necessary to follow this model exactly, each Council is responsible for ensuring the information presented in this model SOPP is included in its SOPP or other standing policy.

The example text in this document appears as normal black 11-point Times New Roman Font. This text does not have to be followed word for word. The text is there simply as an example of what the SOPP might say, but the model SOPP text may not be appropriate for all Councils. Also, to suit its particular needs, a Council may add sections to its SOPP or provide greater detail than what is included in this model.

In places we have inserted some explanatory text or suggestions for the types of information a Council may wish to include in a section. **[This information is provided in bold blue, usually in brackets.]**

UNITED STATES DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
[_____] FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES

The [_____] Fishery Management Council, created by Section 302(a)(1)(____) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 *et seq.* (the Act), hereby publishes a revised Statement of Organization, Practices, and Procedures (SOPP), as required by Section 302(f)(6) of the Act. Upon approval, this SOPP supersedes the previous version, published on _____.

Copies of this SOPP are available upon request by writing or contacting [_____]. The SOPP is also available electronically on the Council's website at http:// [_____].

1.0 COUNCIL FUNCTIONS AND RESPONSIBILITIES

In accordance with the requirements of the Act, the Council shall:

A. Prepare and submit to the Secretary of Commerce (Secretary) or his delegate a fishery management plan with respect to each fishery requiring conservation and management within the Council's geographic area of authority and such plan amendments as are necessary.

B. Review and comment on applications for foreign fishing transmitted to the Council under a governing international fishery agreement by the Secretary of State under the terms of the Act.

C. Prepare comments on any fishery management plan or amendments prepared by the Secretary which are transmitted to the Council under Section 304(c)(4) of the Act.

D. Conduct public hearings at appropriate times and locations in the Council's membership area, to allow interested persons an opportunity to be heard in the development of fishery management plans and amendments and with respect to the administration and implementation of the provisions of the Act. When conducting a hearing outside Council's usual jurisdiction, the Council will first consult with the Council in that area.

E. Submit to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary.

F. Review on a continuing basis, and revise as appropriate, the assessments and specifications contained in each fishery management plan for each fishery within its geographical area with regard to:

(1) The present and probable future condition of the fishery;

(2) The maximum sustainable yield from the fishery;

(3) The optimum yield from the fishery;

(4) The capacity and the extent to which fishing vessels of the United States will harvest the optimum yield on an annual basis;

(5) The portion of such optimum yield on an annual basis which will not be harvested by fishing vessels of the United States and can be made available for foreign fishing.

G. Develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations established by mechanisms and processes under the Act.

H. Develop multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, in the manner prescribed in the Act.

I. Conduct any other activities which are required by or provided for in the Act or which are necessary and appropriate to the foregoing functions.

The Council expects to participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters, including the allocation of fishery resources to other nations within its area of authority. Field

2.0 COUNCIL ORGANIZATION

2.1 Council Composition and Jurisdiction

The Council has [_____] voting members and [_____] non-voting members. The Council's geographic area of authority includes the Exclusive Economic Zone (EEZ) of the [_____] Ocean, seaward of [_____]. The states of [_____] are represented on the Council. **[This paragraph may be expanded to include a description of the Council's role in management of inter-council fisheries and trans-boundary fisheries.]**

2.1.1 Voting Members

The voting members of the Council shall be:

1. The principal state official in the government position with marine fishery management responsibility and expertise in each constituent state, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

2. The Regional Administrator of the National Marine Fisheries Service for [_____], so long as the Administrator continues to hold such position, or a designee;

3. [_____] members appointed by the Secretary of Commerce.

2.1.2 Non-Voting Members

The non-voting members of the Council shall be:

1. The [_____] Regional Director of the U.S. Fish and Wildlife Service, or a designee;

2. The Commander of the [_____] Coast Guard District, or a designee;

3. The Executive Director of the [_____] Marine Fisheries Commission, or a designee;

4. A representative who shall be appointed by, and serve at the pleasure of, the Governor of [_____], or a designee; and

5. A representative of the U.S. Department of State, designated for such purpose by the Secretary of State, or a designee.

Non-voting members of the Council may serve on committees of the Council and may serve as chairpersons of committees and, as members of the committee, may initiate and second motions, as well as vote on matters that pertain to the committee. At meetings of the Council, non-voting members may neither initiate or second motions, nor vote on matters that may be classified as business of the Council. They may, however, participate fully in discussions of such matters.

2.2 Oath of Office

As trustees of the nation's fishery resources, each member appointed to the Council must take the following oath of office:

> I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion.

2.3 Terms of Council Members, Removal, and Council Officers

2.3.1 *Term of Appointment -- Voting Members*

Voting members (other than principal state officials, the Regional Administrator, or their designees) are appointed for a term of three years and may be reappointed. A voting member's Council services of 18 months or more during a term of office will be counted as service for the entire three-year term. The anniversary date for measuring terms of membership is August 11. The Secretary may designate a term of appointment shorter than three years, if necessary, to provide for balanced expiration of terms of office. Members may not serve more than three consecutive terms. A member who has completed three consecutive terms will be eligible for appointment to another term one full year after completion of the third consecutive term.

2.3.2 *Removal*

The Secretary of Commerce may remove for cause any Secretarial appointed member of a Council in accordance with Section 302(b)(6) of the Act, wherein the Council concerned first recommends removal of that member by not less than two-thirds of the voting members. A recommendation of the Council to remove a member must be made in writing to the Secretary and accompanied by a statement of the reasons upon which the recommendation is based.

2.3.3 *Officers*

A Chair and Vice Chair are elected from the voting members of the Council by a majority vote of the voting members present and voting. Both serve for one year and may succeed themselves. They are elected at the first regular Council meeting held after August 11 (election meeting) and their terms of office expire at the next meeting after August 11 of the subsequent year. If the Council terms of either or both of the officers end before a regular election meeting, the Council shall appoint at the next regular Council meeting interim officers to serve until the next election meeting.

The Chair, or in the Chair's absence the Vice Chair, of the Council has authority to convene and adjourn meetings and public hearings and designate members of the Council, Scientific and Statistical Committee, and Advisory Panel to attend meetings and public hearings. The Chair will control meetings and hearings by recognizing speakers, establishing the order of business, and designating members of the Council and its advisory bodies as members of committees and working groups. The Chair certifies the minutes of the meeting as complete and accurate before they are available for general distribution.

2.4 Designees

The Act authorizes only the principal State officials, the Regional Administrator, and the non-voting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing, in advance of any meeting at which a designee will initially represent the Council member, of the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the Chair, in advance, a list of several individuals who may act as designee, provided the list clearly specifies who would serve if more than one designee attends. A designee may be elected as Chair or Vice-Chair of the Council, and as Vice-Chair would serve as Chair in the absence of the elected Chair; however, a designee for an elected Chair cannot serve as Chair. Reimbursement

of travel expenses to any meeting is limited to either the member or one designee. Additional requirements for principal state officials and their designees include the following:

(1) Only a full-time state employee of the state agency responsible for marine and/or anadromous fisheries shall be appointed by a constituent state Governor as the principal state official for purposes of Section 302(b) of the Act:

(2) A principal state official may name his/her designee(s) to act on his/her behalf at Council meetings. Individuals designated to serve as designees of a principal state official on the Council, pursuant to Section 302(b)(1)(A) of the Act, must be a resident of the state and be knowledgeable and experienced, by reason of his or her occupational or other experience, scientific expertise, or training, in the fishery resources of the geographic area of concern to the Council; and

(3) New or revised appointments by state Governors of principal state officials and new or revised designations by principal state officials of their designees(s) must be delivered in writing to the appropriate NMFS Regional Administrator and the Council chair at least 48 hours before the individual may vote on any issue before the Council. A designee may not name another designee. Written appointment of the principal state official must indicate his or her employment status, how the official is employed by the state fisheries agency, and whether the official's full salary is paid by the state. Written designation(s) by the principal state official must indicate how the designee is knowledgeable and experienced in fishery resources of the geographic area of concern to the Council, the County in which the designee resides, and whether the designee's salary is paid by the state.

2.5 Scientific and Statistical Committee (SSC)

As required by the Act at Sec. 302(g)(1), the Council has established an SSC assist it in the assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of its fishery management plans.

2.5.1 *Objectives and Duties*

The SSC shall provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. **[Councils may further specify objectives and duties of the SSC.]**

2.5.2 *Members and Chair*

Members appointed by the Council to the SSCs shall be Federal employees, State employees, academician, or independent experts and shall have strong scientific or technical credentials and experience. **[Councils may further define membership and chairmanship of the SSC]**.

Subject to the availability of appropriated funds, members of the SSC are eligible to receive stipends provided they are not employed by the Federal Government or a state marine fisheries agency, as defined at 50 CFR 600.133(b).

2.5.3 *Administrative Provisions*

The SSC shall hold its meetings in conjunction with the meetings of the Council, to the extent practicable. Notice of meetings of the SSC shall comply with the applicable notice requirements specified for Council meetings. **[Councils may further describe administrative provisions for the SSC.]**

2.5.4 *Subcommittees*

[Councils provide name, objectives and duties, members and chair, and administrative provisions for each subcommittee as for the main SSC.]

2.6 Advisory Panels

The Council has established the following advisory panels under Sec. 302(g)(2) of the Act as necessary or appropriate to carry out the its functions under the Act. Subject to the availability of funds, members of Advisory Panels are eligible to receive stipends provided they are not employed by the Federal Government or a state marine fisheries agency, as defined at 50 CFR 600.133(b).

[Designation of ach Advisory Panel will include the following terms of reference.]

2.6.1 *Objectives and Duties*

[Councils may further specify objectives and duties of the AP. Note that the AP is designated under Sec. 302(g)(2) of the Act, making them eligible for stipends.]

2.6.2 *Members and Chair*

[Councils may further define membership and chairmanship of the AP.]

2.6.3 *Administrative Provisions*

Notice of meetings of the AP shall comply with the applicable notice requirements specified for Council meetings. **[Councils may further describe administrative provisions for the AP.]**

2.7 Fishing Industry Advisory Committee (FIAC)

2.7.1 *Objectives and Duties*

The Council has established a FIAC that provides information and recommendations on, and assists in the development of, fishery management plans and amendments to such plans.

2.7.2 *Members and Chair*

Appointments to the FIAC will be made in such a manner as to provide fair representation to commercial and recreational fishing interests in the geographical area of authority of the Council. **[Councils may further define membership and chairmanship of the FIAC.]**

2.7.3 *Administrative Provisions*

Notice of meetings of the FIAC shall comply with the applicable notice requirements specified for Council meetings. **[Councils may further describe administrative provisions for the FIAC.]**

2.8 Committees

The Council may appoint standing and ad hoc committees from among the voting and nonvoting members and knowledgeable members of the public, as it deems necessary for the conduct of Council business. The Council may also appoint standing and ad hoc committees that include industry representatives or other participants to address specific management issues or programs. Committee meeting notice requirements are as specified for Council meetings.

2.9 Working Groups

[Fishery management planning and development of FMPs may be performed by various types of (and variously named) working groups, under the direction of the Council. For example, the Council may establish a plan development team to assess the need for management, assemble information, conduct and evaluate analyses, evaluate public/industry proposals and comments, and estimate the costs of FMP development, implementation, and monitoring. In addition, the Council may use ad hoc groups to address resource user conflicts or other issues.]

[In order to identify its status for notice requirements and the potential payment of stipends, Council must specify under what section of the Act the working group is formed. This should be specified in the objectives and duties or terms of reference for the working group. Most working groups, because they contain members not employed by NMFS or the Council, should be established as an AP under Sec. 302(g)(2) of the Magnuson-Stevens Act, if the Council wants the members to be eligible to receive a stipend. Those working groups with voting or nonvoting Council members as members of the group must be considered as Council committees. Those working groups that consist only of NMFS and Council employees do not come under either notice or stipend requirements of the Act. For working groups designated as either APs or committees, notice requirements are as specified for Council meetings.]

3.0 COUNCIL MEETINGS

3.1 Notice – Regular and Emergency Meetings

Timely notice of each regular meeting and each emergency meeting of the Council, its SSC, AP, FIAC, or other committee established under the Act, including the time, place, and agenda of the meeting, shall be provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that email notifications and website postings alone are not sufficient. Notice of each regular meeting shall also be published in the *Federal Register*. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under Section 305(c) of the Act, in which case public notice shall be given immediately.

Drafts of all regular public meeting notices must be transmitted to the NMFS Headquarters Office at least 23 calendar days before the first day of the regular meeting. Drafts of emergency public notices must be transmitted to the NMFS Headquarters Office at least five working days prior to the first day of the emergency meeting. Although notices of and agendas for emergency meetings are not required to be published in the *Federal Register*, notices of emergency meetings must be promptly announced through the appropriate news media.

The Council shall ensure that all public meetings are accessible to persons with disabilities, and that the public can make timely requests for language interpreters or other auxiliary aids at public meetings. Anyone needing a special accommodation to attend and participate in a Council-hosted meeting must contact the Council office ___ days before the scheduled meeting. **[Guidance addressing disability-related accommodations is found at Department Administrative Order (DAO) 209-8, Access for People with Disabilities to Meetings and Other Group Events.]**

3.2 Conduct of Meetings

3.2.1 *Written Statements and Oral Testimony; Seating*

Each regular meeting and each emergency meeting shall be open to the public. Interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings, within reasonable limits established by the Chair. Current Council policy on oral testimony limits individuals to three minutes, and organizations to six minutes, per agenda item. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement. During Council meetings the area adjacent to and behind the Council seating area will be restricted to only Council members and Council/agency staff.

3.2.2 *Quorum, Voting by Proxy, and Roll Call Voting*

A majority of the voting members of any Council constitute a quorum for Council meetings, but one or more such members designated by the Council may hold hearings. Decisions of any Council are by majority vote of the voting members present and voting (except for a vote to propose removal of a Council member, see 50 CFR § 600.230 and except where *Robert's Rules of Order* require a 2/3 majority vote). Voting by proxy is permitted only pursuant to Section 2.4(2) of this SOPP. An abstention does not affect the unanimity of a vote. At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each such vote.

3.2.3 *Approval or Amendment of Fishery Management Plan and Finding of Fishery Emergency*

A vote is required for Council approval or amendment of a fishery management plan (including any proposed regulations), a Council finding that an emergency exists involving any fishery, or Council comments to the Secretary on fishery management plans developed by the Secretary. A final vote may not be taken until the motion before the Council is recorded in written form visible to each Council member present and the public. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting. For a vote on a

Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

3.2.4 *Procedure for Proposed Regulations*

[Provide the Council's procedure for proposing regulations as required by 50 CFR 600.140 or reference another Council document available to the public. Paragraph (a) of that regulation requires that each Council establish a written procedure for proposed regulations consistent with section 303(c) of the Magnuson-Stevens Act. The procedure must describe how the Council deems proposed regulations necessary or appropriate for the purposes of implementing a fishery management plan or a plan amendment, or making modifications to regulations implementing a fishery management plan or plan amendment. In addition, the procedure must describe how the Council submits proposed regulations to the Secretary.]

3.2.5 *Parliamentary Procedure; Consensus*

Parliamentary procedure will be used in the conduct of the meetings. Agreement among Council members can be reached by consensus and non-voting members are expected to take part in all discussions and indicate their opinions on all specific issues. Those matters pertaining to the approval or disapproval of a fishery management plan or amendment, including proposed regulations, or comments for the Secretary on foreign fishing applications, or Secretarially-prepared management plans, require a vote.

3.2.6 *Dissenting Votes; Minority Written Statements*

Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary, including principal state officials raising federalism issues, may submit a written statement of their reasons for dissent. If any Council member elects to file such a statement, it will be submitted to the Secretary at the same time the majority report is submitted.

3.2.7 *Consideration of Information from Interested Parties*

At any time the Council determines it appropriate to consider new information from a State or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.

3.3 Record

Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chair shall verify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

Subject to the confidentiality procedures established by the Council on January 28, 1986, and the guidelines prescribed by the Secretary pursuant to Section 402(b) of the Act (50 CFR Part 600, Subpart E (Confidentiality of Statistics) and NAO 216.100), the administrative record and minutes of each meeting and records or other documents which were made available to or

prepared for or by the Council, committee, or panel incident to the meeting, shall be available on the Council's internet website and for public inspection and copying at a single location in the offices of the Council, or the Secretary, as appropriate.

3.4 Closed Meetings

After providing appropriate notice in the major fishing ports within its region, having included in the notification the time and place of the meeting and the reason for closing any meeting or portion thereof:

(1) The Council, SSC, AP, FIAC, or other committees shall close any meeting, or portion thereof, that concerns information bearing on a national security classification.

(2) The Council, SSC, AP, FIAC, or other committees may close any meeting, or portion thereof, that concerns matters or information pertaining to national security, employment matters, or briefings on litigation in which the Council is interested.

(3) The Council, SSC, AP, FIAC, or other committees may close any meeting, or portion thereof, that concerns internal administrative matters other than employment. Examples of other internal administrative matters include candidates for appointment to AP, SSC, and other subsidiary bodies and public decorum or medical conditions of members of the Council or its subsidiary bodies. In deciding whether to close a portion of a meeting to discuss internal administrative matters, the Council or subsidiary body should consider not only the privacy interests of individuals whose conduct or qualifications may be discussed, but also the interest of the public in being informed of Council operations and actions.

(4) Without the notice required above, the Council, SSC, AP, FIAC, or other committees may briefly close a portion of a meeting to discuss employment or other internal administrative matters. The closed portion of a meeting that is closed without notice may not exceed 2 hours.

(5) Before closing a meeting or portion thereof, the Council or subsidiary body should consult with the NOAA General Counsel Office to ensure that the matters to be discussed fall within the exceptions to the requirement to hold public meetings described above. Actions that affect the public, although based on discussions in closed meetings, must be taken in public. For example, appointments to an AP must be made in the public part of the meeting; however, a decision to take disciplinary action against a Council employee need not be announced to the public.

3.5. Frequency and Duration

The Council is required to meet at a minimum of two times per year. However, the Council normally meets [_____] times each year. Each meeting generally lasts from six to seven days and begins on Wednesday of the meeting week. The Council's SSC and AP generally meet concurrently with the Council, starting two days prior to the Council. The specific timing of each meeting shall be coordinated by the Executive Director in consultation with the Chair.

3.6 Location

The Council shall meet at appropriate times and places in any of the constituent States of the Council. Council meetings typically will be held in [_____]. Specific meeting locations within each State will be coordinated by the Executive Director in consultation with the Chair.

3.7 Public Hearings

The Council may hold public hearings in order to provide the opportunity for all interested individuals to be heard with respect to the development of fishery management plans or amendments, and with respect to the administration and implementation of other relevant features of the Act. Notice of each hearing must be received by NMFS for publication in the *Federal Register* at least 23 calendar days prior to the proposed hearing. The Council will also issue notices to announce the time, location, and agenda for each hearing in a manner sufficient to assure all interested parties are aware of the opportunity to make their views known. If it is determined a hearing is appropriate, the Council Chair will designate at least one voting member of the Council to officiate. An accurate record of the participants and their views, obtained by use of recording, typewritten transcript, or detailed minutes, will be made available to the Council at the appropriate Council meeting and maintained as part of the Council's administrative record.

3.8 Council Member Compensation

Those voting members of the Council who are not employed by the Federal Government or any State or local government shall receive compensation at the daily rate for GS-15 (Step 7) of the General Schedule, published by the U.S. Office of Personnel Management. Such compensation shall be limited to attendance at formal meetings of the Council (actual meeting days), meetings of standing or ad hoc committees on which the Council member is a designated member, or to the Chair, Vice-Chair, or designee while officially representing the Council or conducting official business of the Council outside of such meetings. Such compensation may be paid on a full day's basis whether in excess of eight hours a day or less than eight hours a day. "Homework" time in preparation for any meeting, or attendance of any meeting other than specified above, is not compensable.

The Executive Director, with the approval of the Council Chair, must submit to the Regional Office annually a report of Council member compensation authorized. This report shall identify, for each member, amount paid, dates, and location and purpose of meetings attended. At the discretion of the Council Chair, Council members may be required to complete a meeting request form if they wish to be compensated for activities other than regular Council meetings.

3.9 Stipends

Stipends are available, subject to the availability of appropriations, to members of SSCs and APs, formally designated under Sec. 301(g)(1)(a) or Sec. 302(g)(2) of the Magnuson-Stevens Act, who are not employed by the Federal Government or a State marine fisheries agency. For the purposes of this section, a state marine fisheries agency includes any state or tribal agency that has conservation, management, or enforcement responsibility for any marine fish.

4.0 EMPLOYMENT PRACTICES

4.1 Staffing

The Council staff includes an Executive Director, Deputy Director and other full and part-time employees as determined necessary to the performance of Council functions within budgetary limitations. The Executive Director reports to and is held accountable by the Council, and the staff reports to the Executive Director.

4.2 Experts and Consultants

As long as funding is available in its budget, the Council may contract with experts and consultants as needed to provide technical assistance not available from NOAA. This includes legal assistance. The Council must notify the NOAA Office of General Counsel before seeking outside legal advice, which may only be for technical assistance not available from NOAA. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the Department of Commerce's Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. The Council may not contract for the provision of legal services on a continuing basis.

4.3 Detail of Government Employees

The Council may request the detail of other government employees to assist the Council in the performance of its functions. Council requests for Federal employees must contain the purpose of the detail and its duration. Federal employees so detailed retain all benefits, rights, and status to which they are entitled in their regular employment. The Council may also negotiate agreements or other arrangements with state or local agencies for detail of their worker to accomplish Council purposes.

4.4 Personnel Actions

All staff employees serve at the pleasure of the Council. The Executive Director may be dismissed by a vote of the Council and other staff employees may be dismissed by the Executive Director acting for the Council. Dismissals may be made for misconduct, unsatisfactory performance, and lack of funds, with reasonable notice to the employee.

No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

4.5 Salary and Wages

In setting rates of pay for Council staff, the principle of equal pay for equal work is followed. The annual pay rates for Council staff positions are consistent with the pay rates established for General Schedule Federal employees as set forth in 5 U.S.C. § 5332, and/or the Commerce Alternative Personnel System. The Council has decided to adjust its pay rates and pay increases based on cost of living (COLA) differentials in **[Council's host location]**, consistent with the Federal pay-scale, including adjustments necessary to achieve equivalency with Federal counterparts. **[If appropriate: COLA adjustments in pay rates and pay increases are being provided for staff members whose post of duty is located in Alaska, Hawaii, Guam, the U.S.**

Virgin Islands, the Northern Mariana Islands, and Puerto Rico.] No pay adjustment based on geographic location exceeds the equivalent COLA and locality pay adjustments available to Federal employees in the same geographic area. Salary increases funded in lieu of life and medical/dental policies are not permitted.

Employees will be entitled to promotions and associated pay raises solely on the basis of merit and performance. The Executive Director, acting for the Council, shall conduct performance reviews at least biennially with each Council employee and will approve promotions and raises based on the employee's performance, length of service, or special accomplishments. Pay raises and performance evaluations for the Executive Director will be accomplished through a review process involving the Council Chair and/or members of the Council designated by the Chair. Career development, including formal training, will be supported by the Council, subject to budgetary limitations, when directly beneficial to both the employee and the Council.

4.6 Council Member and Staff Legal Protections

In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as Federal employees on official actions, and are protected by the Federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (FLSA), and by the rights of access and confidentiality provisions of the Privacy Act. Council staff is also eligible for unemployment compensation in the same manner as Federal employees. Overtime payments shall be made in accordance with the provisions of the FLSA.

4.7 Recruitment and Anti-Discrimination Policy

Council staff positions must be filled solely on the basis of merit, fitness for duty, competence, and qualifications. The Council is an Equal Employment Opportunity Employer. All employment actions will be free from discrimination based on race, religion, color, national origin, sex, age, disability, sexual orientation, status as a parent and reprisal. See 50 CFR. 600.120.

Except for complaints alleging discrimination based on sexual orientation and status as a parent, complaints by employees alleging that they may have been discriminated against on the bases listed in the previous paragraph, should be processed in accordance with 29 C.F.R. § 1614. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination. Employees alleging discrimination on the basis of sexual orientation will have their complaints processed in accordance with DAO 215-11. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination.

4.8 General Harassment Policy

The Council has a zero-tolerance policy for harassment on the basis of race, religion, color national origin, sex, age, sexual orientation, disability and reprisal. Any employee who believes he or she has been harassed should report the harassment to a supervisor or manager. The supervisor or manager should then follow the steps set forth in Department Administrative Order, DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO 215-11. The provisions of these DAOs are entirely separate from EEO complaint process, and must be followed whether or not an employee has files an EEO complaint. The Council's Harassment Policy extends beyond staff and includes members of the

Council with regard to all interactions with staff, including the conduct of Council members, staff members, and the public during the course of official Council meetings, advisory body meetings, or committee meetings.

4.9 Leave

Field Code

4.9.1 *Leave Accounting*

One account shall be maintained to pay for unused sick or annual leave as authorized, and will be funded from the Council's annual operating allowances. Funds may be deposited into this account at the end of the budget period if unobligated balances remain. Interest earned on this account will be maintained in the account, along with the principal, for the purpose of payment of unused annual and sick leave only. This account, including interest, may be carried over from year to year. Budgeting for accrued leave will be identified in the ``Other" object class categories section of the SF-424A.

4.9.2 *Annual Leave*

Full-time Council employees shall accrue annual leave at rates not to exceed those for Federal employees. Part-time employees accrue leave at the same rate, per hours worked. If the Council so desires, it may credit prior Federal, state or local government service for the purpose of determining leave accrual of individual employees. Application of such a policy must be uniform and public.

Employees may carryover up to 240 hours (30 days) unused annual leave from one year to the next. Amounts remaining above 240 hours will be forfeited. **[Under certain conditions, forfeited annual leave may be restored if it was properly scheduled for use and circumstances beyond the employee's control caused the forfeiture. Approval for this restoration must be obtained from the Council Executive Director or Council Chair, who will refer to the NOAA Personnel Regulations and other source documents for guidance. Lump sum reimbursements not to exceed 240 hours carryover plus current year earnings of unused leave are authorized upon employee separation. Each Council may pay for unused annual leave upon separation, retirement, or death of an employee.]**

4.9.3 *Sick Leave*

Full-time Council employees shall accrue sick leave at the rate of two hours per week (13 days per year). Part-time employees may accrue at a percentage of the hours worked compared to 40 hours. Unused sick leave credit may be accumulated without limit. Lump sum payments to the employee upon separation are not authorized. **[However, distributions of accumulated funds for unused sick leave may be made to the employee upon his or her retirement (defined by PERs retirement rules), or to his or her estate upon his or her death, for up to 100 days of unused sick leave, at the employees current salary rate, subject to budgetary limitations.]**

4.9.4 *Advanced Leave*

The Council may advance up to one year's earnings of sick or annual leave when it is reasonably expected that the advanced leave will be repaid by the employee. This must be approved by the Council chair and Executive Director (designation must be in writing).

4.9.5 *Family Medical Leave Act of 1993*

Under the Family Medical Leave Act of 1993, 29 C.F.R Part 825, an employee is entitled to a total of up to 12 work weeks of unpaid leave during any 12-month period for the following purposes: the birth of a child of the employee and the care of such child; the placement of a child with the employee for adoption or foster care; the care of a spouse, child, or parent of the employee who has a serious health condition; or a serious health condition of the employee that makes the employee unable to perform the essential function of his or her position.

4.10 Employee Benefits

The Council shall provide its employees and their legal dependents health insurance coverage through [_____]. Retirement benefits are realized through [_____]. Employee participation in a 403(b) plan is optional and at the employees expense.

4.11 Travel Reimbursement for Non-Federal Travelers

Non-Federal members of the Council and members of advisory groups and Council staff will be reimbursed for actual expenses incurred in the performance of Council duties. They are not bound by the separate per diem limits for meals and lodging as set forth in the GSA Rules. They are subject, however, to the total reimbursement limits established by the NOAA Travel Handbook for actual expenses, and they must itemize their actual expenses up to the specified limit each day. Lodging and airline receipts are required. The rates are included in the GSA Rules. Federal employees serving in the above capacities are subject to the reimbursement rules of their agencies. Domestic invitational travel for non-Council personnel may be approved by the Council Chair or Executive Director. Domestic invitational travel for non-Council personnel may be approved by the Council Chair or Executive Director. Payment for Federal personnel from Council funds is not authorized.

4.12 Foreign Travel

Except for certain approved trips to Canada on official Council business, foreign travel must be approved, in advance, by the Assistant Administrator for Fisheries or designee and by the Grants Officer. Requests for foreign travel approval should be submitted, in writing, at least 30-45 days in advance to the Regional Program Officer and then via the Regional Administrator, to the NOAA Grants Officer.

The Council Chair or his/her authorized representative may approve routine across-the-border travel to Canada for Council members and employees within specified Federal rates.

Foreign invitational travel for non-Council personnel must be approved as described above. The per diem limits or actual expense requirements described above also are applicable to non-Council personnel traveling at Council expense.

4.13 Training

Council members appointed after January 12, 2007, shall complete a training course that will cover a variety of topics relevant to matters before the Council. Such training shall be available as well to existing Council members, staff from the regional offices and regional

science centers of NMFS, and may be made available to committee or advisory panel members as resources allow.

5.0 STANDARDS OF CONDUCT

5.1 Federal Criminal Statutes

Council members, as Federal office holders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, and disclosure of confidential information. Among other statutes, the following provisions apply:

18 U.S.C. § 201 - prohibits offer or acceptance of anything of value to influence any official act.

18 U.S.C. §§ 203, 205 - prohibits officials from contacting any Federal agency or Federal court on behalf of others concerning a particular matter involving specific parties with the intent to influence Government action if they participated personally and substantially in the matter as a Council member. Furthermore, officials may not receive compensation for the representational activities of others regarding such matters.

18 U.S.C. § 207 - prohibits a former official permanently from representing others before a Federal agency or Federal court concerning a particular matter involving specific parties in which the official participated personally and substantially as a Federal official or for two years concerning a matter which was under the person's official responsibility during their last year of Government service.

18 U.S.C. § 208 - which prohibits official acts in a matter in which the Federal employee has a personal financial interest, does not apply to a financial interest of a Council voting member if he obtains a waiver under 18 U.S.C. 208 (b), or if the disclosure of financial interest form has been filed under § 302 (j) of the Act, and that individual is in compliance with regulations promulgated under said section.

18 U.S.C. § 209 - prohibits an official from receiving compensation for performing Federal duties from a source other than the United States Government. This restriction does not apply to an official who has served for 130 days or less in a 365-day period.

18 U.S.C. §§ 210, 211 - prohibits offer or acceptance of value to procure appointment to public office.

18 U.S.C. §1905 - prohibits disclosure of trade secrets or confidential commercial information except as provided by law.

31 U.S.C. § 1352 - generally prohibits the use of Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with the Federal award. The Council must also complete Form SF-LLL "Disclosure of Lobbying Activities" and submit it to the Grants Office quarterly as necessary.

5.2 General Standards of Conduct

In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Council must comply with the following standards of conduct:

(1) No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county or municipal elections.

(2) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements, especially with regard to lobbying, and other restrictions with regard to lobbying

(3) No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided from or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

(4) No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.

(5) No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

(6) No Council member or employee of the Council shall use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment which has not been made available to the general public.

(7) No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

(8) No Council member or employee of the Council shall use Council property for other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

(9) No Council member may participate (A) personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest; or (B) in any matter of general public concern which is likely to have a direct and predictable effect on a member's financial interest. For purposes of this subsection, the member's financial interest includes that of the member's spouse, minor child, partner, organization in which the members is serving as officer, director, trustee, partner or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment.

5.3 Financial Disclosures

5.3.1 *General*

Council nominees and voting members appointed to the Council by the Secretary under subsections. 302(b)(2) and 302(b)(5) (individuals not subject to disclosure and recusal regulations under the laws of Indian Tribal Governments) of the Act ("Affected Members") and members of the SSC shall disclose any financial interest of the reporting individual; the individual's spouse, minor child, or partner; and any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee, in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction or with respect to an individual or organization with a financial interest in such activity. The information required to be reported must be disclosed on NOAA Form 88-195, "Statement of Financial Interests for Use by Voting Members and Nominees of Regional Fishery Management Councils and Members of the Scientific and Statistical Committee," or such other form as the Secretary, or designee, may prescribe. The report must be filed by nominees for Secretarial appointment before the date of appointment as prescribed by the Secretary. Affected Members must file the report with the Council office within 45 days of taking office. SSC members must file financial disclosures with the Regional Office within 45 days of taking office. Individuals must update the form within 30 days of the time that any such financial interest is acquired or the financial interests are otherwise substantially changed. The information required to be submitted by Council members will be kept on file by the Council, and made available on the Internet and for public inspection at reasonable hours at the Council offices. Information from SSC members will be kept on file by the NMFS Regional Office. A copy of the form may be obtained from the appropriate Regional Office.

It is unlawful for Council nominees, Affected Members, and members of the SSC to knowingly and willfully fail to disclose, or to falsely disclose any financial interest or to knowingly vote on a Council decision in violation of 50 CFR § 600.235. In addition to the penalties provided under 50 CFR §600.735, a violation may result in removal of the individual from Council membership.

5.3.2 *Recusal*

Affected Members may not vote on any Council decision that would have a significant and predictable effect on a disclosed financial interest. Any individual who believes that a Council decision would have such an effect may, at any time before a vote is taken, announce to the Council his or her intent not to vote on the decision and identify the financial interest that would be affected. An individual who is recused from voting may participate in Council and committee deliberations relating to the decision, after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

At the request of an affected member or upon the initiative of an appropriate designated official (See Sec. 302 (j)(1)(b)), such official shall determine for the record whether a Council decision would have a significant and predictable effect on that individual's financial interest. The determination will be based upon a review of the information contained in the individual's financial disclosure form and any other reliable and probative information provided in writing. All information considered will be made part of the public record for the decision. At the beginning of each Council meeting, or during a Council meeting at any time reliable and probative information is received, the designated official shall announce the receipt of information relevant to a determination concerning recusal, the nature of that information, and the identity of the submitter of such information. If the designated official determines that the

affected individual may not vote, the individual may state for the record how he or she would have voted. The Council Chair may not allow such an individual to cast a vote.

6.0 FINANCIAL MANAGEMENT

6.1 Governing Statutes

Each Council's grant activities are governed by 2 CFR Part 215, 2 CFR Part 230, and OMB Circular A-133 (Audit of States, Local Governments, and Non-Profit Organizations), which provide uniform administrative requirements applicable to the Council, including standards for financial management, financial reporting, property management, and procurement. The Council will operate in full compliance with these standards and the terms and conditions of the cooperative agreement. (*See* 5 C.F.R §1310.3 for availability of OMB Circulars.)

6.2 Cooperative Agreements and Contracts

The Council receives funds through cooperative agreements for two basic types of expenditures: administrative (operations) funds to cover general operating expenses such as salaries, office space, utilities, travel, State liaison activities, meeting expenses, etc., and programmatic (or contract) funds primarily designed to fund sub awards generated by the Council for development of FMPs (including amendments) or FMP-related information. The Council may not independently enter into agreements, including grants, contracts, or cooperative agreements, whereby they will receive funds for services rendered. All such agreements must be approved and entered into by NOAA on behalf of the Council. The Council is not authorized to accept gifts or contributions directly. All such donations must be directed to the NMFS Regional Administrator in accordance with applicable Department of Commerce regulations.

(1) *Administrative*. The funding for the administrative and technical support of Council operations is included in the budget of the Department of Commerce and, through the Department, in the budgets of NOAA and NMFS. The Council applies for and receives such funding through the appropriate processes of the NOAA Grants Management Division.

A Cash Receipts and Disbursement Journal with a monthly Summary of Accounts is required as a minimum bookkeeping system for the administrative budget. Each cash disbursement must be approved by the Council Executive Director or Deputy Director. All checks require signatures from two of the following people: Council Executive Director, Deputy Director, or **[Finance Officer]**.

(2) *Programmatic*. The Council has adopted a Policy on Identification, Submission, and Review of Proposals for Programmatic Research. The Council may enter into cooperative agreements with Federal agencies, State, and private institutions on matters of mutual interest which further the objectives of the Magnuson Act. Approval from the Secretary of Commerce must be obtained and each agreement must specify the nature and extent of Council participation. The Council is not authorized to accept gifts or contributions directly. All such donations must be directed to the NOAA Administrator in accordance with applicable NOAA regulations.

Requests for programmatic funding may be submitted at the same time as the Council's administrative budget, or at other times as required by the Assistant Administrator.

Documentation should include a cover letter explaining the need for the project, the manner in which it contributes to a fishery management plan (proposed, developing or existing), and the manner in which it meets criteria outlined in this section.

(3) *Contracts*. Negotiated and advertised contracts will be administered under the same principles of equality and integrity outlined under the section "Employment Practices" and will generally follow the specifications normally characteristic of contracts with public entities (*e.g.*, public announcement, emphasis on competition, change orders, etc.). Efforts must be made to inform minority firms of planned Council procurements.

6.3 Procurement

All procurements must comply with the terms and conditions of the award and 2 CFR Parts 215 and 230. Proposed sole-source procurements less than $100,000 must be submitted to the Regional Administrator prior to the Council making the award. Proposed sole-source contracts over $100,000 must be approved in writing by the Regional Administrator and the Grants Officer. Final copies of all contracts awarded will be filed with the appropriate Grants Officer.

The purchase of all equipment, not previously approved in the award, costing in excess of $5,000 per unit and having a useful life of more than 1 year, requires the approval of the Regional Program Officer and the Grants Officer. Such approval will be made only after a cost-benefit analysis (system life cost, lease vs. purchase, compatibility, etc.) by the Council demonstrates the economy of the proposed action.

Commodities and services will be procured by means of a document-oriented system, with a receipt, check, or purchase order type document maintained on all transactions. Typical suspense systems will be maintained for any partial and undelivered procurements. Equipment and supplies available in the General Services Administration will usually be given primary consideration, except where cost-effectiveness and efficiency dictate otherwise. A petty cash fund for over-the-counter purchases will be maintained as necessary in the Council staff office.

6.4 Property Management

An accountability system of all non-expendable items of personal property will be maintained by means of an inventory system. An annual inventory report will be submitted to the NOAA Grants Officer. Theft will be reported promptly to the appropriate authorities. Procedures for ensuring adequate control and protection are as follows:

(1) All non-expendable items will be inventoried.
(2) Council property will be marked clearly with identifying numbers.
(3) Sensitive equipment such as cameras will remain secured.
(4) Disposal of surplus will be performed in accordance with grant provisions.
(5) A listing of personnel with access to Council property will be maintained in the Council Office.

6.5 Real Property

The leasing, renting, and acquisition of real property and space will be performed in a manner consistent with 2 CFR Part 230.

6.6 [Accounting System]

[The finance and budget control system will be a direct responsibility of the Administrative Officer, who will maintain full cognizance of, and compliance with, all Department of Commerce requirements, pursuant to the Act, Treasury Department (IRS) regulations as well as any applicable local requirements (state, municipal, etc.).

(1) Financial control will be effected by means of a basic document-oriented accrual accounting system, which will include provisions for at least the following: direct labor (salary); indirect labor (employer contributions for FICA, life and health insurance, retirement, and unemployment taxes), travel expenses (transportation and subsistence), transportation of things, rent and utilities, taxes (non-employment), printing, communications, supplies, equipment, contracts, and any appropriate contra-accounts (contract accruals, etc.).

(2) A general ledger, supported by appropriate journals, will be maintained on all obligations and expenses, including appropriate accruals, and will be used to prepare periodic reports for review by the Executive Director, the Council, or Department of Commerce representatives. As a minimum, a complete financial status report should be completed on a monthly basis. The financial management system will be coordinated with the budget management system so that current and projected fund usage can be determined at any time.

(3) A separate payroll register, indicating all applicable expenses and accruals, will be maintained on each member of the Council and the Council staff.]

6.7 Audits

Audits will be performed by DOC Office of Inspector General or an independent public accountant. NOAA personnel will be invited as appropriate to participate in the audit exit conference.

6.8 Financial Reporting

Reports will be submitted as required by OMB Circular A-110 to summarize total expenditures and Federal funds unexpended, and the status of the Federal cash received. All financial reports will be kept until audited or approved for disposal by the appropriate Department of Commerce representative.

7.0 RECORDKEEPING

7.1 Definitions

Records: documentary items that are made or received by an agency of the United States in connection with the transaction of public business. Agencies are legally required to keep these records as evidence of their actions, and they must be maintained in accordance with your agency's records retention schedule or one of the government's general records retention

schedules. They can be in any format (i.e. text documents, photos, computer codes, electronic files, CD-ROMS, disks, USB keys, magnetic tapes).

Non-records: items made or acquired solely for reference, extra copies of documents kept for reference/personal convenience (even if it's a copy of something that is a record – only the original is the record), notes taken during a meeting which aren't shared with others, drafts.

Personal papers: materials pertaining solely to your private affairs, for example the telephone bill that you brought in to pay during your lunch break or your personal appointment calendar.

7.2 Availability of Records

In accordance with 50 CFR 600.150(b), the Council will maintain documents generally available to the public on its Internet site. Documents for posting must include: fishery management plans and their amendments for the fisheries for which the Council is responsible, drafts of fishery management plan amendments under consideration, analysis of actions the Council has under review, minutes or official records of past meetings of the Council and its committees, materials provided to Council members in preparation for meetings, and other Council documents of interest to the public. For documents too large to maintain on the Web site, not available electronically, or seldom requested, the Council will provide copies of the documents for viewing at the Council office during regular business hours or may provide the documents thorough the mail.

7.3 Administrative Records for Fishery Management Plans

The Council and NMFS Headquarters, Regions and Centers collectively are responsible for maintaining records pertaining to the development of FMPs and amendments. In the event of litigation, compilation of an administrative record for a court case will be under the direction of the NOAA General Counsel and the Assistant General Counsel for Finance and Litigation, U.S. Department of Commerce.

7.4 Disposition of Records

Council records must be handled in accordance with Department of Commerce and NOAA records management office procedures. The Council will abide by the terms of the NOAA Records Management Guide; the NOAA Records Disposition Handbook; and the following records management authorities: NAO 205-1 NOAA Records Management Program; DAO 205-1 Program for Records Management; Federal Records Act of 1950; 44 U.S.C. Chapter 31 Records Management by Agency Heads; 44 U.S.C. Chapter 33 Disposal of Records; and 44 U.S.C. § 101 Federal Management and Promotion of Electronic Government Services

All records and documents created or received by Council employees, while in active duty status, belong to the Federal government. When employees leave the Council, they may not take the original or file copies of records with them. Before any records are disposed of, Council members and employees will coordinate with the NOAA records management office.

7.5 Privacy Act Records

The Council will maintain in its office, under appropriate safeguards in accordance with the Privacy Act, all Privacy Act records, including personnel files on employees, experts and

consultants under contract, and advisory group members Maintenance, protection, handling of requests for information, and disclosure and disposition of Privacy Act records will be accomplished as provided for in Secretarial guidelines and regulations.

7.6 Freedom of Information Act (FOIA)

FOIA requests received by the Council must be coordinated promptly with the appropriate NMFS Regional Office. The Regional Office will forward the request to the NMFS FOIA Officer so that the request can be logged into a centralized database and assigned a tracking number. The FOIA Officer will execute a CD-244, "FOIA Request and Action Record," which will include the tracking number and the due date. A search for responsive documents must begin immediately upon receipt of the search tasker from the FOIA office. All responsive documents must be reviewed for disclosure on a line-by-line basis, and segregable portions must be released. Council members may make recommendations regarding potential exemptions to be asserted; however, only a Federal employee can make a disclosure determination. The original documents must be retained by the originating office. Copies of the responsive records must be provided to the FOIA office, in accordance with the instructions on the tasker, and redacted and unredacted versions will be maintained by that office in accordance with DOC policy.

The Region will obtain clearance from the NOAA General Counsel's Office concerning the initial denial of requested information. In the event the Regional Office determines that requested information is exempt from disclosure, in full or in part, under the FOIA, the denial letter prepared for the Assistant Administrator's signature and a list of the documents to be withheld must be cleared through the NMFS FOIA Officer. Upon completion, a copy of the signed CD-244 and cover letter transmitting the information should be provided to the NMFS FOIA Officer and the NOAA FOIA Officer.

Any fees collected from requesters are transferred to the U.S. Treasury, and the Council does not recover its costs.

7.7 Confidentiality of Statistics

The Council has established appropriate procedures applicable to it and to its committees and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons, including, but not limited to, (a) procedures for the restriction of Council employee access and the prevention of conflicts of interest, except that such procedures must be consistent with the guidelines prescribed by the Secretary pursuant to Section 402(b) of the Act at 50 CFR Part 600, Subpart E (Confidentiality of Statistics) and NAO 216.100; and (b), in the case of statistics submitted to the Council by a State, be consistent with the laws and regulations of the State concerning the confidentiality of such statistics.

7.8 Information Quality

The Council agrees to abide by the NOAA Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information which it

disseminates. The NOAA guidelines also establish an administrative mechanism allowing affected persons to seek and obtain correction of information that does not comply with Office of Management and Budget or NOAA applicable guidelines.

Subject: Message from the Assistant Secretary — NOAA Coastal and Marine Spatial Planning Program and Regional Leads
From: "Dr. Larry Robinson" <Announcement@noaa.gov>
Date: Wed, 24 Nov 2010 14:21:45 -0500

Message From the Assistant Secretary for Conservation and Management

November 24, 2010

Announcing NOAA Coastal and Marine Spatial Planning Program and Regional Leads

On behalf of the NOAA Ocean and Coastal Council (NOC-C), I would like to announce the selection of the following detail assignments for NOAA's new Coastal and Marine Spatial Planning (CMSP) Program.

Acting Program Director: Jennifer Lukens
Acting Senior Scientist: Dr. Charles Wahle
Acting Regional Coordinator: Jessica Kondel

We welcome Jennifer, Charlie and Jessica as they stand up NOAA's CMSP Program. They will help to ensure NOAA's continued leadership role in CMSP by coordinating agency-wide implementation of the CMSP Framework. The NOAA-wide CMSP Program will be housed in the National Ocean Service and will receive high level policy guidance and strategic direction from the NOC-C. Designed over the past year by a NOAA team and approved by the NOC-C, the new CMSP Program embodies an agency-wide collaboration that reflects the cross-cutting nature of CMSP itself. While formal establishment of the CMSP Program will not take place until FY2011 appropriations are realized, the acting CMSP team will work collectively to help build the critical foundation needed now.

I would also like to announce the selection of the following individuals to serve as NOAA Regional Coastal and Marine Spatial Planning (CMSP) Leads. These individuals will represent NOAA on the nine CMSP Regional Planning Bodies described in the Interagency Ocean Policy Task Force Final Recommendations and will participate in NOAA's new CMSP Program.

Alaska/Arctic Region: Doug Demaster
Great Lakes Region: Jennifer Day
Gulf of Mexico Region: Buck Sutter
Northeast Region: Betsy Nicholson
Pacific Islands Region: Michael Tosatto
Mid-Atlantic Region: Thomas Bigford
Southeast Region: Virginia Fay
Caribbean Region: Billy Causey
West Coast Region: Crescent Moegling

To ensure an integrated NOAA approach to our CMSP implementation, these Regional CMSP Leads will coordinate closely with their Regional Collaboration Teams so that we may best utilize the expertise of NOAA staff throughout the regions.

NOAA's successful leadership in comprehensive CMSP will require an unprecedented level of integration and cooperation across Line and Program Offices, coordination with other members of the federal family and effective engagement of our external partners. Please join me in thanking these individuals for making this commitment. I would also like to thank the NOAA Regional Collaboration Teams for working to provide nominations to the NOC-C Executive Committee for review and consideration.

Background

On July 19, 2010, President Obama adopted the first National Ocean Policy for the United States and the Final Recommendations of the Interagency Ocean Policy Task Force. Implemented by Executive Order 13547, this historic policy directive establishes nine national goals that, together, ensure that America's oceans remain healthy, productive and secure for this and future generations. Central to this endeavor is a shift from single-sector/single-species management toward comprehensive CMSP. CMSP provides an objective, science-based, and transparent way for society to determine how specific areas of the ocean are to be used and conserved on a region scale. CMSP transcends traditional sectors, jurisdictions, geographies and constituencies by taking a holistic approach to comprehensive planning and management.

NOAA's Role in CMSP

Being both regional and comprehensive in scope, CMSP represents a new way of doing business in our oceans. NOAA's broad mandates and capabilities will make a significant contribution to the successful implementation of the national CMSP Framework. NOAA will: provide technical and policy leadership among the federal agencies through the new NOC; implement a variety of existing spatial management and science programs; develop and apply state-of-the-art data, tools and strategies for creating and implementing regional CMS plans; and, collaborate with states, regional ocean governance organizations and other partners to craft comprehensive regional CMS plans throughout U.S. Great Lakes, oceans and coastal waters.

Dr. Larry Robinson
Assistant Secretary for Conservation & Management & Deputy Administrator

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PUBLIC LAW 111–284—OCT. 18, 2010

MOUNT STEVENS AND TED STEVENS ICEFIELD DESIGNATION ACT

Public Law 111–284
111th Congress

An Act

Oct. 18, 2010
[S. 3802]

To designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mount Stevens and Ted Stevens Icefield Designation Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Stevens and Ted Stevens Icefield Designation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Theodore "Ted" Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

(2) Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the United States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

(3) Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

(4) in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

(5) Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course

of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

(6) Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

(7) Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109–171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

(8) Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

(9) Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

(10) Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;

(11) Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government;

(12) Ted Stevens was well-respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; and

(13) the designation of the unnamed highest peak in the State of Alaska, along with an icefield in the Chugach National Forest in that State, in honor of Ted Stevens would be a fitting tribute to his honorable life and legacy.

SEC. 3. DESIGNATION OF MOUNT STEVENS.

Deadline.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the United States Board on Geographic Names (referred to in this Act as the "Board") shall designate the unnamed, 13,895-foot peak in the Alaska Range in Denali National Park and Preserve in the State of Alaska, located at latitude 62.920469308 and longitude –151.066510314, as the "Mount Stevens".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak referred to in subsection (a) shall be deemed to be a reference to the "Mount Stevens".

SEC. 4. DESIGNATION OF TED STEVENS ICEFIELD.

(a) DEFINITION OF ICEFIELD.—In this section, the term "icefield" means the icefield in the northern Chugach National Forest in the State of Alaska—

(1) comprising approximately 8,340 square miles, as delineated by the map entitled "Ice Field Name Proposal in Honor of Stevens" dated September 24, 2010, as prepared by the Forest Service and available for inspection at Forest Service headquarters in Washington, District of Columbia; and

(2) including the Harvard, Yale, Columbia, Nelchina, Tazlina, Valdez, and Shoup Glaciers.

Deadline.

(b) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board shall designate the icefield as the "Ted Stevens Icefield".

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the icefield shall be deemed to be a reference to the "Ted Stevens Icefield".

Approved October 18, 2010.

LEGISLATIVE HISTORY—S. 3802:

CONGRESSIONAL RECORD, Vol. 156 (2010):
Sept. 27, considered and passed Senate.
Sept. 29, considered and passed House.

○

Subject: Retirement of Steve Murawski
From: Eric Schwaab <Eric.Schwaab@noaa.gov>
Date: Tue, 02 Nov 2010 09:44:44 -0400
To: _NMFS All Hands <NMFS.ALL@noaa.gov>

With very mixed emotions, I want to alert you that Dr. Steven Murawski, Director, Scientific Programs and Chief Science Advisor for NOAA Fisheries, has announced his intention to retire the end of the year to join the University of South Florida College of Marine Science as a research professor.

I want to thank Steve for his 35 years of outstanding service to our Nation and NOAA Fisheries as a scientist and a leader. In his current position over the last five years, Steve has overseen the work of our Office of Science and Technology, six science centers and associated laboratories, and the use of our offshore research vessels.

He and his staff have provided the scientific research necessary to guide the rebuilding of fisheries to support vibrant coastal communities, the protection and restoration of coastal and marine habitats, and the enhancement of marine mammal and sea turtle populations.

Most recently, over the last six months, Steve led NOAA's scientific response to the Deepwater Horizon oil spill regarding seafood safety, the effects of oil on the ecosystem and how to protect and recover the impacted protected species.

We will all miss Steve and look forward to opportunities to work together in the future.

Eric

Eric Schwaab <eric.schwaab@noaa.gov>
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301/713-2239

ICES Journal of Marine Science Advance Access published June 29, 2010

Use of annual catch limits to avoid stock depletion in the Bering Sea and Aleutian Islands management area (Northeast Pacific)

Jane DiCosimo, Richard D. Methot and Olav A. Ormseth

DiCosimo, J., Methot, R. D., and Ormseth, O. A. 2010. Use of annual catch limits to avoid stock depletion in the Bering Sea and Aleutian Islands management area (Northeast Pacific). – ICES Journal of Marine Science, 67: 000–000.

In total, 41 fish stocks in US ocean waters continue to be fished at unsustainable levels, and 46 fish stocks are overfished. In 2006, the US Congress required the implementation of annual catch limits (ACLs) and accountability measures by 2010 to prevent overfishing, and by 2011 to recover overfished stocks. These requirements were modelled on the existing management system for Northeast Pacific groundfish, where more than 20 fish stocks and assemblages have been managed sustainably for 30 years. Science-based overfishing levels and acceptable biological catches (ABCs) have been implemented for each stock or assemblage, with buffers between the two to avoid overfishing. Total allowable catches are set at or below the acceptable biological catch. Suballocations of quotas by season, area, and gear type, along with in-season fishery closures based on extensive observer coverage and vessel monitoring, ensure that quotas are not exceeded. To comply with ACL requirements, the North Pacific Fishery Management Council has defined ABC as an ACL. We demonstrate the effectiveness of ACLs for successful management of Northeast Pacific groundfish, suggesting that their use in other US fisheries might reduce the risk of overfishing and enhance the recovery of overfished stocks.

Keywords: acceptable biological catch, accountability measures, annual catch limits, depletion, fisheries management, overfishing level, total allowable catch.

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Introduction

In the United States, the 1976 Magnuson–Stevens Fishery Conservation and Management Act (MSA) established a 200 nautical miles Exclusive Economic Zone (EEZ) and a regional fishery management council system. Eight councils recommend fishery management actions to the National Marine Fisheries Service (NMFS). One of the main issues addressed in the MSA was the overfishing of marine fish stocks. Since its passage in 1976, National Standard 1 of the statute has required that conservation and management measures prevent overfishing, while achieving the optimum yield from each fishery on a continuing basis.

Overfishing continues to be a problem, not only around the globe (Worm *et al.*, 2009), but also in some US fisheries, despite more than 30 years of management by NMFS upon recommendations by the councils (Murawski *et al.*, 2007). The status of US fish stocks is evaluated using two metrics. Metric 1 uses the relationship between catch and overfishing level (OFL), which determines whether a stock is currently subject to overfishing. Metric 2 determines whether a stock is currently overfished, based on the relationship between stock size (usually in terms of spawning biomass) and the level corresponding to the maximum sustainable yield (MSY). Stocks might exhibit neither, one, or both conditions. Among the 531 stocks (or stock complexes) identified in the EEZ in 2009, 41 out of 251 (16%; data for the remaining 280 were insufficient to determine their status) assessed stocks at that time were subject to overfishing (Metric 1), whereas 46 out of 199 stocks (23%; status of remaining 332 stocks unknown) assessed were deemed overfished (Metric 2).

The US Congress established new statutory requirements under the MSA in 2006 to end and prevent overfishing by the use of annual catch limits (ACLs) and accountability measures. These new requirements must be implemented by 2010 for all stocks subject to overfishing and by 2011 for all stocks not subject to overfishing. A new provision of the MSA requires that the respective scientific and statistical committees (SSC) of the eight fishery management councils determine scientific benchmarks, while the councils continue to recommend quotas subject to these scientific benchmarks. This separation of authorities represents a major step forward in trying to eliminate overfishing and to enhance recovery of overfished stocks.

Assuming that catch is measured accurately, ACLs provide a transparent measure of the effectiveness of management practices to prevent overfishing. They cannot exceed the fishing level determined by the SSC, but also establish catch thresholds that trigger accountability measures to prevent overfishing.

Accountability measures might include: (1) seasonal, area, and gear allocations; (2) bycatch limits; (3) closed areas; (4) gear restrictions; (5) limited entry; (6) catch shares; (7) in-season fishery closures; and (8) observer and vessel monitoring requirements. Accountability measures allow close monitoring of overall catch levels, as well as seasonal and area apportionments. They might close designated areas, or fisheries, if bycatch limits

for prohibited species are attained. They also allow monitoring of the take of any endangered or threatened mammals or seabirds and provide a database for evaluating likely consequences of future management actions.

None of the stocks or stock complexes in the Bering Sea and Aleutians Islands (BSAI) management area in the Northeast Pacific currently is subject to overfishing or in an overfished condition (Figure 1), largely because ACLs have been set at conservative levels for more than 30 years and fisheries are closed when quotas are met. The management process voluntarily adopted by the North Pacific Fishery Management Council (NPFMC) has been considered a model for setting national policy on ACLs and accountability measures (USCOP, 2004). The Council has consistently adopted the annual OFL and acceptable biological catch (ABC) recommendations from its SSC and set the total allowable catch (TAC) for each of its commercial groundfish stocks at or below the respective ABC. The BSAI groundfish fisheries are valued at more than $US 1000 million per year and provide more than half the volume of commercial fish landings in the United States. They provide the economic engine for more than a hundred coastal communities, thousands of vessels, and tens of thousands of workers in the fishing and processing industries throughout Alaska and the Pacific Northwest (Witherell and Dalzell, 2009). The application of ACLs and accountability measures in the Northeast Pacific is examined here to demonstrate the expected success of their application in other US fisheries where they currently are not used.

Historical development

The NPFMC first defined OFL in 1991 as a catch limit that never should be exceeded. The NPFMC adopted more conservative definitions of OFL in 1996 and again in 1999, to comply with revised national guidelines. In 1996, the NPFMC capped the rate of fishing mortality used to calculate ABC by the rate used to calculate OFL. These rates were prescribed through a set of six tiers (described below). Harvest rates used to establish ABCs were reduced at low stock size levels, thereby allowing rebuilding of depleted stocks. If the biomass of any stock falls below B_{MSY}, or a proxy for B_{MSY}, the fishing mortality is reduced relative to the stock status. In 1999, the NPFMC prescribed that OFL should never exceed the amount that would be taken if the stock were fished at F_{MSY} (or a proxy for F_{MSY}), after Congress redefined the terms "overfishing" and "overfished" to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce MSY on a continuing basis. The OFL could be set lower than catch at F_{MSY} at the discretion of the SSC. Because Tiers 2–4 could be interpreted as treating MSY as a target rather than as a limit, the NPFMC revised those tiers by changing the default value for the rate of fishing mortality from $F_{30\%}$ (the rate that reduces equilibrium biomass to 30% of its unfished level under an assumption of constant recruitment) to the more conservative estimate of $F_{35\%}$.

The buffer between OFL and ABC accounts for uncertainty in single-species stock assessments, ecosystem considerations, and operational constraints in managing the fishery. The SSC sets these management benchmarks based on scientific standards. Finally, the Council determines the TAC based on social and economic considerations. In application, the NPFMC sets TAC ≤ ABC < OFL. Under the new requirements, ACL = ABC.

In 2005, Congress implemented an optimal yield cap of 2 million tonnes on the sum of the BSAI groundfish TACs, which had also been part of the BSAI Groundfish Fishery Management Plan (FMP) since 1982 based on social, economic, and ecological considerations. The TAC for any stock could be reduced below its corresponding ABC to keep the sum of the TACs below the cap, to limit incidental catches of other fish, to account for groundfish removals in coastal waters (within three nautical miles) managed by the State of Alaska, or for other reasons that may be determined by the NPFMC. The decision of which TACs to reduce is negotiated by fishing industry representatives or, if an industry consensus cannot be reached, by the Council. Actual groundfish harvests have averaged approximately 90% of the cumulative TAC and 65% of the cumulative ABC (Figure 2), because of the complex array of accountability measures governing these fisheries.

The biological reference points have evolved over the past 20 years. In 1996, the Council redefined OFL and ABC, partly to

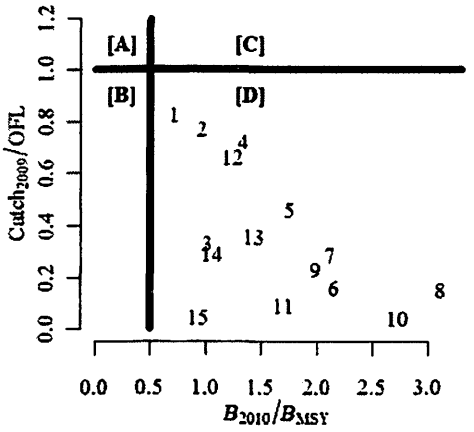

Figure 1. Summary status of Northeast Pacific groundfish species based on age-structured assessments for 2009 catch levels relative to the OFL (defined as the catch at F_{MSY}) and the projected 2010 spawning biomass relative to B_{MSY}: [A], subject to overfishing and overfished; [B], not subject to overfishing, but overfished; [C], subject to overfishing, but not overfished; [D], not subject to overfishing and not overfished (1 = walleye pollock; 2 = Pacific cod; 3 = sablefish; 4 = Atka mackerel; 5 = yellowfin sole; 6 = northern rock sole; 7 = Greenland turbot; 8 = arrowtooth flounder; 9 = flathead sole; 10 = Alaska plaice; 11 = skates; 12 = Pacific ocean perch; 13 = northern rockfish; 14 = blackspotted and rougheye rockfish; 15 = Aleutian Islands walleye pollock). Figure courtesy J. Ianelli.

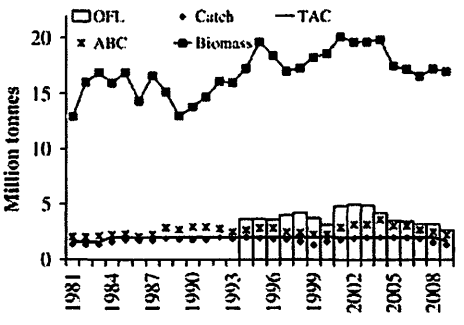

Figure 2. Cumulative estimates of biomass, overfishing level (OFL), acceptable biological catch (ABC), total allowable catch (TAC), and actual catch (all in million tonnes) across all groundfish species in the Northeast Pacific, 1981–2009.

facilitate more conservative, risk-averse management measures when stock size and mortality rates are not fully known (with the consequence that annual TACs were reduced for many stocks or stock complexes; Figure 2). Their determination is prescribed through a set of six tiers based on the availability of various types of information (Table 1). "Data-rich" and "data-poor" are relative terms not actually used in the FMP, because the variability in the availability and quality of the data is substantial. Here, data-rich stocks are considered those for which data are sufficient to apply age-structured modelling (Methot, 2009) and have some estimate of unfished biomass (i.e. Tiers 1–4; Tier-2 and Tier-4 stocks are not present in the BSAI management area). Data-poor stocks are those where the unfished biomass cannot be estimated and catch limits are set using survey biomass estimates or historical catch data (i.e. Tiers 5–6). For many groundfish stocks, $F_{40\%}$ is used as a reference point in the ABC control rule. For Tier 3 stocks, where $B > B_{40\%}$, $F_{40\%}$ is the upper limit on F_{ABC} and $F_{35\%}$ is the F_{OFL}. For stocks for which sufficient data exist to assess current biomass (B) relative to B_{MSY} or $B_{40\%}$ (the long-term average biomass that would be expected under average recruitment and $F = F_{40\%}$), the control rules reduce the allowable F when B falls below B_{MSY} (Tiers 1 and 2) or $B_{40\%}$ (Tier 3). This serves to accelerate the rate of rebuilding should a stock fall to a low level of abundance.

A peer review of the NPFMC harvest strategy for single stocks concluded that the strategy was conservative and that the associated accountability measures were successful in keeping commercial harvests within the TACs (Goodman *et al.*, 2002). This precautionary, single-species approach is gradually developing into a more comprehensive ecosystem-based approach (Aydin *et al.*, 2007).

Table 1. Description of the groundfish tier system used by NPFMC since 1999 for defining fishing-mortality rate related to overfishing level (F_{OFL}) and to acceptable biological catch (F_{ABC}) based on the type of information available (Info).

Tier 1	Info: reliable point estimates of B and B_{MSY} and reliable pdf of F_{MSY}	
	(1a)	Stock status: $B/B_{MSY} > 1$ $F_{OFL} = m_A$; $F_{ABC} \times m_H$
	(1b)	Stock status: $a < B/B_{MSY} \leq 1$ $F_{OFL} = m_A \times (B/B_{MSY} - a)/(1 - a)$; $F_{ABC} \leq m_H \leq (B/B_{MSY} - a)/(1 - a)$
	(1c)	Stock status: $B/B_{MSY} \times a$ $F_{OFL} = F_{ABC} = 0$
Tier 2	Info: reliable point estimates of B, B_{MSY}, F_{MSY}, $F_{35\%}$, and $F_{40\%}$	
	(2a)	Stock status: $B/B_{MSY} > 1$ $F_{OFL} = F_{MSY}$; $F_{ABC} \leq F_{MSY} \times (F_{40\%}/F_{35\%})$
	(2b)	Stock status: $a < B/B_{MSY} \times 1$ $F_{OFL} = F_{MSY} \times (B/B_{MSY} - a)/(1 - a)$; $F_{ABC} \leq F_{MSY} \times (F_{40\%}/F_{35\%}) \times (B/B_{MSY} - a)/(1 - a)$
	(2c)	Stock status: $B/B_{MSY} \leq a$ $F_{OFL} = F_{ABC} = 0$
Tier 3	Info: reliable point estimates of B, $B_{40\%}$, $F_{35\%}$, and $F_{40\%}$	
	(3a)	Stock status: $B/B_{40\%} > 1$ $F_{OFL} = F_{35\%}$; $F_{ABC} \leq F_{40\%}$
	(3b)	Stock status: $a < B/B_{40\%} \leq 1$ $F_{OFL} = F_{35\%} \times (B/B_{40\%} - a)/(1 - a)$; $F_{ABC} \leq F_{40\%} \times (B/B_{40\%} - a)/(1 - a)$
	(3c)	Stock status: $B/B_{40\%} \leq a$ $F_{OFL} = F_{ABC} = 0$
Tier 4	Info: reliable point estimates of B, $F_{35\%}$, and $F_{40\%}$	
		$F_{OFL} = F_{35\%}$; $F_{ABC} \leq F_{40\%}$
Tier 5	Info: reliable point estimates of B and natural mortality rate M	
		$F_{OFL} = M$; $F_{ABC} \leq 0.75 \times M$
Tier 6	Info: reliable catch history from 1978 to 1995	
		OFL = average catch (1978–1995), unless otherwise established by SSC; ABC $\leq 0.75 \times$ OFL

a, 0.05 for Tiers 1–3, by applying the 10% rule (Rosenberg *et al.*, 1994) to half of the B_{MSY} reference point; B, current biomass; subscripts MSY, 35%, and 40%, biomass related to the maximum sustainable yield, or to 35% or 40% of the unexploited biomass (or to the F related to those); pdf, probability density function; m_A and m_H, arithmetic and harmonic mean of the pdf.

Table 2. Species (groups) included in the two BSAI Groundfish FMP Categories proposed for 2011.

Target species: commercially important species (groups) for which ACLs are established.
Management goal: to optimize yields.
Include (by tier group):

Tier 1a	Yellowfin sole; northern rock sole
Tier 1b	EBS walleye pollock
Tier 3a	Greenland turbot; arrowtooth flounder; flathead sole; Alaska plaice; Pacific ocean perch; northern rockfish; Alaska skate
Tier 3b	AI walleye pollock; Pacific cod; Sablefish; AI blackspotted and rougheye rockfish
Tier 5	"Other" flatfish; shortraker rockfish; EBS blackspotted and rougheye rockfish; "other" rockfish; sculpins; "other" skates
Tier 6	sharks; squid; octopus

Ecosystem component: species (groups) that are not (1) targeted for harvest; (2) likely to become overfished; (3) likely to become subject to overfishing; or (4) generally retained for sale or personal use.

Prohibited species: species for which resources were fully utilized before the FMP was implemented must be returned to the sea with a minimum of injury when caught in groundfish fisheries, because they are targeted directly in other domestic fisheries. Discards are counted as removals in directed fisheries.
Management goal: protection from negative effects of fishing.
Include: Pacific halibut; Pacific herring; Pacific salmon; steelhead; king crab; Tanner crab

Forage fish: 60 species that play a central role in the foodweb, and are consumed by a wide variety of fish, marine mammals, and seabirds. Directed fishing is prohibited and retention and processing of bycatch are limited.
Management goal: protection from negative effects of fishing.
Include: osmerids; myctophids; bathylagids; ammodytids; trichodontids; stichaeids; pholids; gonostomatids; euphausiids

EBS, Eastern Bering Sea; AI, Aleutian Islands.

Stock categories

National guidelines for implementing ACLs require the classification of fish stocks. The BSAI Groundfish FMP will define two management categories beginning in 2011, namely target species and ecosystem components (Table 2). Stocks of target species—as well as some non-target stocks that are caught incidentally—are considered to be "in the fishery" and for such stocks, ACLs and accountability measures are required. The plan is to eliminate the existing "other species" category, which includes species with diverse life histories (e.g. sharks and squids) that are not currently commercially important or targeted by the fisheries. For this category, aggregate biological reference points have been set, but the NPFMC has been concerned that some of these groups could be disproportionately exploited under these aggregate limits (Reuter *et al.*, in press). Species such as long-lived sharks, with low reproductive potential, are particularly vulnerable to depletion, because it takes them longer to rebound from fishing removals. However, a lack of life-history information and data on abundance and catch composition hampers the assessment of their stock status. Directed fishing on these groups would be prohibited, at least until knowledge of the life histories has improved.

The proposed "ecosystem component" category comprises less-impacted stocks for which ACLs will not be required, but they will be monitored and management will be aimed at limiting their incidental catches. The two components being considered are prohibited species and forage fish (which currently are also defined in the FMP).

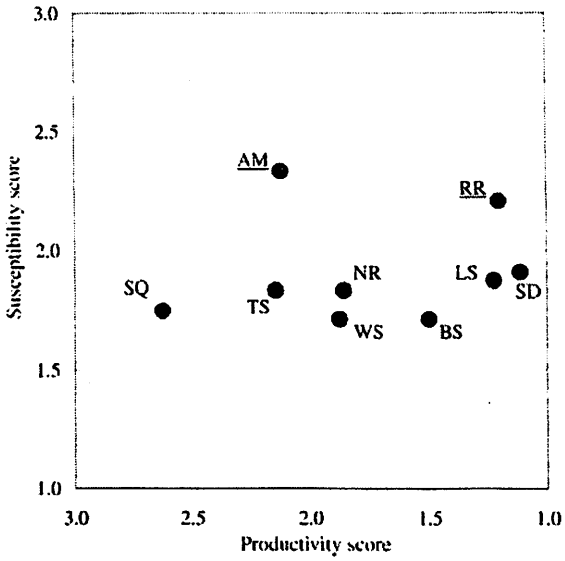

Figure 3. Selected results from a vulnerability analysis for groundfish in the Bering Sea/Aleutian Islands region. Axes represent the mean score from multiple Productivity and Susceptibility attributes. The *x*-axis is reversed, so that the origin of the plot indicates the point of lowest vulnerability (i.e. lowest Susceptibility, highest Productivity). AM, Atka mackerel; BS, bigmouth sculpin; LS, longnose skate; NR, northern rock sole; RR, rougheye rockfish; SD, spiny dogfish; SQ, squids; TS, threaded sculpin; WS, warty sculpin. Target stocks are underlined.

Assessing vulnerability

To assist in making the appropriate classifications and in assembling stock complexes, a semi-quantitative methodology has been developed for assessing the vulnerability of fish stocks, particularly those considered data-poor (Patrick *et al.*, 2009). This productivity–susceptibility analysis was originally developed to classify differences in sustainability of bycatch species in the Australian prawn fishery (Stobutzki *et al.*, 2001). Productivity is determined by the natural capacity for growth and the resilience to exploitation, whereas susceptibility indicates the likely severity of fishery impacts for the population. The two parameters are evaluated by scoring a number of related attributes on a scale from 1 to 3 (low, medium, and high). Productivity is characterized by life-history traits, such as natural mortality rate and age at maturity; susceptibility attributes include spatial overlap between the stock and the fishery and stock status. The mean scores for productivity and susceptibility (the former on a reversed scale) can be plotted in a graph (Figure 3), so that the origin reflects a high productivity and a low susceptibility. The Euclidean distance from the origin can be used as a measure of the overall vulnerability of the stock.

Preliminary results suggest that, except the two target species analysed (Atka mackerel and rougheye rockfish), susceptibility scores were similar for most stocks (Figure 3). This might partly be because these stocks are part of the same groundfish complex; they are therefore subject to similar fishing impacts. Squids received a high productivity and relatively low

susceptibility score and hence had a relatively low vulnerability. At the opposite extreme, rougheye rockfish (a target stock) had low productivity and higher susceptibility.

Productivity–susceptibility assessments are useful, but their use for informing management decisions could be problematic. For example, the criteria to be used in designating a vulnerability threshold for management action are unclear. Moreover, the relative importance of the productivity and susceptibility scores in determining the overall vulnerability varies among stocks and regions and it is not *a priori* obvious that they should be given equal weights. The inclusion of data-rich target stocks in the assessment might provide a sensible guideline, because non-target stocks with similar vulnerability scores to target stocks might have to be managed identically.

Dealing with uncertainty

National guidelines for implementing ACLs require taking into account the probability that a catch equal to the ABC would actually result in overfishing. This probability may not exceed 50%. By definition, if the "true" OFL is viewed as a random variable and as long as the median of the distribution is used as the specified OFL, then any ABC less than the specified OFL satisfies this requirement.

The guidelines also require the control rule for setting the ABC to articulate how the uncertainty in the OFL estimate, as well as any other scientific uncertainty affecting the assessment, is taken into account. Because the buffer between ABC and OFL varies directly with the amount of uncertainty associated with F_{MSY}, this requirement is satisfied in Tier 1. The tier system is based more on the availability of various types of data than on the accuracy of those data *per se*. Although the SSC has expressed the view that the current tier system complies with the guidelines for setting ACLs, NMFS scientists are currently exploring two approaches to account more explicitly for uncertainty in the buffer: a probability-only approach, which would set a fixed probability of exceeding the true, but unknown (because of scientific uncertainty) OFL, given ACL equals ABC; and a decision-theoretic approach, which results in a buffer that is statistically optimal from the perspective of meeting management objectives, but which is more difficult to implement than the probability-only approach. However, perhaps the greatest challenge in implementing a consistent, quantitative procedure is to formulate a method that could be used for both data-rich and data-poor stocks.

Conclusions

The NPFMC's longstanding reliance on its SSC for setting ACLs, along with extensive use of accountability measures to enforce them, has contributed to sustainable groundfish populations in the Northeast Pacific and has become a model for regional fisheries management in the United States. All eight regional fishery management councils are amending their management plans to include ACLs and accountability measures by the statutory deadline. Although there has been resistance by some councils to move from input controls to output controls as the primary means of limiting commercial harvests, the probability of success under ACLs is expected to be higher than under the *status quo*. Research will continue regarding the assessment of vulnerable species and the methods of relating the buffer between OFL and ABC to the amount of scientific uncertainty in the Northeast Pacific.

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Recovery of the Bristol Bay stock of red king crabs under a rebuilding plan

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After peak landings in 1980, the red king crab fishery in Bristol Bay (Alaska) was closed in 1983 because of stock collapse. In the following decade, small commercial harvests and additional fishery closures (1994 and 1995) associated with depressed stock status prompted a reappraisal of the management strategy. A length-based population model was developed, which provided an improved stock assessment for setting annual catch quota. A management strategy evaluation revealed that a harvest strategy, which included a stair-stepped harvest rate of 10–15% of mature males and a threshold for effective spawning biomass below which no fishing is permitted, provides for relatively high long-term yield, greater stability in yield, fewer fishery closures, and higher effective spawning biomass. This strategy was adopted in 1996, in addition to crab bycatch caps and closed areas, to protect sensitive crab habitats implemented in the management of the groundfish trawl fishery. Since then, abundance of legal-sized males increased by 58%, that of mature males doubled, and mature female abundance and effective spawning biomass tripled through 2008. The stock has been considered rebuilt since 2003. Subsequently, a sharp reduction in fishing capacity improved profitability of the fishery, after implementation of an individual fishing quota programme in 2005.

Keywords: bycatch caps, closed areas, eastern Bering Sea, fishery rationalization programme, rebuilding plan, red king crab, total allowable catch.

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Introduction

This review examines the factors contributing to the successful rebuilding of the Bristol Bay stock of red king crab (*Paralithodes camtschaticus*) from a depleted status in the mid-1990s. We describe the history of the fishery and of the management framework, the elements of the rebuilding plan implemented in 1996, and the subsequent response of the stock and fishery.

Red king crabs are large, long-lived anomurans inhabiting intertidal waters to depths >200 m of the North Pacific Ocean from British Columbia, Canada, north to the Bering Sea, and south to Hokkaido, Japan. They were introduced as a non-indigenous species into the Barents Sea (Northeast Atlantic) in the 1960s and 1970s (Orlov and Ivanov, 1978). Red king crabs mature at 5–12 years old, depending on stock and temperature (Stevens, 1990) and may live >20 years (Matsuura and Takeshita, 1990), with males and females attaining a maximum size of 227 and 195 mm carapace length (CL), respectively (Powell and Nickerson, 1965). Mating happens in spring, immediately following the female annual moult. Embryos are carried by females for ~11 months. The early life history comprises four pelagic zoeal stages and one semi-benthic glaucothoe stage. Juveniles moult multiple times per year until age 3 or 4, whereafter moulting continues annually in females for life and in males until maturity; thereafter, the moulting frequency declines.

Red king crabs have been exploited by commercial fisheries in Alaska since the 1920s (Gray *et al.*, 1965). As with most crab fisheries in the region, king crabs have experienced boom and bust fisheries. Contributing to this variability are wide fluctuations in recruitment, ranging more than 3 orders of magnitude (Zheng and Kruse, 2000): extended periods of weak year classes are punctuated by infrequent large year classes. Whereas strong recruitment can cause rapid increases in stock size, occasional periods of high unexplained mortality (perhaps die-offs from disease, unobserved bycatch, or predation) or high exploitation rates have resulted in sharp declines, often resulting in multiyear fishery closures. Some stocks in the Gulf of Alaska, such as red king crabs off Kodiak Island, have failed to recover after >25 years of fishery closures (Bechtol and Kruse, 2009a). In contrast, red king crabs in Bristol Bay in the southeastern Bering Sea (Figure 1) have recovered and have exceeded the rebuilding target levels since 2003 (Vining and Zheng, 2004).

Fishery and management history

After Japanese vessels pioneered the fishery in the 1920s, the red king crab stock in Bristol Bay has supported a valuable commercial fishery for >75 years (Gray *et al.*, 1965). The fishery in the early years mostly utilized tanglenets, with a small portion of the catch being taken by trawls and pots (traps). Japanese fishing

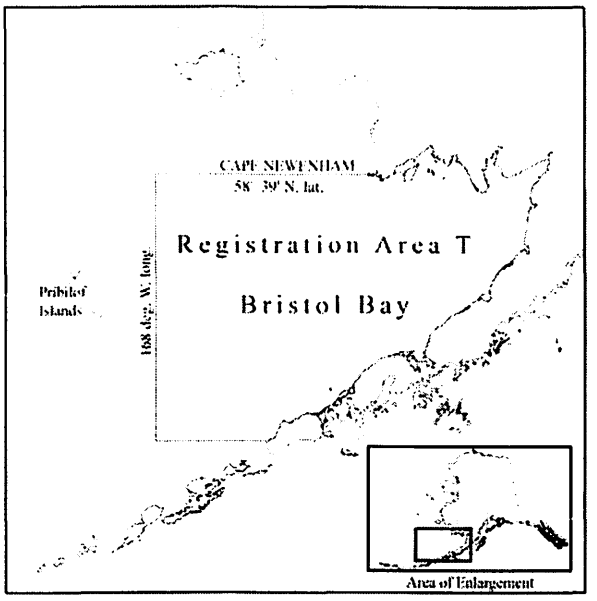

Figure 1. Map of the Bristol Bay management area (T) in the eastern Bering Sea off the coast of Alaska.

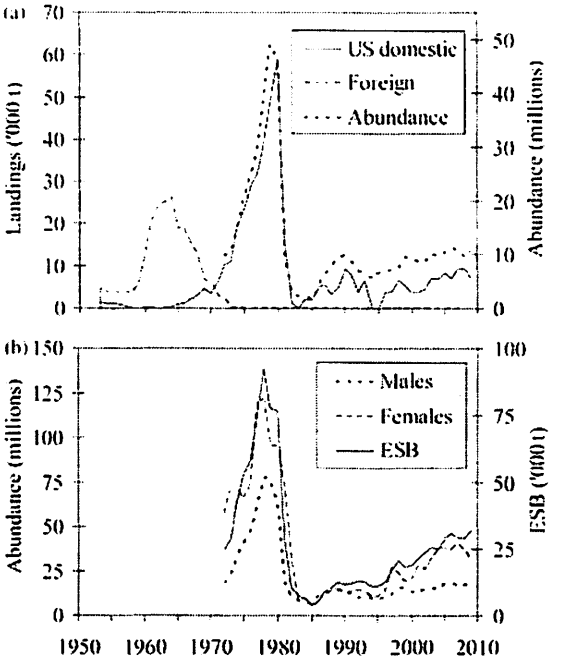

Figure 2. (a) Reported commercial landings of red king crabs from Bristol Bay by foreign (Japanese and Russian combined) and US domestic fleets over 1953–2008 and estimated legal-sized male abundance; and (b) mature male and female abundance and effective spawning biomass (ESB).

took place through 1974, with a hiatus during 1940–1952. USSR vessels operated in the area during 1959–1971 using tanglenets only. Domestic (US) trawlers began to fish in 1947, but catch and effort declined in the 1950s. In the US fishery, tanglenets were banned in 1955 and trawling for crabs was banned in 1960 (Gray *et al.*, 1965). The current legal gear is the crab pot; a large (198–244 cm^2, 70–99 cm high) steel-framed trap covered with 90–200 mm stretch mesh (High and Worlund, 1979). Pots are often baited with chopped Pacific herring (*Clupea harengus*) and whole Pacific cod (*Gadus macrocephalus*).

Commercial catch statistics have been maintained since 1953 (Figure 2a). After abrupt, large declines in landings of Kodiak red king crabs in the mid- to the late 1960s, the domestic fishery expanded into Bristol Bay. The fishery peaked at 59 000 t in 1980, worth US$115 million ex-vessel value. Landings plummeted in the early 1980s and the fishery was closed in 1983, because of conservation concerns. Since then, annual landings have been $<10\,000$ t.

For many years, the management has been based on the size–sex–season regulations (3-S management). Only males of ≥ 165 mm carapace width, equivalent to 135 mm CL, may be legally landed, whereas females and small males must be returned to the sea. The rationale was to protect females from exploitation and to maximize their reproduction. Male legal size was set approximately one growth increment above size-at-maturity to allow males to mate at least once before becoming vulnerable to fishing (Donaldson and Donaldson, 1992). Fishing seasons were set to avoid the moulting and mating period in spring, to maximize meat yield, and to coincide timing with the winter-holiday market demand. Few additional regulations, other than those associated with 3-S management, were introduced before the 1970s, when target harvest rates of legal-sized males were 20–60%, depending on population size, prerecruit abundance, and post-recruit abundance. In 1990, this strategy was revised to a fixed 20% harvest rate applied to mature males, if female abundance exceeded a threshold of 8.4 million crabs, below which the fishery would not open for the year (Schmidt and Pengilly, 1990).

The State of Alaska has led the management of all crab fisheries throughout the US exclusive economic zone. Crab fishery management in the Gulf of Alaska is fully delegated to the state, in the absence of a federal fishery management plan (FMP). For the Bering Sea and the Aleutian Islands, a cooperative state-federal FMP (NPFMC, 2008a) delegates many management activities (e.g. observer and reporting requirements and bycatch limits in crab fisheries) to the state and reserves some contentious management measures (e.g. limited access, overfishing definitions, and legal gear) as federal actions only. For other management measures (e.g. size limits, sex restrictions, fishing seasons, and harvest levels), the state has authority to establish regulations if specific provisions in the crab FMP are followed. State regulations are adopted by the Alaska Board of Fisheries and implemented by the Alaska Department of Fish and Game (ADF&G). Crab bycatch in groundfish fisheries is regulated under a federal groundfish FMP for the Bering Sea and Aleutian Islands. Federal crab and groundfish regulations are recommended by the North Pacific Fishery Management Council (NPFMC) for approval by the Secretary of Commerce (National Oceanic and Atmospheric Administration) and implemented by the National Marine Fisheries Service (NMFS).

Stock assessment and rebuilding analyses

Stock assessment

Trawl surveys have been conducted in the eastern Bering Sea by NMFS since 1968. Formerly, red king crab abundance was estimated annually by sex and size using area-swept methods (Alverson and Pereyra, 1969), and a guideline harvest range was prescribed to represent an acceptable catch range, based on the

standard errors of the mean legal-sized male abundance estimate and the harvest rate. In-season cpue (catch per unit effort) was used as another gauge on crab abundance to manage between the lower and upper limits of the guideline harvest range. By the late 1980s, two major difficulties with this approach emerged. First, annual population estimates were sometimes associated with large measurement errors, which were mainly caused by occasional tows of exceptionally large catches. The manner in which such catches were incorporated resulted in large differences in apparent abundance. Second, in-season cpue ceased to be a useful indicator of abundance, because the length of the fishing season declined from 3 months in 1981 to generally <7 d after 1990, in response to the increase in the number of vessels from 177 to a maximum of 302 over this period (Bowers *et al.*, 2008).

In the mid-1990s, a length-based assessment was developed based on a population dynamics model incorporating growth, mortality, and recruitment using data from surveys, landings, dockside samples, and on-board observers (Zheng *et al.*, 1995a, b). This was an important breakthrough, because traditional age-structured models are not applicable, stemming from our inability to age the crabs. The length-based assessment helped to address issues of survey measurement errors and cpue inconsistencies, produced consistent stock estimates, and provided a means to forecast stock status under different exploitation scenarios.

Results indicated that abundance of mature males and females, as well as effective spawning biomass, increased rapidly from 1972 to 1978, then declined sharply in the early 1980s, increased slightly during 1986–1993, but dropped again in 1994–1995 (Figure 2b). The low estimates of all stock components at that point in time resulted in major conservation concerns. Particularly disconcerting were the extremely low estimates of small crabs of both sexes. To protect the remaining spawning biomass, the fishery was closed in 1994 and 1995, causing severe economic hardship for vessel owners and operators, crew, processors, and even coastal communities in general. Some communities depend heavily on the economic activity associated with the red king crab fishery, because landing taxes constitute revenues to support schools and other local services.

On the resource-conservation side, the conviction grew that the harvest strategy applied had failed to sustain the fishery and that more conservative strategies would be appropriate. Concerns were raised that life-history characteristics rendered the species vulnerable to stock depletion. Specifically, the fraction of all mature males that participate annually in mating, handling mortality of discarded females and undersized males (assumed to be 20%), ghost fishing of lost crab pots, and genetic selection by fishing as a potential cause of evolution were being questioned (Kruse, 1993). Stock-conservation concerns, coupled with severe adverse economic consequences of reduced catches and fisheries closures, crystallized broad support among scientists, managers, and most of the industry for efforts to revise king crab fishery management.

Management strategy evaluation

Simulation analyses were conducted to evaluate effects of alternative harvest strategies under differing assumptions about population dynamics, recruitment, environment, and other uncertainties affecting the stock (Zheng *et al.*, 1997a, b). This approach has since become known as a management strategy evaluation (Smith *et al.*, 1999). In overview, the management strategy evaluation consisted of a population dynamics model, which keeps track of increases

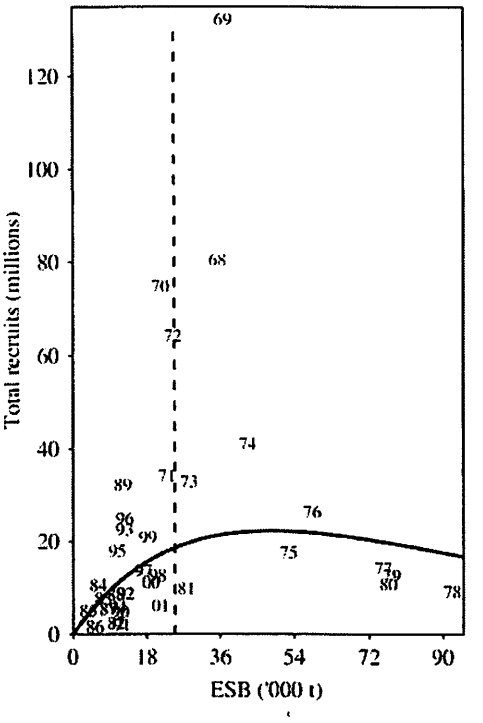

Figure 3. Length-based model estimates of total recruits plotted against effective spawning biomass (ESB) and fitted autocorrelated Ricker's curve (solid line). Labels refer to brood year (year of mating). Vertical dashed line represents the rebuilding target (25 000 t).

caused by recruitment and growth and decreases caused by natural mortality, catches, and handling mortality of discarded females and sublegal males. Recruitment was modelled with an autocorrelated Ricker curve (Figure 3) fitted to the estimates of recruitment and effective spawning biomass (Zheng *et al.*, 1995a; Zheng and Kruse, 2003). This relationship was selected because it captured both the apparent density-dependent relationship (low, high, and intermediate recruitment from small, medium, and large spawning stocks, respectively), as well as autocorrelated time-trend in residuals (e.g. recruitment was high in the late 1960s and the early 1970s, declined to low levels in the early 1980s, and increased slightly in the 1990s). A rebuilding target of 25 000 t was selected to represent a spawning biomass level above which the probability of strong recruitment is enhanced (Figure 3).

Zheng *et al.* (1997b) evaluated the long-term response of the stock to alternative harvest rates and fishery thresholds (stock size below which the fishery would remain closed). To identify an optimum long-term harvest strategy, they optimized an objective function that balanced the trade-off between maximum yield and minimum variance in yield. This objective function mimicked the major features of the Alaska Board of Fisheries policy for red king crab and Tanner crab (*Chionoecetes bairdi*) management (ADF&G, 1994). In addition, statistics were collected on mean yield, variation in yield, percentage of years of fishery closures when the stock fell below the threshold, and variation in effective spawning biomass. The rebuilding analysis by Zheng *et al.* (1997a) was quite similar, except that a short-term (50-year) planning horizon was evaluated. In this case, the statistics collected addressed effective spawning biomass, catch, probability of fishery closure, and probability of rebuilding.

Stock-rebuilding strategy

The goal of rebuilding the Bristol Bay stock of red king crabs involved two tactics—a state rebuilding plan targeting the directed crab fishery and federal bycatch controls placed on the groundfish fishery. A key feature of the rebuilding plan is a stair-stepped harvest strategy (Figure 4) that describes both the long-term optimum harvest rate (15% of mature males) when effective spawning biomass exceeds the rebuilding target (Zheng *et al.*, 1997b) and a reduction to 10% when biomass is below the target, intended to facilitate stock rebuilding (Zheng *et al.*, 1997a). An intermediate 12.5% step in the harvest-rate control rule was added in 2003, at the request of the fishing industry, to lessen catch variability associated with small variations in biomass near the previous 10–15% dividing line. Because only the legal-sized mature males may be retained, the harvest is capped at 50% of legal-sized male abundance to avoid truncation of the size distribution. The rebuilding strategy also comprises three thresholds, below which the fishery would remain closed for the year: a minimum effective spawning biomass of 6600 t; retention of the existing threshold of 8.4 million mature females (exceeding mean size-at-maturity of 89 mm CL); and a minimum value for the advised total allowable catch (TAC) of 1814 t (being recommended by managers as the minimum level that would not be overharvested during 3 d of fishing, given expected levels of fishing effort). Compared with the harvest strategy existing at the time, the rebuilding strategy reduced the probability of future fishery closures from 8 to 3% and increased the probability of stock rebuilding over the 50-year time-frame to nearly 100% (compared with 78% for the *status quo* strategy). Whereas the projected annual catches through the tenth year of rebuilding were slightly higher (900 t) for the *status quo* strategy, the rebuilding strategy yielded 3200 t more annually thereafter, largely because of improved recruitment associated with density-dependent stock effects (Zheng *et al.*, 1997a). Moreover, the new long-term harvest rate of 15% was projected to provide greater stability in yield, fewer fishery closures, and higher effective spawning biomass. Based on the evaluation, the rebuilding strategy was approved and implemented by the state in 1996.

The stock declines in the mid-1990s raised concerns not only about the directed crab fisheries, but also about the effects of groundfish trawl fisheries on crab stocks and their habitats. Passage of what is now called the Magnuson–Stevens Fishery Conservation and Management Act (MSFCMA) in 1976 created incentives to "Americanize" the trawl fishery in the Bering Sea, which had been prosecuted almost entirely by foreign (largely Japanese and USSR) fleets. In 1982, the United States adopted a groundfish FMP for the Bering Sea and the Aleutian Islands, which dictated the terms under which foreign vessels could fish within the US exclusive economic zone. During the 1980s, a joint-venture fishery was established whereby US trawlers caught and delivered groundfish to foreign mother ships for processing. The Americanization of the groundfish trawl fishery was complete by 1990, when US fishing vessels and processors handled all harvesting and processing. Some crab protection measures had been put in place at the time of the foreign fishery (Witherell and Pautzke, 1997). For instance, foreign trawling was banned in a large area (pot sanctuary) along the north side of the Alaska Peninsula to protect crabs and their habitats (the area was opened again to domestic fishers in 1983). Moreover, the Japanese fleet implemented an individual-vessel accounting system to achieve a 25% reduction in crab bycatch over a 5-year period, as required by an FMP amendment adopted by the NPFMC in 1983 (this did not apply to domestic vessels). At the time of the closure of the Bristol Bay red king crab fishery in 1994, the domestic fleet was banned from fishing in a portion of Bristol Bay. It also operated under a prohibited-species catch limit of 200 000 red king crabs, which, if attained, triggered the closure of bycatch limitation zone 1 (Figure 5).

Three new bycatch controls on the groundfish fishery were adopted in 1995 (Figure 5). First, a new area closure was instituted, called the Red King Crab Savings Area (RKCSA: 13 737 km^2), which had been a prime fishing ground for flatfish, but also contained high densities of adult male red king crabs. Second, a

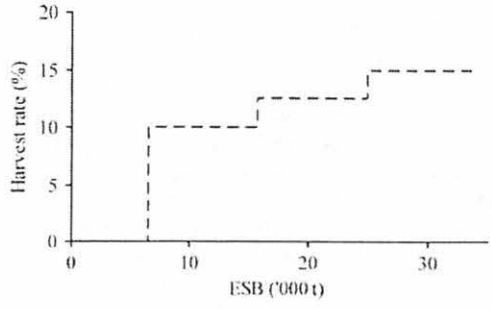

Figure 4. Mature male harvest-rate strategy resulting from the management strategy evaluation. The 15% rate resulted from the analysis of optimum long-term strategy when the stock is rebuilt (effective spawning biomass, ESB $\geq$25 000 t), whereas the lower stair steps represent reduced harvest rates that increased the probability of stock rebuilding and reduced the probability of fishery closures, simultaneously maintaining a viable fishery over a 50-year time-frame.

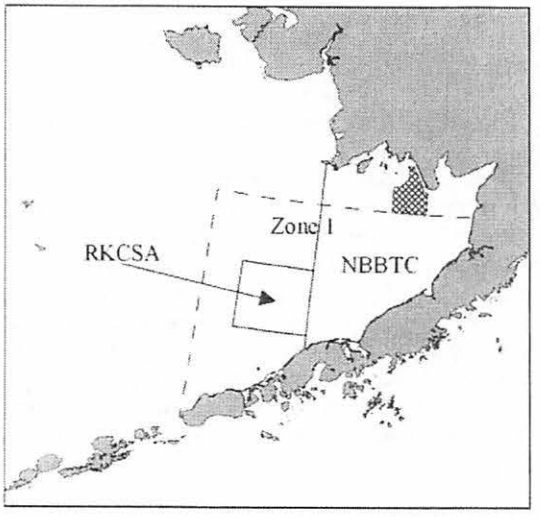

Figure 5. Map of eastern Bering Sea illustrating the RKCSA and the NBBTC areas, both of which are closed to trawling, except for the small cross-hatched area of the NBBTC, which is open to trawling during 1 April to 15 June in years when the red king crab stock is large enough to support a directed crab fishery. Also illustrated is zone 1 (delineated by dashed line), which closes to groundfish trawling if the estimated crab bycatch exceeds the prohibited-species catch limit.

Nearshore Bristol Bay Trawl Closure Area (NBBTCA: 65 252 km^2) was established to protect nursery areas for juvenile crabs, with an exemption for a small subarea that opens 1 April to 15 June, to provide access to yellowfin sole (*Limanda aspera*) resources in years when a crab fishery is allowed. Implementation of these closed areas was based largely on a geographic-information-systems analysis of crab bycatch and temporal distribution of target groundfish and crab species (Ackley and Witherell, 1999). Finally, the prohibited-species catch limits were revised in a stair-step fashion to 35 000, 100 000, and 200 000 crabs, corresponding to the levels of effective spawning biomass used in the stair-step harvest strategy for the directed crab fishery (Figure 4). These bycatch levels resulted from negotiations among crab and groundfish industry representatives in terms of what could be achieved technically and economically within biologically acceptable limits ($\leq$1% of assessed crab abundance) advised by fishery scientists.

Other recent relevant amendments to the FMP

Although the rebuilding plan, crab bycatch controls, and area closures were intended to improve the crab stock and habitats, the heavily overcapitalized crab fleet continued to race to catch a small quota in fisheries lasting just a few days in the late 1990s and the early 2000s. This caused management problems, low economic returns, and high levels of loss of life and injury. Some fishers also claimed that this fast-paced style of fishery was associated with higher bycatch mortality than necessary, because pots could not be "soaked" long enough to allow undersized males and females to exit through escape vents before pot retrieval and because fishers did not have sufficient time to locate fishing areas dominated by legal-sized males. Although a moratorium on new entrants to the fishery in 1996 and a licence limitation programme adopted in 1997 curbed the growth of the fishing fleet, the fishery remained overcapitalized. To address these concerns, a crab rationalization programme was implemented in 2005, where resources associated with nine crab fisheries in the Bering Sea and Aleutian Islands, including Bristol Bay red king crabs, were allocated among harvesters, processors, and coastal communities (Fina, 2005). This approach was novel among rights-based programmes worldwide, because it also established individual transferable processing quotas in addition to individual fishing quotas (Matulich, 2008). The inclusion of processors in the quota system was intended to halt further consolidation of crab processing plants in the region, which had already declined from 25 in 1991 to 18 in 2000. Each qualifying harvester (processor) was allocated a quota share based on its harvesting (processing) history. These shares were then multiplied by the annual TAC to determine the individual fishing (processing) quota for the year. Individual catcher-vessel quotas were split into Class A shares (90%), which had to be delivered to a specific processor in a designated geographic region, and Class B shares (remaining 10%), which a harvester could deliver to any processor. An arbitration programme was created to settle price disputes associated with the dual-share allocations. This complex rationalization programme incorporated many other provisions, such as protections for vessel captains, by allocating 3% of the TAC as Class C shares to eligible captains. Also novel to this programme were aspects designed to protect and enhance the economies of remote communities: a regionalization feature required a certain portion of the catch to be processed in designated regions and a community development programme allocated 10% of the harvest allocations to 65 rural western Alaska communities. Finally, provisions were included to allow harvesters to form voluntary cooperatives to improve economic efficiency further (Fina, 2005).

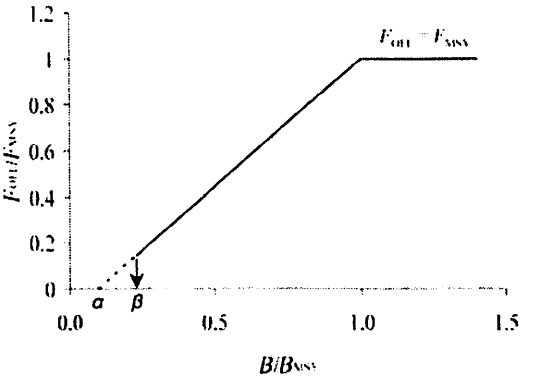

Figure 6. Overfishing control rule for tier 1–4 crab stocks in the Bering Sea and Aleutian Islands under crab FMP Amendment 24. Directed fishing mortality is set to zero below β (=0.25). If the estimates of B_{MSY} or F_{MSY} are not available, proxies are used.

Under a previous crab FMP approved in 1989, the biomass yielding maximum sustained yield (B_{MSY}) had been estimated as the average mature (male and female combined) biomass over a 15-year period (1983–1997). MSY was calculated as the product of instantaneous natural mortality (M) and B_{MSY}, a minimum stock-size threshold was set at 0.5 B_{MSY}, and the MSY control rule for the fishing mortality defining the overfishing level (F_{OFL}) was set equal to M (where $M = 0.2$ for red king crabs). Although the depressed Bristol Bay stock was not designated as "overfished" in 1994–1995 under this federal definition, the current crab FMP was amended in 2008 to include overfishing definitions that were more conservative (NPFMC, 2008b). Under the new overfishing definition, B_{MSY} refers to the mature male biomass only, and, for stocks above B_{MSY}, F_{OFL} is based on (a proxy of) F_{MSY}, using a five-tier system based on the level of information available. The Bristol Bay red king crab is a "tier 3" stock, where the fishing mortality rate that reduces spawning-stock biomass to 35% of the unfished level ($F_{35\%} = 0.36$) is used as F_{MSY} proxy, $B_{35\%} = 35\,317$ t is a B_{msy} proxy, and $M = 0.18$. The control rule prescribes a linear decline in F, as biomass declines below $B_{35\%}$, to β, below which no directed fishing is allowed (Figure 6).

Responses to rebuilding plan

Stock response

Indices of stock health have improved substantially since the implementation of the rebuilding plan and the bycatch controls (Figure 2): abundance of prerecruit (110–134 mm CL), mature (>119 mm CL), and legal-sized males ($\geq$135 mm CL) increased by 123, 79, and 58%, respectively, whereas the abundance of mature (>89 mm CL) females and effective spawning biomass increased by 197 and 192%, respectively. Effective spawning biomass has exceeded the rebuilding target level of 25 000 t since 2003. Mean recruitment of males and females increased by 48 and 134%, respectively, over the 14 years of implementation (1996–2009), compared with the preceding 10 years (1986–1995), but the increase was only significant for females (t-tests for unequal sample size, unequal variance: $p < 0.01$).

Fishery response

After 2 years of fishery closure, commercial fishery landings increased on average by 12% annually from 3813 t in 1996 to 9216 t in 2008. Mean landings for the 13 years after implementation of the rebuilding plan (6109 t) were significantly (Mann–Whitney *U*-test: $p < 0.05$) higher than those for the 13 years before implementation (3835 t). Landings became slightly more stable, mainly by elimination of fishery closures that happened three times in the 13 years before implementation: annual landings ranged from 0 to 9236 t and 3699 to 9238 t during 1983–1995 and 1996–2008, respectively. The mean ex-vessel value increased nominally from US$35 million over 1983–1995 to US$ 54 million over 1996–2008. Because of reduced harvest rates, the mean size of landed red king crab increased significantly (*t*-test: $p < 0.05$) from 2.72 to 2.96 kg crab^{-1}, respectively. A nominal increase in the ex-vessel price (US$1.83 kg^{-1} to US$2.04 kg^{-1}) was not significant.

The crab rationalization programme resulted in declines in the number of harvesters in the Bristol Bay red king crab fishery. In all, 251 vessels participated in 2004, the last year of the open-access fishery, compared with 89 vessels in 2005 (NPFMC, 2008c). This large reduction in fishing capacity fostered increased average gross revenue per vessel, from US$262 000 in 2004 to US$781 000 in 2005. During 2001–2004, 17–20 plants processed red king crabs from the Bristol Bay fishery; under the rationalization programme, 19 processing plants received allocations and consolidation resulted in a constant participation of 12 plants during the 2005–2008 fishing seasons (NPFMC, 2008c). Finally, the race to fish was diminished, as the length of the fishing season increased from 3–5 d per year during 1996–2004 to 93 d thereafter (Bowers *et al.*, 2008).

Discussion

Clearly, conservation benefits accrued to the Bristol Bay stock of red king crabs after the implementation of the rebuilding plan with the new bycatch controls and area closures. All measures of stock health increased. Among the largest increases, the abundance of prerecruit males more than doubled, and mature female abundance and effective spawning biomass nearly tripled. The stock reached the rebuilding target after 8 years, 2 years earlier than originally expected with 50% probability based on the management strategy evaluation (Zheng *et al.*, 1997a). The new harvest strategy sought to balance trade-offs in short-term gains in yield and fishing opportunity with long-term stability in yield and reproductive potential. When presenting the proposed rebuilding plan to the crab fishing industry before implementation, Zheng *et al.* (1996) emphasized the need to "patiently accumulate stock by assuring that additions to the stock through recruitment and growth exceed deletions from the stock from directed harvest, handling, bycatch, and natural mortality". Indeed, no single large year class resulted in rebuilding success.

Although the adoption of the revised overfishing definition in 2008 has not yet affected the actual harvest rate (still 15%, because the stock exceeds the rebuilding target), this may be expected to happen in future years. Because the former definition was based on total mature biomass for both sexes and because females are not harvested, the probability that future harvests will be constrained is lower for the old control rule than for the new one. A retrospective analysis of estimated fishing mortalities for the first 13 years after implementation of the rebuilding strategy revealed that the new overfishing control rule ($F_{35\%}$) would have been exceeded four times, had it been implemented (Zheng and Siddeek, 2009). Therefore, the new overfishing control rule might be expected to constrain the harvest rate and, thereby, reduce catches in approximately one of every three years. However, the forecast in 2008 that its application would result in a slightly lower catch over the first four years after implementation (followed by higher catches in subsequent years, because of accruing short-term conservation benefits of reduced harvests; NPFMC, 2008b) has not materialized.

In addition to the use of mature males only rather than total mature biomass as the basis, several factors render the new overfishing definition more conservative than the previous one: (i) a slightly lower estimate of M (0.18 vs. 0.2); (ii) accounting for all fishing mortality (directed fishery plus all bycatch) rather than directed fishing mortality only; and (iii) crab biomass is estimated at the midpoint of the fishery, which is lower than the estimated biomass at the time of the survey used formerly, because of accounting for four months of natural mortality between the summer survey and the autumn fishery.

As with any new allocation programme, the crab rationalization programme altered the beneficiaries of the rebuilt crab stock. An important objective was to address excess harvesting and processing capacity, resulting in low economic returns. At the time of implementation, 254 harvesters qualified to participate in the programme, with the expectation that transferability of shares would result in consolidation (Fina, 2005). In reality, the fishing fleet shrank to less than one-third of its original size because of: (i) an industry-funded buy-back programme that purchased 24 licences for the fishery in 2004; (ii) owners of multiple qualifying vessels chose to idle some of these and fish their quotas on their most efficient platforms as a business decision; (iii) leasing of quota shares to other operators; (iv) retirement of some vessels; and (v) popularity of a cooperative programme that resulted in the formation of harvesting associations (NPFMC, 2008c). For vessels remaining in the fishery, gross revenues increased ~2.5-fold. Processing capacity in the red king crab fishery declined to 40% of pre-rationalization levels. Little information on labour is available, but crewmembers employed on programme vessels apparently held more stable, better-paying jobs than in the former system (NPFMC, 2008c). Younger crewmembers, with limited experience, tended to lose jobs in favour of more experienced ones, who in some cases held quota shares that could be fished along with the vessel's shares (Hughes and Woodley, 2007). In processing plants, peak staffing levels and overtime compensation apparently declined, but the jobs remaining provided longer-term employment (NPFMC, 2008c).

The requirement that 90% of the individual quota of each catcher vessel must be delivered to a processor holding a quota share in a designated region is one of the more controversial aspects of the rationalization programme. A history of contentious price negotiations in Alaskan crab fisheries resulted in the establishment of a binding arbitration process to mitigate its potential effects on price disputes (Fina, 2005). Moreover, a mandatory data-reporting system for processors, coupled with 18-month and 3- and 5-year reviews, was intended to evaluate the economic and social impacts of the programme. The motivation behind this setup was a desire to monitor the relative benefits of processors vs. catcher vessels under the open- and closed-access scenarios, with the intent of maintaining the balance of benefits at the *status quo*.

A model of the effects of the rationalization programme on crab harvesters indicates a fleet-wide net benefit exceeding US$9 million per year (Matulich, 2009). However, a case has been made that processors did not participate in the benefits, because they apparently captured just 5% of the gross value earned by harvesters, because of the use of preseason formula price models: harvesters have been paid at or above the formula price each year since implementation and have won all seven price arbitrations through 2008. Matulich (2009) argued that harvesters have used binding arbitration as a post-season price-discovery mechanism to maximize rent extraction to avoid sharing risk with processors by negotiating prices before the season, as had previously been the case. An alternative viewpoint is that all arbitrations have been in favour of harvesters, because processors have been seeking unwarranted advantage in an arbitration process that is now reasonably transparent.

The regional distribution of benefits (and costs) is another controversial aspect of the crab rationalization programme. For instance, Knapp (2006) estimated that Kodiak residents lost 100–180 jobs (US$1.0–1.8 million in earnings) during the first year after implementation. Effects on smaller coastal communities depend, in part, on whether they are one of the 65 rural western Alaska communities receiving crab allocations through the community development programme (Knapp and Lowe, 2007). A thorough social and economic analysis is necessary to develop a complete picture of the regional distribution of all benefits.

Vessel safety was another important objective of the rationalization programme. The fatality rate in shellfish fisheries in Alaska in 1991–1996 was 50 times the overall US occupational fatality rate (NPFMC, 2008c). Between 1991 and 2005, 26 vessels sank and 77 fatalities happened in the Bering Sea crab fisheries and more than half the capsizing events in the open-access fishery took place during the first 24 h, when vessels were fully loaded with crab pots (Hughes and Woodley, 2007). During the 3 years from 2005 on, no deaths were recorded in crab fisheries that were included in the rationalization programme. A US Coast Guard initiative to detain vessels overloaded with pots from leaving port appears to have contributed to the improved safety record since 2000 (Hughes and Woodley, 2007). Moreover, the allocations of quota shares meant that vessels could opt to suspend fishing during particularly bad weather.

Before implementation, it was anticipated that the crab rationalization programme would provide additional conservation benefits, by allowing fishers to identify fishing grounds with higher catch rates of legal-sized crabs and to soak their pots for longer, theoretically allowing for more females and sublegal males to exit through escape rings. Although soak time indeed more than doubled during the fishery in 2005 compared with fisheries during 1999–2004, the bycatch of females and sublegal males was not reduced, and highgrading (the process by which the largest, cleanest-shelled legal males are preferentially retained over those with worn, biofouled shells) increased markedly (Barnard and Pengilly, 2006). Approximately 20% of the legal catch, accounting for 12% of all non-retained king crabs, was discarded. In response, ADF&G reduced the TAC for 2006, assuming the same level of highgrading, whereas the industry adopted voluntary measures to address this problem, including the removal of price differentials as incentives to highgrade (NPFMC, 2008a, b, c). These combined actions apparently solved the highgrading problem. Reduced ghost fishing by lost pots may be a conservation benefit of the rationalization programme, because lost pots were reduced from 10–20% to 1–1.4% annually (NPFMC, 2008c).

We surmise that reduced fishing mortality, lower bycatch in groundfish fisheries, and improved habitat protection have all contributed to the recovery of the Bristol Bay stock of red king crabs. Moreover, many fishers claim to now employ sorting tables and discard chutes to expedite careful return of discarded crabs to the sea, thereby reducing bycatch-handling mortality. However, we emphasize that keys to the success of the rebuilding plan were state-of-the-art stock assessments and a thorough management strategy evaluation, because the stock performed remarkably similar to predictions. Although the results were sometimes challenged by a few vocal industry representatives, their publication in peer-reviewed literature (Zheng *et al.*, 1995a, b, 1997a, b) afforded scientific credibility, and reports written in more common language (Zheng *et al.*, 1996) facilitated communication with the wider public. Multiple presentations and discussions at stakeholder meetings before, during, and after completion of analyses helped to secure buy-in from many participants, who came to share the vision for stock recovery with agency scientists and managers. Whereas most of the analyses were conducted by ADF&G (in part with federal funding), additional support by NPFMC staff, particularly concerning the amendment of the groundfish FMP, and other assistance by NMFS, has been crucial. Altogether, the simultaneous adoption of the rebuilding plan, bycatch controls, and area closures provides an excellent example of state/federal co-management, the success of which we attribute to good communications with stakeholders, scientists, fishery managers, and state/federal decision-makers, as well as to an open and transparent decision process.

Although touting the success of the rebuilding plan, we also recognize that environmental factors play an important role in determining crab stock productivity, largely through recruitment processes operating during early life (Zheng and Kruse, 2000, 2006). Year-class strength in many red king crab stocks in Alaska appears to be driven by processes indexed by the Pacific Decadal Oscillation. Proposed mechanisms include the northward displacement of females and subsequent advection of larvae relative to nursery areas, match–mismatch of larvae with the spring bloom, predation by groundfish, and a shift from benthic to pelagic production associated with loss of sea ice. Because many of these processes adversely affect larval and juvenile crab survival under warmer conditions that have prevailed since a regime shift in the late 1970s, rebuilding of the Bristol Bay stock happened generally during unfavourable conditions, but other red king crab stocks in the Gulf of Alaska have not responded in kind to directed fishery closures since 1983 (Kruse and Springer, 2007). Retrospective analyses of one such depleted stock off Kodiak Island indicate that severe overfishing resulted in reproductive failures associated with skewed sex ratios (Collie and Kruse, 1998; Bechtol and Kruse, 2009a, b). This severely depleted stock may be experiencing a predation bottleneck because of increased abundance of predators (e.g. Pacific cod) and their shifts to nearshore crab nursery habitats since the late 1970s (Bechtol and Kruse, in press). We identified two take-home messages from the contrasts between the two stock histories around Kodiak Island and Bristol Bay: (i) severe depletions (e.g. Kodiak) must be avoided in the first place, because chances of recovery diminish with the rate of depletion; and (ii) a stock can be recovered (e.g. Bristol Bay), even during generally unfavourable environmental and ecological conditions, by accounting for and substantially reducing total fishing mortality.

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doi:10.1093/icesjms/fsq136

Northern Bering Sea Research Area (NBSRA) Research Plan
Science Workshop
Hotel Captain Cook, Anchorage, Alaska
Monday, January 17, 2011
0800-1200

Background

The Alaska Fisheries Science Center (AFSC), at the request of the North Pacific Fishery Management Council (Council), is developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities. The NBSRA was established by the Council, became effective in 2008, and is currently closed to commercial bottom trawl fishing.

Until recently, the northern Bering Sea (NBS) has received relatively little research effort, partly due to the difficulty of access and low economic stakes. There is now increasing concern about the ecological and socioeconomic impacts of climate change on the NBS ecosystem. One possible consequence may be the expansion of fish stocks northwards into the NBS. Research programs such as the Bering Ecosystem Study (BEST) and Bering Sea Integrated Ecosystem Research Program (BSIERP) have been in place since 2007, sponsoring research cruises in the NBS to understand ecosystem linkages. In 2010 the AFSC conducted a bottom trawl survey of the NBS as part of the AFSC's study of the potential effects of the loss of sea ice in the Bering Sea. Before that, the last large-scale research effort was a survey of marine resources in the Bering, Chukchi, and Beaufort by NOAA in the late 1970s.

The AFSC intends by convening the NBSRA Science Workshop to gather the latest information and solicit expert opinions from the scientific community for research planning in the NBSRA. The AFSC would like to invite the participation of researchers who are currently studying or plan to study aspects of the NBS ecosystem, who could share historical perspectives, and who otherwise are concerned about resource management in the NBS region.

Agenda

- Introduction: NBSRA policy, research plan objectives, state of ecosystem knowledge
- Topics of discussion:
  - Species, habitats, and environments of particular concern
  - Socioeconomic impact of bottom trawling
  - Local and Traditional Knowledge for management
  - Research plan - bottom trawl survey, trawl impact study, etc.
- Synthesis of opinions and recommendations

Website http://www.fakr.noaa.gov/npfmc/current_issues/ecosystem/NBSRA.htm

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NOME ALASKA CHAMBER OF COMMERCE

Conventions & Meetings Division

PO Box 250 Nome AK 99762

November 18, 2010

Gail Bendixen
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

Dear Ms. Bendixen:

It was great to meet with you in Anchorage last week and gain more insight and information to your upcoming meetings to be held in Nome this coming June. I understand your concerns regarding housing in Nome and the Nome Chamber of Commerce, Conventions and Meetings Division is willing to assist you.

At the present time the NPFMC has secured 44 rooms at the Aurora Inn and 42 at the Nugget Inn. The Nome Chamber has also just blocked 25 rooms at the Polaris. These hotel rooms have just recently been remodeled and were even spotlighted in a recent issue of our Nome Nugget newspaper. Mitch Erickson and I did a personal walk through of these rooms and find them to be acceptable lodging for persons coming to Nome for your meetings. There are 15 rooms with private baths and 10 which are share bath. In addition, we have contacted all of our Bed and Breakfast establishments in town, the Park Service Bunk house and Nome Public Schools Dormitory, which is a total of another 31 rooms. Just this week we have had inquiries from persons looking to secure six rooms for your meeting which we were able to accommodate.

The Nome Chamber will soon be launching and advertising its overflow housing program for the Iditarod. This process has been successfully initiated for many years now. This year we will also advertise for community members to sign up their extra housing for the June event at the same time: this is initiated in January. With the rooms listed above and community members having rooms available we are confident Nome has the capacity to house anyone wishing to come to Nome, whether for the entire meeting dates or if they are just coming in for portions of the meetings or solely to provide public comment.

We will develop and keep a spread sheet of all available rooms and mark off as they are confirmed for your guests; alleviating lodging information being provided to persons calling to seek lodging and receiving information on rooms that are no longer available. Our Visitor's Center has provided this service to many groups and individuals looking to come to Nome on a regular basis.

At this time, until our overflow program is launched, please have those inquiring with you to contact Mike Cavin at the Nome Visitor's Center at 907-443-6566. He will be able to provide contact information to rooms available. For those booking directly with the Polaris, please inform them that the block is under the name "Chamber" and will need to be used as well as our Bed and Breakfasts. This was done so that these rooms remain available only to those coming in for the NPFMC meetings.

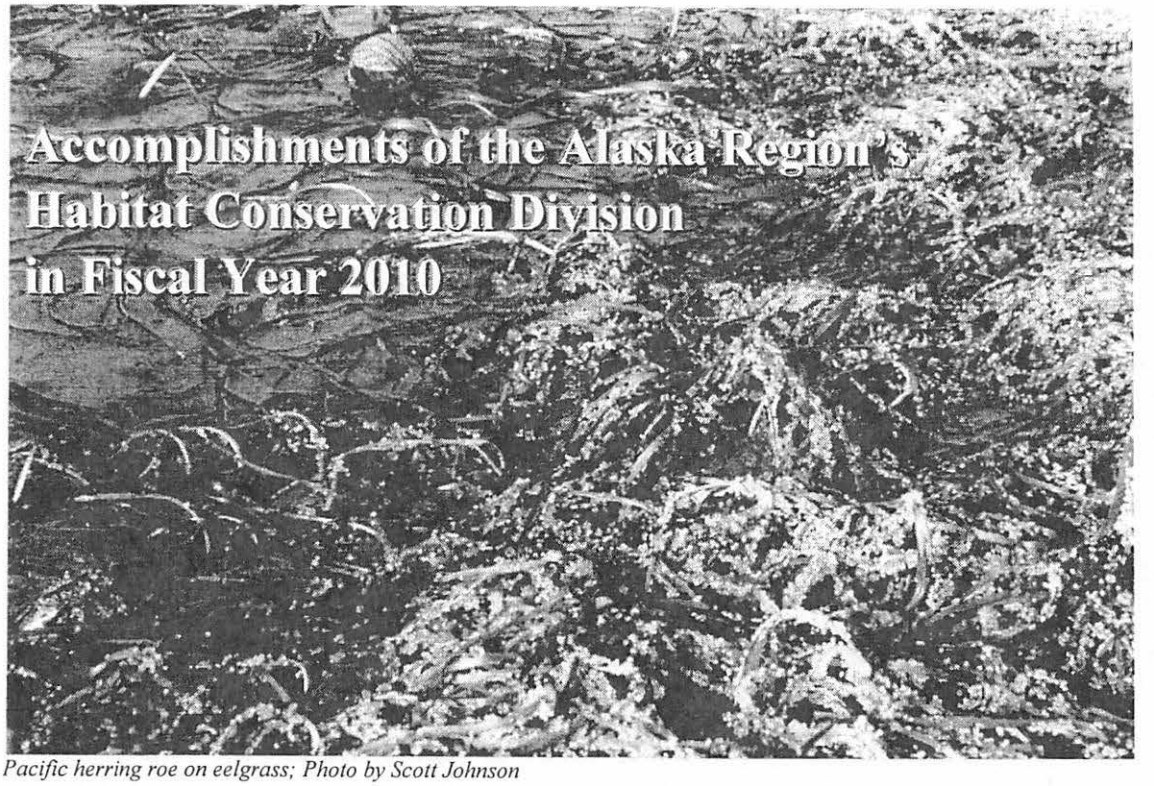
The Chamber is interested in providing convention & meeting services to assist you in preparing each of the venues you have reserved and will submit a proposal soon outlining these. Please give me a call if you have any questions Gail. I hope I have helped to relieve any stress or concerns you had about housing moving forward with Nome as the venue for your June meetings.

Sincerely,

Barb Nickels, Director
Conventions & Meetings

cc: Simon Kinneen
Mike Cavin
Mitch Erickson
Chris Oliver

NOAA Fisheries
National Marine Fisheries Service



Pacific herring roe on eelgrass; Photo by Scott Johnson

This report provides highlights of Habitat Conservation Division (HCD) activities from October 1, 2009 through September 30, 2010. HCD works with industries, stakeholder groups, government agencies, and private citizens to avoid, minimize, or offset the adverse effects of human activities on Essential Fish Habitat (EFH) and living marine resources in Alaska. HCD carries out NOAA Fisheries' statutory responsibilities for habitat conservation in Alaska under the Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Federal Power Act, and other laws. HCD has two principal programs: identification and conservation of Essential Fish Habitat (EFH) through fishery management, and environmental review of non-fishing activities to minimize impacts to EFH or other habitats for living marine resources. HCD also supports habitat restoration projects in conjunction with the NOAA Restoration Center.

With staff located in the Alaska Regional Office in Juneau and an Anchorage field office, HCD coordinates extensively with other groups to facilitate habitat conservation. HCD works in close partnerships with numerous NOAA offices as well as other agencies and organizations such as the North Pacific Fishery Management Council, Army Corps of Engineers, Environmental Protection Agency, U.S. Fish and Wildlife Service, Bureau of Ocean Energy Management Regulation and Enforcement, U.S. Forest Service, Bureau of Land Management, Federal Energy Regulatory Commission, Federal Aviation Administration, Alaska Department of Fish and Game, Alaska Department of Natural Resources, Alaska Department of Transportation and Public Facilities, and a variety of industry and conservation groups.

Essential Fish Habitat and Fishery Management

EFH Five Year Review

HCD staff finalized a comprehensive review of the EFH components of North Pacific Fishery Management Council Fishery Management Plans (FMPs) to identify sections that should be revised to incorporate the best available scientific information. The national regulations implementing the EFH provisions of the Magnuson-Stevens Act call for a review of EFH information at least once every five years. The EFH sections of Alaska FMPs were last updated in 2006 based on the 2005 *Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska.* HCD presented the review to the Council at its April 2010 meeting and the Council voted to initiate FMP amendments. Sections to be updated include refined EFH descriptions for several species by life history stage, a revised list of research needs, a new process and timeline for identifying Habitat Areas of Particular Concern, an updated analysis of the effects of non-fishing activities on EFH, and a discussion of habitat condition changes since 2005.

Refining EFH for Pacific Salmon off Alaska

HCD collaborated with Alaska Fisheries Science Center salmon experts to develop a new methodology to refine the existing broad EFH descriptions for Pacific salmon in marine waters. Using funds from the NOAA Fisheries Office of Habitat Conservation, the analysis examined habitat parameters such as salinity, temperature, and depth as well as survey and catch data to produce a spatial representation of the marine habitat essential to salmon by species and life stage. The results will likely lead to narrowing the geographic scope of salmon EFH (currently identified as the entire Exclusive Economic Zone) based on a better understanding of the marine areas where salmon are most commonly found, and may also have application to other species such as sablefish.

Habitat Areas of Particular Concern

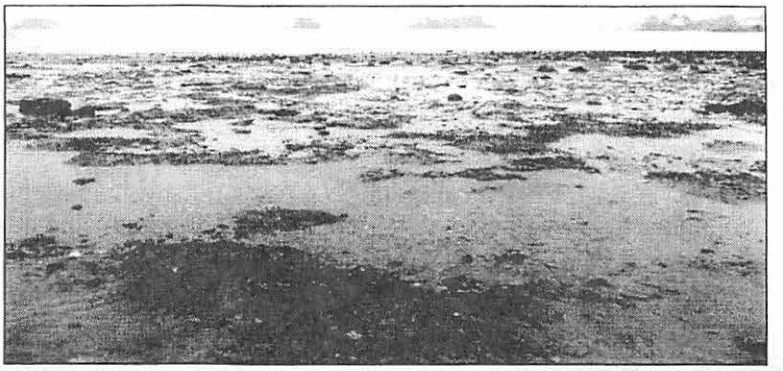
Early in 2010 HCD staff worked with the Alaska Fisheries Science Center to develop a new process for the Council to consider identifying Habitat Areas of Particular Concern, including new ranking criteria. The Council approved the new process and adjusted the timing for the process to align with the EFH 5-year review schedule. Later in 2010 HCD staff worked with Alaska Fisheries Science Center experts to develop a proposal to identify six skate nurseries (egg case concentration sites) in the Bering Sea as Habitat Areas of Particular Concern. Skates lay their eggs in cases they deposit on the sea floor, and development of embryos within the cases can span over three years, making the nursery areas vulnerable to disturbance by bottom-tending fishing gear. The Council voted to proceed with an analysis of the proposal and associated management measures to protect these sites.

Environmental Review to Minimize Habitat Loss

Sitka Airport Runway Safety Area Extensions

HCD staff worked with the Federal Aviation Administration to finalize measures to avoid, minimize, and compensate for habitat losses due to improvements to the Sitka Airport. The project includes runway safety area extensions that would fill marine intertidal habitat, extension

of a parallel taxiway that will increase runoff, and the construction of a float plane ramp in marine waters where eelgrass is present. The project used a habitat equivalency analysis to determine appropriate types and levels of mitigation. This process was the first of its kind to be used for determining marine habitat mitigation in Alaska and may become a model for future projects. HCD worked with other agencies to agree upon final mitigation that will preserve approximately 16.6 equivalent acres by the purchase of a parcel of shoreline to be conveyed to the City of Sitka with a conservation easement. The parcel will control access to and development of the adjacent tidelands and their extensive eelgrass beds, which were being considered for possible development of a cruise ship berth. The analysis showed that the purchase will compensate for the loss of habitat from the airport project by 2023, and then accrue indefinitely as the site is protected in perpetuity. HCD staff comments influenced the development of the habitat analysis, a new stormwater management plan for the airport, and the compensatory mitigation.



Intertidal eelgrass at the Sitka Airport mitigation site; Photo by FAA

Norton Sound Suction Dredging Projects

HCD's review of proposed commercial gold mining in Norton Sound near Nome resulted in the Army Corps of Engineers adopting special permit conditions to protect habitat for red king crabs and salmon. The proposed suction dredging had the potential to disrupt feeding, reproduction, and migration. HCD's conservation recommendations persuaded the Corps to require seasonal restrictions to protect red king crab feeding habitats and reproductive associations; timing and location restrictions to protect out-migrating juvenile salmon; and depth and visual inspection requirements to avoid disturbing red king crab mating pairs or clusters.

Hydropower Development

HCD staff provided guidance to hydropower developers to minimize adverse impacts to salmon and their habitats. HCD staff were actively involved in monitoring the progress of existing projects, mostly consisting of lake taps or siphons diverting water from a natural lake into a penstock or tunnel. Several proposed projects entered the study plan phase in 2010, and HCD staff advised the applicants on methods to assess impacts on hydrology and stream and estuarine habitats. HCD staff also participated in the Federal Energy Regulatory Commission's licensing process for proposed traditional dam projects and hydrokinetic energy projects. Several tidal and in-river hydrokinetic projects conducted in-water tests in Alaska in 2010.

Tidal Energy Development Workshop

HCD staff served on the steering committee for an international workshop on the potential environmental effects of tidal energy development. The workshop was held in Seattle and focused on building capacity to address the effects of tidal energy from turbines placed in the water column throughout the U.S. Participants from academia, research groups, regulatory

agencies, and industry discussed the effects of tidal energy development in the context of stressors (e.g., noise generated by device operation) and receptors (e.g., marine mammals in a project area), highlighting examples of tidal energy development in Puget Sound, Washington; Western Passage, Maine; and Cook Inlet, Alaska. Proceedings from the workshop will be published as a NOAA Technical Memorandum.

Douglas Harbor Dredging

HCD staff helped to persuade the applicant for proposed dredging in Douglas Harbor not to use unconfined aquatic disposal for sediments contaminated with mercury. The elevated level of mercury in the harbor sediment is likely a relic of historic gold mining. Dredging to deepen and expand the harbor would expose buried layers of contaminated sediment at an old mine tailings disposal site. In aquatic environments, sulphur-producing bacteria convert elemental mercury to methyl mercury, the most toxic form of mercury. The methyl mercury can move into the food web where it biomagnifies. For example, salmon exposed to mercury become vectors for the contaminant to spread to other fish, marine mammals, seabirds, and humans. HCD worked closely with the Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, and the Alaska Departments of Natural Resources and Environmental Conservation to persuade the applicant to analyze additional disposal methods, including contained upland disposal and confined (capped) in-water disposal, to help keep methyl mercury from mobilizing in the food web.

Point McKenzie Railroad Development

HCD's involvement with proposed railroad construction near Point McKenzie led to the documentation of uncatalogued anadromous streams and recommendations to the Federal Transit Administration to provide suitable fish passage through properly designed culverts. Our involvement focused on ecological connections to tidal habitats in upper Cook Inlet.

Habitat Restoration and Protection

Campbell Creek Estuary Protection

HCD worked with the Great Land Trust and other partners to promote the purchase and conservation of a 60 acre parcel of the Campbell Creek estuary. The parcel, located in the heart of Anchorage, is flanked by the Anchorage Coastal Wildlife Refuge and provides habitat for all five species of Pacific salmon as well as marine fish and wildlife, and supports endangered beluga whales that feed in the adjacent waters of Cook Inlet. The project, initiated in 2008, required raising $6.9M to purchase the property or else risk having it opened for development. HCD led an initiative to secure $1M in mitigation funds from the Port of Anchorage expansion project, which filled 130 acres of estuarine habitat at the mouth of Ship Creek about three miles

to the north. HCD also provided information to the land trust to assist with grant applications to numerous sources. These efforts are coming to fruition as the project is very close to securing the needed funds to close on the property. After some initial concerns were addressed, the project now has the support of local residents as well as the Municipality of Anchorage.

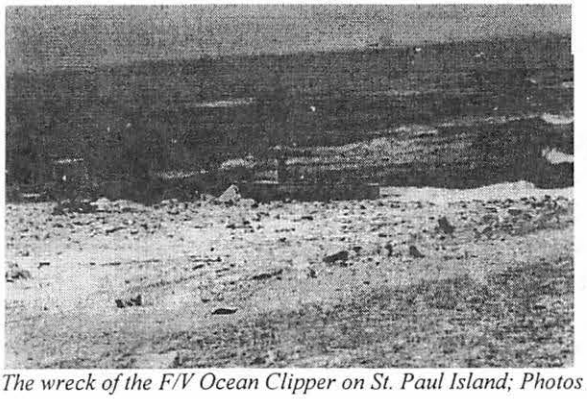
GLT Executive Director Phil Shephard gives reporters a tour of the Campbell Creek Estuary; Photo by GLT.

New Expertise in Hydrology for Restoration and Hydropower Projects

HCD added a new staff position this year in a new discipline: hydrology. Eric Rothwell, our hydrologist, helps to review hydropower and hydrokinetic projects by examining existing hydrologic data, information about fish usage of the project area, and applicants' study plans and then providing technical input regarding water flows and related issues. For restoration projects he reviews project plans and provides input on fish passage and hydrologic constraints, and also works with other agencies and non-governmental organizations to identify restoration partners and potential projects. HCD's habitat biologists have benefitted from Eric's hydrologic analysis and interpretation of related data and models associated with civil works projects, mine proposals, and other projects.

Ocean Clipper Removed from Fur Seal Rookery

HCD's efforts in partnership with the NOAA Restoration Center and NOAA Fisheries Protected Resources Division led to the removal of a derelict fishing vessel from a northern fur seal rookery on St. Paul Island. The F/V Ocean Clipper ran aground in 1987. The Coast Guard removed fuel, oil, and other pollutants but the vessel was not removed at the time due to extreme weather, remote location, and response crew safety. The wreck became an ongoing hazard to fur seals, many of which became trapped inside. HCD and the NOAA Restoration Center sought cooperation from Coastal America and the military's Innovative Readiness Training Program in 2007-08 to remove the vessel, but with no success. Finally, the NOAA Restoration Center was able to fund the removal under the American Recovery and Reinvestment Act. The removal was complicated by the degradation of the hull and a seasonal restriction to protect breeding, resting, and nursing fur seals, but the wreck was finally removed in April and May 2010.



The wreck of the F/V Ocean Clipper on St. Paul Island; Photos by Marine Conservation Alliance Foundation

National Fish Habitat Action Plan

HCD participated in planning for a new Pacific Marine and Estuarine Fish Habitat Partnership pursuant to the National Fish Habitat Action Plan. The new partnership is considered a candidate for full recognition by the National Fish Habitat Board. Its focus would be estuaries and other tidal habitats along the Pacific coast from Baja to southeast Alaska. A coordinator is being hired and then work will begin on developing a strategic plan. The overall goal is to facilitate collaboration amongst stakeholder groups to promote the conservation of coastal fish habitat. HCD also continued to support other fish habitat partnerships in Alaska: the Matanuska Susitna Basin Salmon Habitat Partnership, Kenai Peninsula Fish Habitat Partnership, and Southwest Alaska Salmon Habitat Partnership. These are all locally-driven private and public efforts to improve fish habitat. HCD supports and promotes the partnerships in many ways, such as helping to write portions of Strategic Plans, looking for funding opportunities to promote habitat protection and restoration, and recognizing noteworthy outcomes by nominating partners for national awards.

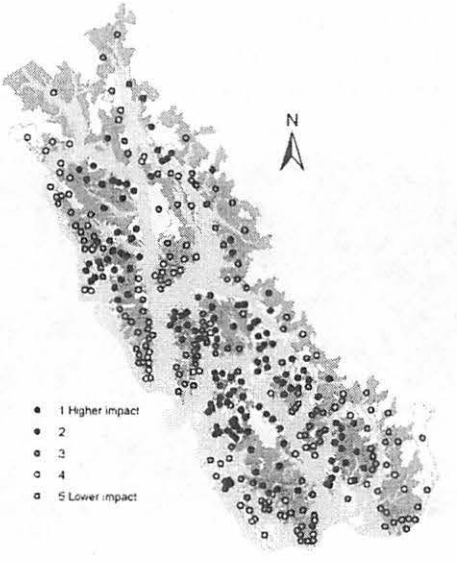
Klawock Causeway Monitoring

HCD worked with the NOAA Restoration Center and non-governmental organizations to develop and implement a monitoring plan for the Klawock River restoration project. The project, funded under the American Recovery and Reinvestment Act, involves breaching a large causeway to improve tidal flushing of the estuary and access for salmon. Unfortunately the original grant did not cover sufficient monitoring to document anticipated ecological changes. The new monitoring plan includes measurements of salinity and temperature; observations of salmon to ascertain presence/absence at the new culvert; delineation of eelgrass beds; and sampling for fish species diversity within selected eelgrass beds. Pre-construction (baseline) monitoring began in January 2010 and post-construction monitoring will begin in April 2011.

Other Noteworthy Activities

Coastal Habitat Assessment

HCD was instrumental in completing the Alaska portion of a coastal fish habitat assessment in support of the National Fish Habitat Action Plan, which calls for a nationwide evaluation of fish habitat quality. HCD joined a national team of experts to identify the variables most important in determining anthropogenic causes of decreased fish habitat quality and conduct statistical analyses to compare estuarine and coastal areas based on these variables. Alaska would have been left out of the national assessment had HCD not agreed to develop an approach that could work with the limited data available for Alaska. Alaska lacked a spatial framework suitable for the analysis because Alaska was not included in a Coastal Assessment Framework developed by NOAA Ocean Service in the 1990s. That framework delineated



coastal watersheds into estuarine and coastal drainage areas and provided information on coastal and estuarine processes that could be used in conjunction with stressor data to evaluate nearshore water quality and fish habitat. In a very short amount of time, HCD staff replicated many of the components of the framework for Southeast Alaska (an area as large as about half the east coast of the US) and compiled data to develop a risk index for coastal and estuarine areas. The results of this analysis were included in the report "The Status of Fish Habitats in the United States in 2010" which will be published in January 2011. Over the next two years the national team will develop methods to tie the initial risk-based analysis to fish habitat, and HCD will expand the coastal assessment methodology to the rest of coastal Alaska.

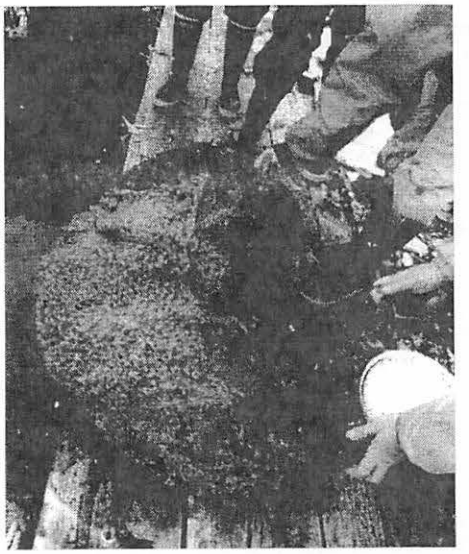
Sitka Bioblitz

As lead facilitator of the Marine Subcommittee of the Alaska Invasive Species Working Group, HCD staff partnered with the Alaska Department of Fish and Game, Smithsonian Environmental Research Center, Sitka Sound Science Center, Sitka Tribe, and San Francisco State University's Romburg Tiburon Center to host the first ever marine invasive species bioblitz in Southeast Alaska. A bioblitz is a rapid assessment of organisms present in a selected area, and this one targeted several invasive species that were known or suspected to occur in the Sitka area. Scientists and citizens surveyed ten sites over a weekend in June. The event demonstrated the feasibility of a marine invasive species bioblitz in Southeast Alaska, documenting the current distribution of botryllid tunicates in Sitka, experimenting with the removal of large botryllid colonies, searching for other marine invasive species, identifying vector opportunities for marine invasive species in the Sitka area, and informing and energizing Sitkans by engaging the community in an educational and fun activity.

Finding a creature of interest during the Sitka Bioblitz; Photo by Katharine Miller

Discovery of a New Marine Invasive Species

HCD staff were part of the Sitka bioblitz team that discovered a new marine invasive species in Alaska: the colonial tunicate *Didemnum vexillum*. This species was discovered at a Whiting Harbor aquafarm. Genetic tests by San Francisco State University's Romburg Tiburon Center later confirmed the species. The discovery of *D. vexillum* is a concern because this aggressive invasive is known from other parts of the world to smother benthic habitats from the intertidal zone to several hundred feet deep and negatively impact mariculture, habitat for commercial fisheries, and ecosystem integrity. Subsequent diver surveys by the Alaska Department of Fish and Game revealed a broad distribution in Whiting Harbor. HCD and partner agencies are coordinating the interagency response to maximize use of available resources and avoid duplication of effort.



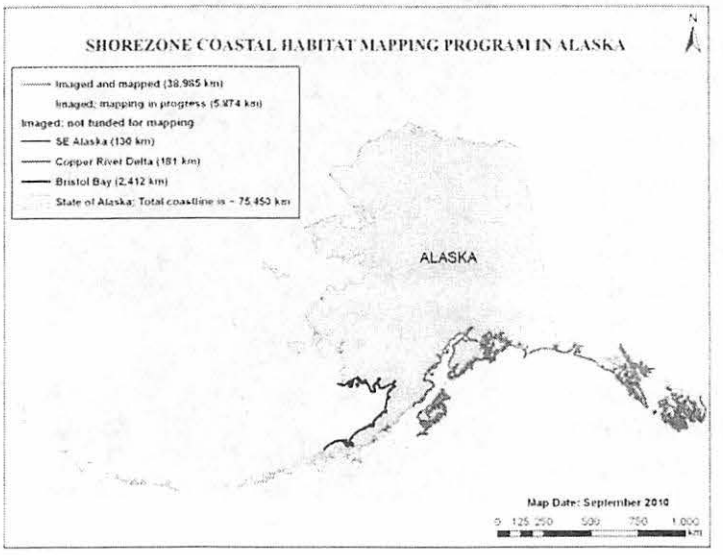
The invasive colonial tunicate Didemnum vexillum discovered on a Japanese lantern oyster cage in Sitka, Alaska; Photo by Linda Shaw

Nearshore Habitat Surveys

HCD staff assisted the Alaska Fisheries Science Center with surveys of fish in coastal habitats located near areas where we anticipate seeing development proposals in the near future. HCD compiles a priority list of sites for such nearshore sampling and helps with the field work when possible. This year's work included sites in Valdez Arm and upper Cook Inlet using a standardized beach seine survey coupled with tidal habitat profiling. An unexpected result was the replicated catch of longfin smelt off Fire Island in upper Cook Inlet. In nearly 1,000 seine hauls throughout Alaska, this is the only location where NOAA Fisheries has captured longfin smelt. The information from these surveys is extremely valuable for HCD's environmental reviews and consultations with agencies that authorize, fund, or undertake actions that may adversely affect EFH. The surveys enable HCD to provide site-specific data about the species and habitats that would be affected and the measures that should be taken to minimize adverse effects.

ShoreZone Mapping

ShoreZone is a coastal habitat mapping and classification system in which spatially referenced aerial imagery is combined with geological and biological interpretation to characterize coastal features and allow users to virtually "fly" the coast from any computer with internet access. To date 47,582 km or approximately 63% of Alaska's shoreline has been imaged, which is an increase of 3% from last fiscal year. Fifty-one percent (38,985 km) of the imagery is mapped with geomorphic and biologic features identified and entered into the ShoreZone database. Mapping is in progress for an additional 5,874 km (8%). Imagery and mapping data are accessible via an interactive website to provide coastal habitat information to decision makers and the public (www.alaskafisheries.noaa.gov/habitat/shorezone/szintro.htm).



Progress made toward imaging and mapping Alaska's shoreline.

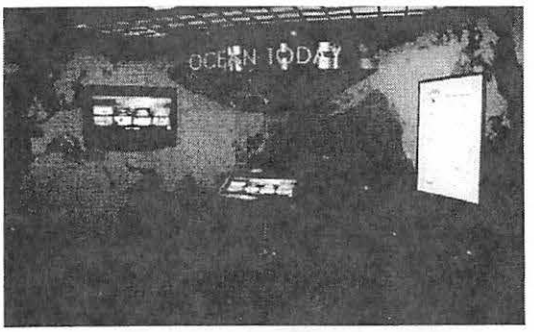
HCD continues to work with other agencies and organizations to promote use of ShoreZone data and fund additional data collection. During FY10 HCD staff coordinated ShoreZone briefings for several agencies and a work session at the Alaska Marine Science Symposium; secured $25,000 from the U.S. Fish and Wildlife Service's National Wildlife Refuge System for ShoreZone work; and contracted for two imaging surveys on the Alaska Peninsula that will be conducted in 2011.

ShoreZone and the Coastal Marine Ecological Classification System (CMECS)

HCD funded two studies to support the multiagency effort to develop a CMECS system that is technology independent and facilitates integration of existing data into a single framework. The first study was a cross comparison of the ShoreZone biophysical coastal habitat mapping system with the CMECS Version III. The project demonstrated the challenges of moving data from one system to the other and provided one of the first examples of coastal habitat mapping within CMECS. The results of this study were beneficial to the CMECS working group and led to some changes in their proposed system. The second study is currently in progress. The goal is to develop and populate a CMECS dataset using the CMECS Version III and then conduct a comparative analysis of the datasets developed in these two tasks and an assessment of the strengths and weaknesses of each approach.

Ocean Today Kiosk Installed

HCD directed funding to the Alaska Sea Life Center to support installation of an Ocean Today Kiosk – an interactive multimedia display that allows visitors to learn about marine habitat and other ocean issues via short videos. The kiosk is linked to the Smithsonian's new ocean hall and was developed by NOAA in partnership with the Smithsonian. Coastal America, an interagency partnership that promotes the conservation of coastal resources, has been working to install kiosks at aquariums and other facilities nationwide. HCD co-chairs the Coastal America team in Alaska.



Bronze Medal

HCD staff members Cindy Hartmann Moore, Linda Shaw, and Susan Walker received a Department of Commerce Bronze Medal award along with colleagues from the Alaska Region Analytical Team, Alaska Fisheries Science Center, and NOAA Acquisition & Grants Office for their work developing NOAA's versatile ShoreZone/FishAtlas database and website as a tool to help identify and conserve valuable Alaskan coastal habitats. Congratulations!

Pictured left to right: (back) NOAA Administrator Jane Lubchenco, Sue Walker, Linda Shaw, Sharon Kent, Mandy Lindeberg, Cindy Hartmann Moore, Deputy Assistant Administrator for Fisheries John Oliver, Deputy Director for Acquisition & Grants Tammy Journet, (front) John Thedinga, Steve Lewis, Scott Johnson

Please visit our website:
www.alaskafisheries.noaa.gov/habitat

Subject: [Fwd: Call for Nominations for MAFAC]
From: William Chappell <William.Chappell@noaa.gov>
Date: Fri, 03 Dec 2010 14:55:38 -0500
To: _NMFS FMC Exec Directors <NMFS.RFMC@noaa.gov>, Christopher M Moore <Christopher.M.Moore@noaa.gov>
CC: Heidi Lovett <Heidi.Lovett@noaa.gov>, Tara Scott <Tara.Scott@noaa.gov>, Emily Menashes <Emily.Menashes@noaa.gov>

Executive Directors:

We would appreciate it if you would pass this solicitation for MAFAC to anyone who might be interested. While it is in the Federal Register notice, please be reminded that a MAFAC member cannot be a Federal employee, a member of a Regional Fishery Management Council, or a registered Federal lobbyist. Mark Holliday can answer questions and there is general information about MAFAC on the NOAA Fisheries Service home page http://www.nmfs.noaa.gov/ocs/mafac/index.htm.
Respectfully,
Bill C.

NOAA Seeking Nominations for the Marine Fisheries Advisory Committee

NOAA Fisheries Service is seeking qualified nominees to serve on the Marine Fisheries Advisory Committee (MAFAC) to fill upcoming vacancies being created by vacancies and the expiration of an existing appointment in January. Nominees are appointed to serve on MAFAC by the Secretary of Commerce. MAFAC is the only Federal advisory committee with the responsibility to advise the Secretary of Commerce on all matters concerning living marine resources that are the responsibility of the Department of Commerce. MAFAC makes recommendations to the Secretary to assist in the development and implementation of Departmental regulations, policies and programs critical to the mission and goals of NOAA Fisheries Service.

Nominations are encouraged from all interested parties involved with or representing interests affected by NOAA Fisheries Service actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitments required for two annual meetings. Individuals serve for a term of three years for no more than two consecutive terms if re-appointed.

For full details on criteria and how to submit a complete nomination package, please review

the Federal Register Notice (click here, or go to: http://frwebgate3.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=tJAV9P/0/2/0&WAISaction=retrieve).
Nominations must be postmarked **on or before January 3, 2011**. Nominations should be sent to Dr. Mark Holliday, Executive Director, MAFAC, Office of Policy, NMFS F-14451, 1315 East-West Highway, Silver Spring, MD 20910. For further information, please contact Mark Holliday, MAFAC Executive Director; (301) 713-2239 x120; e-mail: Mark.Holliday@noaa.gov.

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"Those who dwell among the beauties and mysteries of the earth are never alone or weary of life."
- Rachel Carson

"We can't solve problems by using the same kind of thinking we used when we created them."
-Albert Einstein

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William D. Chappell
Chief, Regulatory Services Division (F/SF5)
NOAA Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Phone: 301-713-2337x169
Fax: 301-713-1175

the two-year period ending September 30, 2011.

Public Submissions: The public is invited to submit written statements to the President's Export Council by C.O.B. December 2, 2010 by either of the following methods:

Electronic Statements

Send electronic statements to the President's Export Council Web site at *http://trade.gov/pec/peccomments.asp;* or

Paper Statements

Send paper statements to J. Marc Chittum, President's Export Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230.

All statements will be posted on the President's Export Council Web site (*http://trade.pec/peccomments.asp*) without change, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Meeting minutes: Copies of the Council's meeting minutes will be available within 90 days of the meeting.

Dated: November 15, 2010.

J. Marc Chittum,

Executive Secretary, President's Export Council.

[FR Doc. 2010–29272 Filed 11–16–10; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA045

Nominations to the Marine Fisheries Advisory Committee

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; request for nominations.

SUMMARY: Nominations are being sought for appointment by the Secretary of Commerce to serve on the Marine Fisheries Advisory Committee (MAFAC or Committee) beginning in January 2011. MAFAC is the only Federal advisory committee with the responsibility to advise the Secretary of Commerce (Secretary) on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to the Secretary to assist in the development and implementation of Departmental regulations, policies and programs critical to the mission and goals of the NMFS. Nominations are encouraged from all interested parties involved with or representing interests affected by NMFS actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitments required for two annual meetings. Individuals serve for a term of three years for no more than two consecutive terms if re-appointed. NMFS is seeking qualified nominees to fill upcoming vacancies being created by vacancies and the expiration of an existing appointment in January, thereby bringing the Committee to its full complement of 21 members.

DATES: Nominations must be postmarked on or before January 3, 2011.

ADDRESSES: Nominations should be sent to Dr. Mark Holliday, Executive Director, MAFAC, Office of Policy, NMFS F–14451, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Mark Holliday, MAFAC Executive Director; (301) 713–2239 x120; e-mail: *Mark.Holliday@noaa.gov.*

SUPPLEMENTARY INFORMATION: The establishment of MAFAC was approved by the Secretary on December 28, 1970, and subsequently chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2, on February 17, 1971. The Committee meets twice a year with supplementary subcommittee meetings as determined necessary by the Committee Chairperson. No less that 15 and no more than 21 individuals may serve on the Committee. Membership is comprised of highly qualified individuals representing commercial and recreational fisheries interests, environmental organizations, academic institutions, governmental, tribal and consumer groups, and other living marine resource interest groups from a balance of U.S. geographical regions, including Puerto Rico, the Western Pacific, and U.S. Virgin Islands.

A MAFAC member cannot be a Federal employee, a member of a Regional Fishery Management Council, or a registered Federal lobbyist. Selected candidates must pass security checks and submit financial disclosure forms. Membership is voluntary, and except for reimbursable travel and related expenses, service is without pay.

Each nomination submission should include the submitting person or organization's name and affiliation, a cover letter describing the nominee's qualifications and interest in serving on the Committee, curriculum vitae and or resume of the nominee, and no more than three supporting letters describing the nominee's qualifications and interest in serving on the Committee. Self-nominations are acceptable. The following contact information should accompany each nominee's submission: name, address, telephone number, fax number, and e-mail address (if available).

Nominations should be sent to (*see* **ADDRESSES**) and must be received by (*see* **DATES**). The full text of the Committee Charter and its current membership can be viewed at the NMFS' Web page at *http://www.nmfs.noaa.gov/mafac.htm.*

Dated: November 12, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–29260 Filed 11–18–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–905]

Certain Polyester Staple Fiber From the People's Republic of China: Partial Rescission of the Third Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* November 19, 2010.

FOR FURTHER INFORMATION CONTACT: Steven Hampton or Jerry Huang, Office 9, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116 and (202) 482–4047, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2010, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on certain polyester staple fiber ("PSF") from the People's Republic of China ("PRC") for the period of review ("POR") June 1, 2009, through May 31, 2010. *See Antidumping or Countervailing Duty*

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

AGENDA B-1
Supplemental
DECEMBER 2010

DEC - 3 2010

Mr. Eric A. Olson
Chairman, North Pacific Fishery
Management Council
605 W. 4th Avenue
Anchorage, AK 99501

Dear Mr. Eric Olson:

Thank you for your letter requesting funding to support the North Pacific Fishery Management Council's efforts to restructure the North Pacific Groundfish Observer Program.

I commend the Council for taking positive steps to restructure the observer program. Creating a mechanism for NOAA's National Marine Fisheries Service (NMFS) to contract directly with observer providers on vessels with less than 100 percent observer coverage will allow NMFS to select vessels and deploy observers in a scientifically valid and unbiased manner. NMFS supports the Council's decision to provide observer coverage in previously unobserved sectors, such as the commercial halibut fleet and groundfish vessels less than 60 feet in length, and we appreciate that the Council and fishing industry were able to agree on a funding mechanism that levies 1.25 percent of the ex-vessel value of the landings in the new and restructured portions of the program to pay for observer coverage. All of these measures represent significant improvements to an industry-funded observer program that has contributed considerably to the management of the North Pacific groundfish fishery over the past 20 years.

With regard to the Council's request for $3.8 million to support the transition to a restructured observer program, NOAA's FY 2012 budget process is well under way. However, in light of the changes described above, NMFS will consider the Council's request for start-up funding as the budget process proceeds and final spending plans are formulated. I am encouraged by the Council's and the fishing industry's efforts to provide industry funding to support the observer program in the out years, thus requiring a one-time federal funding initiative only to transition from the status quo to the restructured observer program.

I appreciate your efforts on this important issue and the significant contributions the fishing industry has made to support the observer program.

Sincerely,

Eric C. Schwaab

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES