

## Executive Director's Report

### Crab Plan Team Nomination

Pursuant to the SSC recommendation, and the Council's agreement, to solicit for additional stock assessment and modeling expertise on the Crab Plan Team, we have received a nomination letter (Item B-1(a)) from Dr. Steve Martell, University of British Columbia. Dr. Martell has extensive experience in this field and has recently chaired our crab modeling workshop. His credentials will be reviewed by the SSC at this meeting and the Council could consider approving his appointment later this week.

### National Bycatch Report

NOAA Fisheries is on the verge of releasing its National Bycatch Report, and we were recently offered an opportunity for a quick turn-around review of the section on Alaska fisheries prior to its release. On May 24 I sent a letter to Mr. Eric Schwaab identifying some significant concerns with the Draft Report, and recommending these be addressed prior to the report being released. I know some other Councils had concerns with how the Draft Report depicted 'bycatch' in their regions as well, but I do not know yet whether or to what extent the agency intends to address these problems prior to releasing the report. I cannot share the Draft Report with you, but based on my comment letter (Item B-1(b)) you can ascertain the nature of the issues we identified.

### AFS panel on catch shares

The annual meeting of the American Fisheries Society (AFS) is September 4-8 in Seattle, and Jane DiCosimo has organized a panel on Design and Implementation of Catch Shares in U.S. Fisheries. That panel will be on September 7, and a copy of the speaker list is included here as Item B-1(c).

### ANPR for NS 10

Item B-1(d) is an April 21 Federal Register Notice issuing an advance notice of proposed rulemaking (ANPR) on potential revisions to the National Standard 10 guidelines, dealing with safety at sea and the 2006 MSA reauthorization which added language to require fishery impact statements to address the safety aspects of proposed management measures. NMFS is scoping the range of potential revisions, with comments due by July 20, 2011. I have also been told there will be some type of workshops around the U.S., including Alaska, prior to any final revisions being made. At our recent CCC meeting, I made the observation to NMFS leadership that we had a standing Enforcement Committee, and that the suggested requirement for a Safety Committee, or Safety Advisory Panel, may be somewhat redundant. Beyond that I do not have any specific comments in mind, but wanted to make sure the Council and industry were aware of this initiative.

### Letters of interest

Item B-1(e) contains two letters of interest that may not have made it into recent Council mailings – one is from Alaska Crab Coalition to Senator Mark Begich regarding treatment of crew members in the crab rationalization program, and the other is from the Alaska Bering Sea Crabbers to the Alaska Journal of Commerce regarding perceived bias in a recent article on safety in the crab fisheries.

### May CCC meeting

The annual meeting of the Council Coordination Committee (CCC), with Council and NMFS leadership, was held May 3-5 in Charleston, South Carolina. The agenda for that meeting is included under Item B-1(f). SAFMC Executive Director Bob Mahood is preparing a meeting summary which I will distribute as soon as it is completed, but I can update you on a few key discussion items. It does appear that NMFS intends to go forward with their initiative to develop some type of policy with regard to reviewing allocations under catch share programs. We discussed our continuing concerns with this initiative, namely that while it may be prudent to revisit certain allocation decisions, it could be unnecessary and disruptive to require that every allocation under a catch share program be revisited. We also continue to question whether NMFS has the authority to institute such a policy, which may well be beyond the requirements specified in the MSA, as opposed to this being a policy decision by the Council).

On budgets, we did get the reassuring information that NMFS intends to fully fund the Councils for FY2011; i.e., at least at the level of our 2010 funding. The 2012 outlook remains cloudy. Regarding our SOPPs revisions, we had further discussions among the Councils regarding the need to have consistency across the Councils in terms of content, and in terms of timing for submittal to NMFS for approval. For those reasons I am still working on the fine print and will have a document for Council review soon. On the issue of Coastal and Marine Spatial Planning (CMSP), we are still pushing for direct Council inclusion on any regional planning bodies, and we developed an informational brochure in that regard which was distributed in a recent Council mailing. I will be participating in the national CMSP invitation-only workshop later this month in D.C. (June 21-23), and I have been told that there is an intent to have a draft strategic action plan for implementation of CMSP in time for that meeting. Recall that I did submit a comment letter on April 29 on the development of the nine strategic action plans (one of which is CMSP) which was included in a recent Council mailing. I also learned last week that the NOC is planning listening sessions in Alaska on the topic of the nine strategic action plans – Barrow on June 9 and Anchorage on June 10.

Lastly we discussed once again the potential for a Managing our Nation's Fisheries III national conference, possibly next spring and possibly focused on the implementation of the Ocean Policy Task Force recommendations, including CMSP. The Pacific Fishery Management Council is taking the lead on organizing this conference, but I will be on the organizing committee, which is working with NMFS leadership to determine the best timing and focus for such a conference.

### GOA halibut PSC

At our last meeting you requested that we provide an update to you on progress for potentially implementing a halibut PSC adjustment as part of the specifications process for 2012 implementation, and to identify any areas where staff may require feedback from the Council. Item B-1(g) is the 'Action Plan' developed by staff, which identifies some suggested revisions to the Council Problem Statement, as well as some potential revisions to the options from the Council motion. We also identify some other areas where Council feedback will be helpful for staff to complete the necessary analyses for this October. Jane DiCosimo will provide this presentation to the Council.

### Events this week

Thursday evening starting at 5:30 pm the Marine Conservation Alliance (MCA) will host a salmon bycatch workshop here in the Council meeting room. They will provide information to interested persons on fishing industry bycatch control efforts, including some interesting technological/gear innovations.

NSEDC is organizing a number of events this week, including a reception at Old St. Joe's cathedral (where the AP is meeting) on Wednesday evening, a BBQ at Solomon (with stop at Safety Road House) on Saturday evening, and Quyanna night with Native dancing and Native Youth Olympics events on Monday the 13<sup>th</sup>.

Congrats, etc

I wanted to highlight the recent edition of Fisheries – the monthly magazine of the American Fisheries Society – and the cover article on catch share programs by Mark Fina. A copy was sent to you in a recent Council mailing. Nice job Mark!

And finally.....drumroll.....for those of you who don't know yet.....Mr. Glenn Merrill was recently selected as the Assistant Regional Administrator for Sustainable Fisheries at the NMFS Alaska Region office. That means he is the 'new Sue'. Actually, no one can replace Sue of course, but Glenn gets that corner office. Seriously, Glenn - congratulations on a BIG promotion!

Eric Olson  
North Pacific Fishery Management Council  
605 West 4th Ave, Suite 306  
Anchorage, AK 99501

May 24, 2011

Steven Martell, Prof.  
University of British Columbia, Fisheries Centre  
2202 Main Mall  
Vancouver, BC  
V6T 1Z4

Dear Chairman Olson,

This letter is to express my interest in an appointment to the Crab Plan Team (CPT) for the Alaska Fisheries Science Center. I have a great deal of experience in fisheries stock assessment using modern statistical software including AD Model Builder and R. I've also recently served as the chair for a recent Bering Sea crab modeling workshop. I'm currently an associate professor at the University of British Columbia's Fisheries Centre. I foresee a mutual benefit serving on the CPT, as I can bring experience with pure-length based assessment models and fisheries stock assessment.

I have spoken with the Director of my home institution (UBC Fisheries Centre) and he is very supportive of this opportunity. Our centre is very much involved in applied science, and this opportunity keeps us on the leading edge. Thank you very much for considering this interest.

Sincerely,

Steven Martell, Ph.D.  
Associate Professor,  
University of British Columbia,

cc'd Prof. Rashid Sumaila  
incl. Curriculum Vitae for Steven Martell

**THE UNIVERSITY OF BRITISH COLUMBIA**  
**Curriculum Vitae for Faculty Members**

Date: April 8, 2010

Initials: SJDM

1. **SURNAME:** Martell**FIRST NAME:** Steven**MIDDLE NAME(S):** James Dean2. **DEPARTMENT/SCHOOL:** Fisheries Centre3. **FACULTY:** Faculty of Graduate Studies4. **PRESENT RANK:** Assistant Professor**SINCE:** July 20045. **POST-SECONDARY EDUCATION**

University or Institution	Degree	Subject Area	Dates
University of British Columbia	Ph.D.	Fisheries Science	1999-2002
University of British Columbia	M.Sc.	Applied Ecology	1997-1999
University of British Columbia	B.Sc.	Marine Biology	1993-1997

**Title of Dissertation and Name of Supervisor**

Population dynamics of pink shrimp (*Pandalus jordani*) on the west coast of Vancouver Island:  
 recruitment variation and trophic interactions

Supervisor: Dr. Carl J. Walters

**Special Professional Qualifications**

Diploma in Fisheries and Aquaculture (Malaspina College)

WCB Crew Supervisor Electrofishing Certification

6. **EMPLOYMENT RECORD**(a) *Prior to coming to UBC*

University, Company or Organization	Rank or Title	Dates
University of Maryland, Center for Environmental Sci.	Assistant Professor	2003-2004
University of Wisconsin	Postdoctoral fellow	2002-2003
Department of Fisheries and Oceans Canada	Research Scientist	1999-2001
Vancouver Aquarium Marine Science Centre	Research Assisstant	1991-1999

(b) *At UBC*

Rank or Title	Dates
Assistant Professor	July-2004

(c) *Date of granting of tenure at U.B.C.:*

## 7. LEAVES OF ABSENCE

University, Company or Organization at which Leave was taken	Type of Leave	Dates
none		

## 8. TEACHING

(a) *Areas of special interest and accomplishments*

### Teaching Philosophy

There are three important criteria for a successful education: (1) exposure to courses that develop an essential set of skills that enable students to examine critical questions, (2) opportunities to reach beyond the scope of course work and thesis research, and (3) exposure to world class research. My philosophy toward teaching is that courses should be intellectually challenging, rewarding, and a source of continuous feedback. It is very important from both the student and teachers' perspective to provide stimulating course material that engages student discussion and thinking beyond the scope of a simple lecture. In my courses I like to present alternative arguments to particular problems, actively engage student participation, ask students to think critically about and examine ways in which to discern among alternative hypothesis. I also feel that courses should be rewarding for both student and teacher. Student performance is directly proportional to faculty interest and effectiveness in communicating ideas and course material. Both student and professor should have ample opportunities to evaluate how effectively the course material is being assimilated as a way to judge the performance of communicating and assimilating the ideas.

### Accomplishments

I am the first person to incorporate R and AD Model Builder into the Fisheries Centre curriculum. Both R and AD Model Builder are becoming the standard software tools used in fisheries science and Fisheries Agencies around the world.

(b) *Courses Taught at UBC*

Since the spring of 2005 I have taught 3 different graduate level courses: Research Skills for Fisheries Scientists (FISH 502), Quantitative Analysis of Fisheries I (FISH 504), and Quantitative Analysis of Fisheries II (FISH 505). FISH 502 was only taught in 2005; in 2006 I took over FISH 504 from Dr. Tony Pitcher and much of the course material that was taught in FISH 502 has now been integrated into FISH 504. The objectives of FISH 502 and now FISH 504 are to introduce students to the quantitative methods and theory used in fisheries science and management of natural resources. Since 2006, I have co-taught FISH 505 with Dr. Carl Walters; this course covers advanced topics and methods in fisheries science, with an emphasis on design of harvest policies for sustainable fisheries. We use a mixture of lectures, computer tutorials and real present day examples of fisheries data and stock assessments to teach students the main methods that are in use today. The students seem extremely interested in the real case studies as it allows them to compare their findings with official government reports.

Session	Course Number	Scheduled Hours	Class Size	Hours Taught			
				Lectures	Tutorials	Labs	Other
S 2005	FISH 502	39	27	36	24		5
W 2006	FISH 505	39	14	18	12		
W 2006	FISH 504	39	17	36	36		5

W 2007	FISH 504	39	10	36	36		40
W 2008	Fish 504	39	7	12	18		5
S 2008	FISH 505	39	5	19.5	19.5		10

## (c) Graduate Students Supervised and/or Co-Supervised

Student Name	Program Type	Year		Principal Supervisor	Co-Supervisor(s)
		Start	Finish		
Matias Braccini	Postdoctoral	2009		Steven Martell	
Mike Frisk, PhD	Postdoctoral	2005	2006	Steven Martell	Tom Miller
Josh Korman	Ph.D. (Zool)	2005	2009	Steven Martell	
Meaghan Darcy	Ph.D. (Zool)	2005		Steven Martell	
Brett van Poorten	Ph.D. (Zool)	2005		Carl Walters	Steven Martell
Jannike Falk-Peterson	Ph.D. (Zool)	2006		U. of Tromse, Norway	Steven Martell
Dana Haggarty	Ph.D. (Zool)	2009		Steven Martell	Jon Shurin
Line Christensen	M.Sc. (RMES)	2004	2006	Steven Martell	
Chad Wilkinson	M.Sc. (Zool)	2005	2009	Steven Martell	

## Thesis committees:

Student name	Program	Primary Supervisor	Year Start	Year Finished
Robyn Forrest	PhD	T. Pitcher	2004	2008
Mike Melnychuck	PhD	C. Walters	2004	2009
Natalie Ban	PhD	A. Vincent	2004	2008
Robert Ahrens	PhD	C. Walters	2004	2010
Meghan Moody	MSc	T. Pitcher	2004	2008
Sarah Foster	PhD	A. Vincent	2004	2009
Gakushi Ishimura	PhD	R. Sumaila	2004	2010
Pablo Trujillo	MSc	D. Pauly	2005	2007
Luciano Della Rosa	PhD	A. Trites	2005	2010
Erin Rechisky	PhD	C. Walters	2005	2010
Kerrie O'Donnell	PhD	A. Vincent	2006	
Diva Varkey	PhD	T. Pitcher	2006	
Rajeev Kumar	PhD	T. Pitcher	2007	
Rodrigo Montes	PhD	E. Pakhomov	2007	
Dale Marsden	PhD	R. Sumaila	2007	
Tom Porteus	PhD	M. McAllister	2007	

Rachael Louten	PhD	M. McAllister	2007	
Roseti Imo	PhD	R. Sumaila	2007	
Aya Murakami	MSc	J. Richardson	2008	2009
Laura Tremblay Boyer	MSc	D. Pauly	2008	
Francis Robertson	PhD	A. Trites	2009	
Shannon O'Bradovich	PhD	M. McAllister	2009	

(d) *Continuing Education Activities*

- I also contribute to of the Automatic Differentiation Model Builder (ADMB) Project (<http://admb-project.org/>) with newsletter contributions, as well as, actively participate in the ADMB users discussion forum.
- I've had visiting graduate students, postdoctoral fellows, Professors, and Government Scientists from other Universities attend my courses and workshops to learn how to use ADMB and R, some of these people include:
  - Olaf Jensen, University of Wisconsin
  - Hiroyuki Kurota, Japan
  - Kiersten Curti, University of Rhode Island.
  - Jon Schnute, DFO Canada
  - Jeremy Collie, University of Rhode Island
  - Carl J. Walters, University of British Columbia
  - Robert Bison, BC Ministry of Environment, Fish and Wildlife Branch.
  - Howard Townsend, NOAA Chesapeake Bay Office
  - Robert Latour, VIMS College of William and Mary.

(e) *Visiting Lecturer (indicate university/organization and dates)*

- University of Wisconsin/Zoology (Monica Turner), October 2005
- University of Washington, School of Fisheries, February, 2008
- University of Florida, September-October 2008

(f) *Other*

- Feb 2006: UBC. Non-linear parameter estimation: 4-day workshop on the use of Non-linear parameter estimation in fisheries science using Automatic Differentiation Model Builder.
- March 2007: Smithsonian Environmental Research Center (Annapolis MD). 4-day workshop on non-linear parameter estimation and the use of Automatic Differentiation Model Builder.
- Feb 2008: Pacific Biological Station, Department of Fisheries and Oceans. 2-day workshop on Bayesian methods in fisheries science using R.
- April 2008 UBC. *Non-linear parameter estimation and Management Procedure Evaluation workshop. 4-day workshop on the use of Automatic Differentiation Model Builder.*

## 9. **SCHOLARLY AND PROFESSIONAL ACTIVITIES**

(a) *Areas of special interest and accomplishments*

The over-arching objective of my research program is to better understand of the ecology of harvested species and how we can better manage exploitation of natural marine and freshwater systems. My research is very applied and I tend to focus on problems that are of immediate interest to the general public (e.g., conservation of endangered species) and fisheries management agencies (e.g., stock assessment and devising sustainable harvest policies). I have a special interest in designing monitoring programs, adaptive management experiments, computer models and statistical tools for better understanding the dynamics of natural populations and developing harvest policies that are robust to uncertainties. My areas of expertise are in fisheries stock assessment, non-



linear parameter estimation, Bayesian inference and decision analysis, and closed-loop policy evaluation or Management Procedure Evaluation.

(b) *Research or equivalent grants (indicate under COMP whether grants were obtained competitively (C) or non-competitively (NC))*

Granting Agency	Subject	COMP	\$ Per Year	Year	Principal Investigator	Co-Investigator(s)
NOAA	Blue Crab Assessment	C	\$166,315	2003	Thomas Miller	Steve Martell
NOAA	Ecosystem Modeling	C	\$80,000	2004	Villy Christensen	Steve Martell
NMFS	Grouper Assessment	C	\$83,088	2005	Behzad Mahmoudi	Steve Martell Carl Walters
NOAA	Chesapeake Stock Assessment	C	\$69,505	2005	Steven Martell	Villy Christensen Rob Latour
NOAA	Chesapeake Stock Assessment	C	\$58,631	2006	Steven Martell	
Elk Valley Coal	Monitoring: salmonids in the Elk River	NC	\$20,000	2006	Steven Martell	Chad Wilkinson
Elk Valley Coal	Monitoring: salmonids in the Elk River	NC	\$20,000	2007	Steven Martell	Chad Wilkinson
British Petroleum	Monitoring and assessment of salmonids in the Elk River drainage	NC	\$10,000	2008	Steven Martell	Chad Wilkinson
NSERC	Canadian Capture Fisheries Research Network	C	\$5,000,000	2010	Robert Stephenson	Martell, McAllister, Walters, Christensen and Trites +28 others
NSERC	Discovery Grant	C	\$20,000	2010	Steven Martell	

(c) *Research or equivalent contracts (indicate under COMP whether grants were obtained competitively (C) or non-competitively (NC)).*

Granting Agency	Subject	COMP	\$ Per Year	Year	Principal Investigator	Co-Investigator(s)
PSEG	Ecosystem Modeling	NC	\$125,000	2003	Steven Martell	Thomas Miller
NOAA/NMFS Hawaii	Hawaiian Bottomfish	NC	\$16,207	2005	Steven Martell	Meaghan Darcy
C. Peterson	Quahog Court Case Settlement	NC	\$5,000	2005	Steven Martell	

DFO Canada	Pacific Hake Assessment	NC	\$10,000	2005	Steven Martell	Nathan Taylor
USGS/GCMRC	Humpback Chub Assessment	NC	\$5,000	2006	Steven Martell	
NOAA/NMFS Hawaii	Hawaiian Lobster Assessment	NC	\$50,000	2006	Steven Martell	Carl Walters
NOAA/NMFS Hawaii	Hawaiian Bottomfish	NC	\$18,764	2006	Steven Martell	
NOAA/NMFS Hawaii	Hawaiian Bottomfish Assessment	NC	\$45,949	2007	Steven Martell	
DFO Canada	Pacific Hake Assessment	NC	\$10,000	2007	Steven Martell	
DFO Canada	Pacific Hake Assessment	NC	\$22,458	2008	Steven Martell	
University of Florida	Gulf Sturgeon Assessment	C	\$10,000	2009	Steven Martell	Bill Pine
DFO Canada	Pacific Hake Assessment	NC	\$24,314	2009	Steven Martell	
NOAA/NMFS Hawaii	Hawaiian Lobster Assessment	NC	\$13,000	2009	Steven Martell	
Greenpeace	EBS Pollock Assessment review	NC	\$15,000	2009	Steven Martell	
DFO Canada	Pacific Hake Assessment	NC	\$25,000	2010	Steven Martell	
USGS	Humpback Chub Assessment (Grand Canyon)	NC	\$17,000	2010	Steven Martell	

(d) *Invited Presentations*

- January 2008. "Should ecosystem management involve active control of species abundances?", NOAA, Honolulu Hawaii.
- February, 2008, "Stock Assessment from a Fisheries Management Perspective" University of Washington School of Fisheries. "
- February, 2007, NC State "Future of fisheries". (cancelled due to family matters)
- November 2006, "Incorporating juvenile indices into assessment and forecasts of Pacific hake abundance". Lowell Wakefield Symposium, Anchorage, Alaska.
- November 2006, A hierarchical assessment framework for meta-populations connected through larval dispersal. Mote Symposium, Sarasota Florida.
- May 2005. "Estimating components of population change for west coast Vancouver Island smooth pink shrimp (*Pandalus jordani*). Department of Fisheries and Oceans, St. Johns, New Foundland.
- October 2003, "Sustainable fisheries management from an ecosystem perspective", University of Maryland, Center for Environmental Science, Horn Point Labs.
- October 2003, "Information requirements for assessing trophic impacts of fisheries on ecosystems" PICES XII Annual Meeting, Seoul, Korea.

- May, 2003. "Using Ecospace to Assess Alternative Management Policies: MPAs for tuna fisheries in the Central North Pacific. University of Wisconsin, Center for Limnology, Madison WI.
- November, 2002. "Fishery/Mammal/Enhancement Trade-offs in the Pacific Northwest". Confronting Trade-offs in the Ecosystem Approach to Fisheries Management, 4<sup>th</sup> Mote Symposium, Sarasota, Florida
- May, 2002. "Effects of climate change on marine population abundance, and consequences for fisheries management." 41st Annual Meeting of the Canadian Society of Zoologists.
- October, 2000. "Simulating historical changes in the Strait of Georgia ecosystem using Ecopath with Ecosim." PICES IX Annual Meeting, Hakodate, Hokkaido, Japan.

(e) *Other Presentations*

(f) *Other*

- February 2008. Joint statistical committee for the Assessment of Pacific hake.
- June 2007. Chair, International Pacific Halibut Commission Technical Review.
- May 2007. Bottomfish Stock Assessment workshop, Honolulu, HI.
- September 2006. Pre-Recruit workshop, Santa Cruz, CA.
- May 2006. Bottomfish Stock Assessment workshop, Honolulu, HI.
- December 2005. Ecopath with Ecosim Workshop, Capetown South Africa
- November 2005. An introduction to Bayesian Analysis using R, University of Wisconsin, Madison.
- March 2005. Bayesian Hierarchical modeling workshop, Kamloops, BC.
- December 2004-Present. Member of the Joint Statistical committee for assessment and management of Pacific Hake.
- April 2003. NOAA Chesapeake Bay Ecopath with Ecosim workshop, Annapolis, Maryland. Workshop assistant providing tutorial advice for workshop participants.
- January 2003-Present. Consultant, British Columbia Hydro. Development of size/age composition models for estimating trends in mountain white fish recruitment.
- December 2002. Programming and introduction to non-linear parameter estimation workshop, University of British Columbia. Instructor for a 4-day workshop on programming in the Visual Basic Language and fitting models to data.
- November 2002. Charlotte Harbor Ecosystem modeling workshop, Sarasota, Florida. Consultant for developing a linkage between physical biogeochemical models and Ecosim and Ecospace.
- June 2002. Mixed error stock-recruitment models workshop, Department of Fisheries and Oceans, Nanaimo, BC. Instructor for a 4-day workshop on mixed error models, programming in Visual Basic and linking AD Model Builder with Visual Basic.
- April 2002. Programming in Visual Basic, with special reference to fisheries science workshop, University of British Columbia. Instructor for a 4-day workshop on using Visual Basic for Applications, building applets, and simple assessment models commonly used in fisheries science.
- January 2002. Stock recruitment assessment and policy analysis workshop, Ministry of Water Land and Air Protection, Kamloops, BC. Instructor for a 3-day workshop on

- Fisheries Research, 2008
- PNAS, 2008
- Alaska Sea Grant, 2008

(g) *External examiner (indicate universities and dates)*

- University of Kwazulu-Natal, Durban South Africa, 2007. PhD thesis for Mr du Bruyn
- University of Calgary, Alberta, 2007. PhD thesis for Mr Paul Askey

(h) *Consultant (indicate organization and dates)*

- Fisheries and Oceans, PBS Nanaimo, 2008
- National Marine Fisheries Service 2004-2007
- Department of Fisheries and Oceans 2004-2007

(i) *Other service to the community*

- Fraser Institute, Public Form on Saving the Salmon (Part II), 2006
- Independent reviewer for Pacific Stock Assessment Secretariat, DFO Canada, stocks reviewed:  
Pacific Herring (2003, 2004, 2006, 2008, 2009)  
Pacific Sablefish (2008, 2008)  
Strait of Georgia lingcod (2005)
- Independent reviewer for Atlantic States Marine Fisheries Commission:  
Weakfish (2006).
- Steering Committee for Dedicated Access Programs at the University of Washington School of Fisheries (PI, Prof. Tim Essington, funded by LENFEST)
- Panelist: "Age structure metrics for precautionary management: can simpler assessment tools save fish, time and money?" Oregon State University (PI Prof. Selina Hepple, funded by LENFEST).

**12. AWARDS AND DISTINCTIONS**

(a) *Awards for Teaching (indicate name of award, awarding organizations, date)*

(b) *Awards for Scholarship (indicate name of award, awarding organizations, date)*

- Rudy E. North Scholarship, Vancouver Aquarium, 1994-1997.

(c) *Awards for Service (indicate name of award, awarding organizations, date)*

(d) *Other Awards*

**13. OTHER RELEVANT INFORMATION (Maximum One Page)**

**THE UNIVERSITY OF BRITISH COLUMBIA**  
***Publications Record***

SURNAME: Martell

FIRST NAME: Steven

Initials: SJDM

MIDDLE NAME(S): James Dean

Date: 08/04/10

**1. REFEREED PUBLICATIONS**

In refereed scientific journals I have published a total of 26 articles with 7 first authored manuscripts since 2000. In my area of study, the Canadian Journal of Fisheries and Aquatic Sciences is considered to be the top journal (ISI Impact Factor of 2.276) where I have published 11 articles. I have also recently published articles in Fish and Fisheries (ISI Impact Factor 4.97), Fisheries Research (1.434), Ecological Applications (3.470), and ICES Journal of Marine Science (1.661). Since 2000 I have published over 30 refereed articles and co-authored 1 book, which have all been cited a total of 534 times (based on google Scholar results as interpreted by Publish or Perish; [www.harzing.com](http://www.harzing.com)). My author impact factor h-index is 12 and the g-index is 23.

In the list of publications below, my name is highlighted in **bold** and I have underlined the last names of students and postdoctoral fellows that I supervise. Publications that are of primary importance are marked with an asterisk (\*). I also list the number of times each article has been cited in parentheses after the citation.

(a) *Journals*

Frisk, M.G., Martell, S.J.D., Miller, T.J. and Sosebee, K. (In Press). Exploring the population dynamics of winter skate (*Leucoraja ocellata*) in the Georges Bank region using a statistical catch-at-age model incorporating length, migration, and recruitment process errors. Can J. Fish. Aquat. Sci. 67.

Marsden, D. A., **Martell**, S., and Sumaila, U.R. 2009. Retrospective bioeconomic analysis of Fraser River sockeye salmon fishery management. Fisheries Research, 97(1-2):32-41. (1 citation).

Pine, W. E., III, S. J. D. **Martell**, C. J. Walters, and J. F. Kitchell. 2009. Counterintuitive responses of fish populations to management actions: Some common causes and implications for predictions based on ecosystem modeling. Fisheries 34: 165-180. (0 citations)

**Martell**, S.J.D, C. Walters, U.R. Sumaila 2008. Industry funded fishing license reduction good for both profits and conservation. Fish and Fisheries, 9,1-12. (1 citation)

Walters, C. J., S.J.D. **Martell**, V. Christensen, B. Mahmoudi, 2008. An Ecosim model for exploring Gulf of Mexico ecosystem management options: implications of including multistanza life history models for policy predictions. Bull. Mar. Sci. 83 251-271. (4 citations)

Zeller, D., Darcy, M., Booth, S., Lowe, M. K., and **Martell**, S. J. 2008. What about recreational catch? Potential impact on stock assessment for Hawaii's bottomfish fisheries. Fisheries Research, 91, 88-97. (0 citations)

\***Martell**, Steven JD, William E. Pine III., and Carl J. Walters 2008. Parameterizing age-structured models from a fisheries management perspective, Can. J. Fish. Aquat. Sci. 65: 1586-1600. (3 citations)

**Martell**, S.J.D. and Walters, C.J. 2008. Experimental policies for rebuilding depleted stocks. Can. J. Fish. Aquat. Sci. 65: 1601-1609. (1 citation)

\***Martell**, S. J. D., C. J. Walters, and R. Hilborn. 2008. Retrospective analysis of harvest management performance for Bristol Bay and Fraser River sockeye salmon (*Oncorhynchus nerka*). Can. J. Fish. Aquat. Sci. 65:409-424. (1 citation)

- \*Forrest, R. E., S.J.D. **Martell**, M.C. Melnychuk, C. J. Walters 2008. An age-structured model with leading management parameters, incorporating age-specific selectivity and maturity. *Can. J. Fish. Aquat. Sci.* 65: 286-296. (2 citations)
- Pine, William E. III, Steven J.D. **Martell**, Olaf P. Jensen, Carl J. Walters, James F. Kitchell 2008. Catch-and-release and size limit regulation for blue, white, an striped marlin: the role of postrelease survival in effective policy design. *Can. J. Fish. Aquat. Sci.* 65 975-988. (1 citation)
- Frisk, M.G., T.J. Miller, S.J.D. **Martell**, and K. Sosebee 2008. New hypothesis helps explain elasmobranch outburst on Georges bank in the 1980s. *Ecological Applications*. 18: 234-245. (3 citations)
- Hrabick, T. R., O. P. Jensen, S. J. D. **Martell**, C. J. Walters, and J. F. Kitchell. 2006. Diel migration in the Lake Superior pelagic community. I. Variability in the extent of vertical migration of coregonids in response to varying predation risk. *Can. J. Fish. Aquat. Sci.* 63:2286-2295. (18 citations)
- Jensen, O. P., T. R. Hrabick, S. J. D. **Martell**, C. J. Walters, and J. F. Kitchell. 2006. Diel vertical migration in the Lake Superior pelagic community. II. modeling trade-offs at an intermediate trophic level. *Can. J. Fish. Aquat. Sci.* 63:2296-2307. (15 citations)
- Melis, T. S., S. J. D. **Martell**, L. G. Coggins. Jr., I. W.E. Pine, and M. E. Andersen. 2006. Adaptive management of the Colorado River ecosystem below Glen Canyon Dam, Arizona: using science and modeling to resolve uncertainty in river management. In: *Proceedings of the American Water Resources Association* URL [http://www.awra.org/proceedings/cd\\_proceedings.html](http://www.awra.org/proceedings/cd_proceedings.html). (1 citation)
- Coggins, L. G. J., W. E. I. Pine, C. J. Walters, and S. J. D. **Martell**. 2006. Age-structured mark-recapture analysis: A virtual-population-analysis-based model for analyzing age-structured capture-recapture data. *North American Journal of Fisheries Management* 26:201-205. (10 citations)
- Kitchell, J. F., S. J. D. **Martell**, C. J. Walters, O. P. Jensen, I. Kaplan, J. Watters, T. E. Essington, and C. H. Boggs. 2006. Billfishes in an ecosystem context. *Bull. Mar. Sci.* 79:669-682. (3 citations)
- Walters, C. J., S. J. D. **Martell**, and J. Korman. 2006. A stochastic approach to stock reduction analysis. *Can. J. Fish. Aquat. Sci.* 63:212-223. (13 citations)
- Walters, C. J., V. Christensen, S. J. D. **Martell**, and J. F. Kitchell. 2005. Possible ecosystem impacts of applying MSY policies from single-species assessment. *ICES Journal of Marine Science* 62:558-568. (45 citations)
- Lessard, R. B., S. J. D. **Martell**, C. J. Walters, T. E. Essington, and J. F. Kitchell. 2005. Should ecosystem management involve active control of species abundances? *Ecology and Society* 10:online <http://www.ecologyandsociety.org/vol10/iss12/art11/>. (18 citations)
- Martell**, S. J. D., T. E. Essington, B. Lessard, J. F. Kitchell, C. J. Walters, and C. H. Boggs. 2005. Interactions of productivity, predation risk, and fishing effort in the efficacy of marine protected areas for the central Pacific. *Can. J. Fish. Aquat. Sci.* 62:1320-1336. (12 citations)
- Taylor, N. G., C. J. Walters and S. J. D. **Martell** 2005. A new likelihood for simultaneously estimating von Bertalanffy growth parameters, gear selectivity, natural and fishing mortality. *Can. J. Fish. Aquat. Sci.* 62: 215-223. (7 citations)
- Kitchell, James F., Isaac Kaplan, Sean Cox, Steven J. **Martell**, Timothy Essington, Chris Boggs, Carl Walters. 2004. Ecological and economic components of alternative fishing methods to reduce bycatch of marlin in a tropical pelagic ecosystem. *Bulletin of Marine Science*. 74: 607-619. (5 citations)
- Cox, S. P., S. J. D. **Martell**, C. J. Walters, T. E. Essington, J. F. Kitchell, C. Boggs, and I. Kaplan. 2002. Reconstructing ecosystem dynamics in the central Pacific Ocean, 1952-1998. I. Estimating population

biomass and recruitment of tunas and billfishes. *Can. J. Fish. Aquat. Sci.* 59:1724-1735. (26 citations)

\*Cox, S. P., T. E. Essington, J. F. Kitchell, S. J. D. **Martell**, C. J. Walters, C. Boggs, and I. Kaplan. 2002. Reconstructing ecosystem dynamics in the central Pacific Ocean, 1952-1998. II. A preliminary assessment of the trophic impacts of fishing and effects on tuna dynamics. *Can. J. Fish. Aquat. Sci.* 59:1736-1747. (49 citations)

\***Martell**, S. J. D., and C. J. Walters. 2002. Implementing harvest rate objectives by directly monitoring exploitation rates and estimating changes in catchability. *Bull. Mar. Sci.* 70:695-713. (18 citations)

Walters, C. J., and S. J. D. **Martell**. 2002. Stock assessment needs for sustainable fisheries management. *Bull. Mar. Sci.* 70:629-638. (13 citations)

**Martell**, S. J. D., C. J. Walters, and S. S. Wallace. 2000. The use of marine protected areas for conservation of lingcod (*Ophiodon elongatus*). *Bull. Mar. Sci.* 66:729-743. (40 citations)

(b) *Conference Proceedings*

Marsden, A. D., S. J. D. **Martell**, and U. R. Sumaila. 2008. Retrospective economic analysis of Fraser River sockeye salmon fishery management. In: Proceedings of the 2006 International Institute of Fisheries Economics and Trade (IIFET) Conference, Portsmouth, UK.

(c) *Other*

**Martell**, S. (2009). Assessment and management advice for Pacific hake in U.S. and Canadian waters in 2009. DFO Can. Sci. Advis. Sec. Res. Doc., 2009/021:iv+54p.

**Martell**, S. J. D., 2008. Assessment and management advice for Pacific hake in U.S. and Canadian waters in 2008. Northwest Fisheries Science Center National Marine Fisheries Service National Oceanic and Atmospheric Administration 2725 Montlake Blvd., East Seattle, WA 98112, USA.

Helser, T. E and **Martell** S.J.D. 2007. Stock Assessment of Pacific Hake (Whiting) in U.S. and Canadian Waters in 2007. Northwest Fisheries Science Center National Marine Fisheries Service National Oceanic and Atmospheric Administration 2725 Montlake Blvd., East Seattle, WA 98112, USA.

Coggins, L.G., Pine, W.E., **Martell**, S.J.D., Melis, T.S. and Andersen, M.E. (2006) Adaptive management of the Colorado River ecosystem below Glen Canyon Dam, Arizona: using science and modeling to resolve uncertainty in river management. In: Proceedings of the American Water Resources Association. ([www.awra.org/roceedings/cd\\_proceedings.html](http://www.awra.org/roceedings/cd_proceedings.html).)

**Martell**, S. J. D., J. Korman, M. **Darcy**, L. B. Christensen, and D. Zeller. 2006. Status and trends of the Hawaiian bottomfish stocks: 1948-2004. NOAA, National Marine Fisheries Service, Technical Report, Honolulu, HI 57p.

Helser, T. E., I. J. Stewart, G. W. Fleischer, and S. **Martell**. 2006. Stock Assessment of Pacific Hake (Whiting) in U.S. and Canadian Waters in 2006. Northwest Fisheries Science Center National Marine Fisheries Service National Oceanic and Atmospheric Administration 2725 Montlake Blvd., East Seattle, WA 98112, USA.

**Martell**, S. J. D., C. J. Walters, and G. DiNardo. 2005. Stock Assessment of Northwestern Hawaiian Island Lobsters. National Atmospheric Administration, National Marine Fisheries Service, Honolulu, HI.

Miller, T. J., S. J. D. **Martell**, D. B. Bunnell, G. Davis, L. A. Fegley, A. F. Sharov, and C. F. Bonzek. 2005. Stock Assessment of Blue Crab in Chesapeake Bay. Chesapeake Biological Laboratory, Solomons, MD.

Helser, T. E., Fleischer, G. W., **Martell**, S. and Taylor, N. (2005). Stock assessment of Pacific hake (whiting) in U.S. and Canadian waters in 2004. Northwest Fisheries Science Center National Marine Fisheries

Service National Oceanic and Atmospheric Administration 2725 Montlake Blvd., East Seattle, WA 98112, USA.

- Martell, S.** (2004) Dealing with Migratory Species in Ecosystem Models. Pages 41-44 in Pitcher, T.J. (ed.) Back to the Future: Advances in Methodology for Modelling and Evaluating Past Ecosystems as Future Policy Goals. Fisheries Centre Research Reports 12(1): 158 pp.
- Martell, S. J. D.** 2002. Variation in pink shrimp populations off the west coast of Vancouver Island: oceanographic and trophic interactions. Ph.D. dissertation. University of British Columbia, Vancouver.
- Sinclair, A., S. **Martell**, and J. Boutillier. 2001. Assessment of Pacific cod off the west coast of Vancouver Island and in Hecate Strait, November 2001. Canadian Stock Assessment Secretariat 2001/159:60.
- Martell, S.**, J. Boutillier, H. Nguyen, and C. Walters. 2000. Reconstructing the offshore *Pandalus jordani* trawl fishery off the west coast of Vancouver Island and simulating alternative management policies. Canadian Stock Assessment Secretariat 2000/149:1-38.

## 2. **NON-REFEREED PUBLICATIONS**

### (a) *Journals*

### (b) *Conference Proceedings*

- Martell, S. J. D.** 2001. Simulating historical changes in the Strait of Georgia ecosystem using ECOPATH and ECOSIM. In Report of the 2000 BASS Workshop on the development of a conceptual model of the Subarctic. Pacific basin ecosystems, PICES-GLOBEC International Program On Climate Change And Carrying. Capacity Report of the 2000 BASS, MODEL, MONITOR and REX workshops, and the 2001 BASS/MODEL workshop. PICES Report No. 17.

### (c) *Other*

- Frisk, M.G.**, T.J. Miller, R.J. Latour and S.J.D. **Martell** (2005). An ecosystem model of Delaware Bay. Prepared for PSEG, New Jersey. pp. 161.
- Martell, S.** (2004) Dealing with Migratory Species in Ecosystem Models. Pages 41-44 in Pitcher, T.J. (ed.) Back to the Future: Advances in Methodology for Modelling and Evaluating Past Ecosystems as Future Policy Goals. Fisheries Centre Research Reports 12(1): 158 pp.
- Martell, S. J. D.**, A. I. Beattie, C. J. Walters, T. Nayar, and R. Briese. 2002. Simulating fisheries management strategies in the Strait of Georgia ecosystem using Ecopath with Ecosim. Pages 16-23 in T. Pitcher and K. Cochrane, editors. The use of ecosystem models to investigate multispecies management strategies for capture fisheries. Fisheries Centre Research Reports., Vancouver, BC.
- Martell, S. J. D.** 1999. Estimating lingcod biomass in Hecate Strait using stock reduction analysis. Pages 49-55 in N. Hagan, A. I. Beattie, and D. Pauly, editors. Back to the Future: Reconstructing the Hecate Strait Ecosystem. Fisheries Centre Research Reports., Vancouver, BC.
- Martell, S. J. D.**, and S. S. Wallace. 1998. Estimating historical lingcod biomass in the Strait of Georgia. Pages 45-47. in D. Pauly, T. Pitcher, and D. Preikshot, editors. Back to the Future: Reconstructing the Strait of Georgia Ecosystem. Fisheries Centre Research Reports, Vancouver, BC.
- Martell, S. J. D.** 1998. An in situ mark-recapture method for estimating fish abundance over small-scale areas. Pages 25-32. In. Proceedings of the American Academy of Underwater Science, Vancouver, BC.

## 3. **BOOKS**



(a) *Authored*

Walters, C. J. and S. J. D. Martell (2004). Fisheries Ecology and Management. Princeton, NJ: Princeton University Press. (204 citations)

(b) *Edited*

(c) *Chapters*

4. **PATENTS**

5. **SPECIAL COPYRIGHTS**

6. **ARTISTIC WORKS, PERFORMANCES, DESIGNS**

7. **OTHER WORKS**

8. **WORK SUBMITTED (including publisher and date of submission)**

Forrest, R. E., McAllister, M.K., Dorn M.W., Martell, S.J.D. and Stanley, R.D. In Review. Hierarchical Bayesian estimation of productivity and reference points for Pacific rockfishes (*Sebastes* spp.) under alternative assumptions about the stock-recruit function. Can. J. Fish. Aquat. Sci.

9. **WORK IN PROGRESS (including degree of completion)**

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.alaskafisheries.noaa.gov/npfmc>

May 24, 2011

Mr. Eric Schwaab, Assistant Administrator  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Schwaab:

Thank you for the opportunity to review select sections of the draft NOAA Fisheries National Bycatch Report. We appreciate that assembling information from the different regions into a standardized format is a huge undertaking, and we understand that NMFS is working to provide the public with the best available information about an issue of concern. We also understand that the agency wants to make this report available as soon as possible, hence your directions to the Council that "major changes to data and content cannot be made at this stage but minor edits or requests for clarification may be accommodated." However, given the high visibility this report will have, and the likely potential for it to be used or misused in the national debate over bycatch, we cannot support its release without significant revisions. **The report contains fundamental flaws in the data analysis, and serious omissions (as discussed below), which in turn lead to a series of misleading conclusions. Therefore, we cannot support its release at this time,** and recommend that the agency hold back this report until these problems are fixed and the concerns we raise are addressed.

Major Data Presentation Problems: There are several cases where the data as presented make no sense (many of which have to do with various GOA flatfish fisheries), suggesting there are serious flaws in the data organization and analysis. I will highlight a few of the most egregious examples:

- The data would indicate that the GOA sablefish trawl fishery is the cleanest trawl fishery in the U.S. by having the lowest bycatch rate (see executive summary Figure 4). The table shows that amazingly, the fishery caught 108,527 lbs with the only bycatch being 26 lbs of sculpins and 147 lbs of miscellaneous fish. In 2005, there was not a specific trawl fishery for sablefish – it was only caught incidentally in other fisheries. It would appear that the data presented for this 'fishery' are based on a couple of unobserved trips, due to the low catch amount and the absence of any bycatch of rockfish, halibut, or grenadiers. The data are thus very misleading, so the fishery should be removed or rolled up with other fisheries.
- The GOA deepwater flatfish fishery (mislabeled the GOA flatfish fishery in the Figure 4) is listed as the second lowest bycatch rates. The table shows that the fishery caught 1,059,172 lbs, (480 mt) of which only 7,488 lbs were discarded, consisting of deepwater flatfish, large sculpins, and seastars. Again, the data presented for this 'fishery' appears to represent a couple of unobserved trips, as the catch amounts were small, and there was not a single pound of halibut, rex sole, or flathead sole discarded. This fishery should be removed or rolled up with other fisheries.
- The report figure shows that the GOA flathead sole trawl fishery is ranked as the worst fishery in the nation for bycatch by having the highest bycatch rate (0.61). What the report fails to note is that this data as presented is due to the nature of the algorithm used to define a target in the mixed

flatfish trawl fishery, whereby the target is defined by the catch accounting system as the most abundant RETAINED species in the catch. So, what is defined as a flathead sole fishery actually catches mostly arrowtooth flounder, much of which were likely discarded due to its very limited edibility/marketability. Hence, while it appears that the flathead sole fishery has a high bycatch rate, it is simply a byproduct of the catch accounting system used for a different purpose – to track catch against TACs relative to fishery openings/closings.

**To resolve the above mentioned data problems, we would suggest rolling up the data for the GOA flatfish targets (flathead sole, rex sole, arrowtooth flounder, shallow water flatfish, and deepwater flatfish) and presenting this information as a single GOA flatfish trawl fishery, in the same way the GOA rockfish trawl fishery is a rollup of data from several different target rockfish complexes. We would suggest that the data from the sablefish trawl fishery could be combined with the rockfish trawl fishery because most trawl caught sablefish occurs in the rockfish trawl fisheries.**

Data from Tier 1: We would recommend removing fisheries estimated to be in Tier 1 from the bycatch estimation and calculations. As defined, data for Tier 1 fisheries are deemed UNRELIABLE. So why report the data throughout the report, and use it in the calculations of national discard ratio? This is a clear case of garbage in – garbage out. For example, the data in the report include the BSAI and GOA jig fisheries, but the data reported are clearly unreliable (vessels in the fleet didn't carry observers in 2005). According to the report, these jig fisheries have no bycatch of rockfish, pollock, halibut, or other fish except octopus. This is a function of what is landed by the vessels, not what is actually caught and discarded at sea.

Corals (Bryozoans) category: The incidental catch of deepsea corals in Alaska fisheries continues to get mis-represented by environmental advocacy groups, due to the fact that corals have been lumped together with bryozoans, hydroids, gersemia, and other invertebrates groups in the catch accounting system. Unless revised to reflect this fact, it should come as no surprise when some group has a news release stating "NMFS report finds Alaska bottom trawl fisheries destroy 119,259 pounds of corals!" Yet true corals may only represent 1/100<sup>th</sup> of this category. The category should be renamed, and the components listed in a footnote.

Data Expansion to State Fisheries: Expanding the bycatch ratio to unobserved fisheries provides additional sources of error, and as such should not be included in the report. The data for observed fisheries included in the bycatch report generated a bycatch ratio for each region. These ratios were then applied to all unobserved fisheries in each region then summed to generate total bycatch estimate for US fisheries. This expansion makes a very imprecise estimate of bycatch within each region even worse by introducing new assumptions. In the case of Alaska fisheries for example, the overall bycatch ratio of 0.07 from the fisheries data in the report (groundfish fisheries) is applied to all other fisheries in the region, including state fisheries such as the herring fisheries and salmon fisheries – fisheries with virtually zero bycatch. This is totally unsupportable and unnecessary.

We question even the inclusion of salmon in this report in the first place, as it is a fishery managed by the State of Alaska, and virtually all of the harvest occurs inside State waters. This inclusion presents an additional, and significant, misleading aspect to the report – by including these fisheries, one of the 'Fast Facts' for the Alaska Region (likely to be widely quoted) is that "observer programs are currently in place for 27 of the 77 fisheries". Practically speaking this is a seriously misleading 'fact', because in fact, even in 2005, observer programs were in place for virtually every federally managed fishery off Alaska. **The fact that we have the most comprehensive observer program in the U.S. is obscured by this misleading statement, which implies that only a third of our federally managed fisheries are observed.**

Key Stocks: The concept of key stocks needs to be reconsidered, and the fish species listed for Alaska region must be revised. The Councils were not provided Section 3 of the report to review, so we cannot provide comments on methodology and logic. However, the fish species chosen for key stocks seem to be inappropriate given the three listed criteria mentioned: high bycatch levels, special importance to management, and stock status concerns. Based on these criteria, it makes absolutely no sense to include demersal shelf rockfish as key stocks. The bycatch is extremely low (160 lbs in 2005 equating to a 0.0004 bycatch/catch ratio), these stocks have no species management concern (2005 catch of 187 mt from a TAC of 410 mt), and the stocks are neither overfished or undergoing overfishing. The same points could be made for red king crab and golden king crab as key stocks. We recommend that demersal shelf rockfish, red king crab, and golden king crab be deleted from the list of key stocks.

Bycatch definition: Without the rest of the report to review, we can only assume that the definition of bycatch used in the report was what was provided at the Council Chairs Committee meeting. "Bycatch: discarded catch of any living marine resource plus unobserved mortality due to a direct encounter with fishing gear. Discards: Living marine resources returned *unprocessed* to sea or elsewhere, including those release alive." As you are well aware, this is not the definition contained in the Magnuson Act, and thus raises a number of issues regarding what is included as bycatch in the report. For example, in Alaska, trawl catcher vessels deliver unsorted codends to motherships or shoreside processors. Most of the larger processors have plants that take the unmarketable fish and process them as fish meal (which is a component of chicken, fish, and livestock feed). So the fish are not returned to the sea and are clearly processed, even if not for human consumption. Hence, these fish are not discarded due to the report definition, and should not be included in the report tables. This should drop the estimates of discard to close to zero for many groundfish fisheries.

Causes of Discarding: The Alaska section only briefly mentions the reasons why fish are discarded. Most of the discards are economic discards. For example, table after table shows millions of pounds of arrowtooth flounder discarded. But the report fails to mention: 1) that this species has been generally unmarketable for human consumption, 2) that arrowtooth stocks comprise a very high proportion of the groundfish biomass, 3) that arrowtooth biomass is estimated to be at 3-times the  $B_{msy}$  level, and 4) that the arrowtooth stocks continue to increase in abundance. Without that information, an uninformed person may be aghast at the apparent lack of conservation of edible resources. Please add some context to help people understand this issue, rather than providing just data tables that are ripe for misuse and misperception.

Species included as bycatch: We recommend that commercially important fish bycatch be reported separately from the completely non-marketable invertebrate bycatch such as jellyfish, polychaetes, brittle stars, etc. The public has a very hard time distinguishing between bycatch, discard, and waste, and this report does not help in that regard.

Tables: To be useful, the tables need to show retention/landings of each species/stock in addition to discard amounts. Both parts of the equation need to be presented. Otherwise, the public gets misinformed about what is being discarded as bycatch and what is being retained for processing. We recommend revising the tables to include amounts of each species that are retained.

Executive Summary Alaska Section Edits:

- The 'Fast Facts' should be revised to say "species groups" instead of just species. There are substantially more than 91 species as listed. For example, the BSAI sculpin complex alone consists of 48 different sculpin species.

Mr. Schwaab  
May 24, 2011  
Page - 4

- The figure showing Alaska Region fish bycatch and landings by fishery needs revision as it includes a strange mix of fisheries that do not match the fisheries evaluated in section 4.3. What is the BSAI Flatfish Trawl Group fishery? Is it an aggregate of the various flatfish target fisheries, and if so, why would the fishery bycatch ratios be higher than all the component flatfish fisheries? Again, this is reflective of the major data problems and misaggregations contained in the report.
- Many of the 'Bycatch reduction success stories' reflect actions which have been taken since 2005. That should be clearly noted in the text tables.
- In the key fish and invertebrate stocks section, 'underdetermined stock' and 'undetermined species' should be revised to say 'multiple stocks'. The species and stocks are clearly not undetermined.

In conclusion, the report contains inaccurate information, or information wholly out of context, and provides misleading conclusions about a very high visibility and contentious issue. The report requires substantial revision before it should be released to the public. We recommend that the Councils be given an additional opportunity to review the revised report in its entirety, rather than just the executive summary and regional sections.

We look forward to working with you to improve the bycatch report over time, and encourage the agency to publish more recent bycatch information. Also, should the agency release a revised report this year, the Council would be very interested in receiving a presentation on the report at an upcoming Council meeting.

Sincerely,



Chris Oliver  
Executive Director

cc: Samantha Brooke  
David Detlor  
Ned Cyr  
Bill Karp  
Jim Balsiger  
Regional Fishery Management Councils



NEW FRONTIERS IN FISHERIES MANAGEMENT AND ECOLOGY:  
LEADING THE WAY IN A CHANGING WORLD

AMERICAN FISHERIES SOCIETY 141ST ANNUAL MEETING  
SEATTLE, WASHINGTON, SEPTEMBER 4-8, 2011. WWW.FISHERIES.ORG/AFS2011

**Design and Implementation of Catch Shares in U.S. Commercial Fisheries Symposium**

**Wednesday, September 7, 2011 – 8 am to 5 pm**

**Organizers: Jane DiCosimo (NPFMC), Michael Pentony (NERO), and Richard Van Hoosen (NERO)**

**Speaker List**

**1. Brian Rothschild, PhD, Yue Jiao, PhD, and Emily Keiley, University of Massachusetts Dartmouth**

Catch Share Systems: Requirements for Success

**2. Thomas B. Hoff, PhD, Jose L. Montanez, PhD, Christopher M. Moore, PhD. Mid-Atlantic Fishery Management Council**

Catch Share Plan for Surfclams & Ocean Quahogs (1990)

**3. Kate Quigley, South Atlantic Fishery Management Council**

Catch Share Plan for Wreckfish (1991)

**4. Sally Bibb, NMFS Alaska Regional Office**

Catch Share Plan for Western Alaska CDQ (1992)

**5. Jane DiCosimo, North Pacific Fishery Management Council**

Design Features of a Catch Share Plan for Commercial Halibut and Sablefish In Alaska (1995)

**6. Jane DiCosimo, North Pacific Fishery Management Council**

Proposed Catch Share Plan for Alaska's Charter Halibut Sector (Withdrawn)

**7. Sally Bibb, NMFS Alaska Regional Office**

Catch Share Plans for Inshore and Offshore Pollock Cooperatives of the Bering Sea (1999)

**8. William Whitmore, PhD and Melissa Vasquez, NMFS Northeast Regional Office**

Catch Share Plan for New England Multispecies Sectors (2004; 2007)

**9. Forrest Bowers, NMFS Alaska Regional Office**

Crab Rationalization After Five Years – Innovation Becoming the Norm

**10. Stephen A. Bortone, PhD and John T. Froeschke, PhD - Gulf of Mexico Fishery Management Council**

Individual Fishing Quota Programs for Red Snapper (2004) and Grouper/Tilefish (2010) In the Gulf of Mexico

**11. Glenn Merrill, NMFS Alaska Regional Office**

Catch Share Plan for Central Gulf of Alaska Rockfish Pilot (2007)

**12. Jose L. Montanez, PhD and Christopher M. Moore, PhD, Mid-Atlantic Fishery Management Council**

Catch Share Plan for Mid-Atlantic Golden Tilefish (2009)

**13. Peter Christopher and Emily Bryant, NMFS Northeast Regional Office**

From Open Access to Assigned Rights: Examining the Development and Implementation of the Atlantic Sea Scallop Individual Fishing Quota Program for General Category Vessels (2010)

- 14. Michele Culver, Washington Department of Fish and Wildlife**  
Pacific Coast Groundfish Trawl – A Transition From Trip Limits to Catch Shares
- 15. Gordon Gislason, GSGislason & Associates Ltd.**  
Fisheries Catch Share Programs – the Canadian Experience
- 16. Joseph Sullivan, JD, Mundt MacGregor LLP**  
Comparison of Cooperative Structures
- 17. Michael Downs, PhD and Stephen Weidlich, AECOM**  
Community Elements In North Pacific Catch Share Plans
- 18. Michael Pentony, William Whitmore, PhD, and Melissa Vasquez, National Marine Fisheries Service Northeast Region**  
Role of Permit Banks In Catch Shares
- 19. Melissa Vasquez and Olivia Rugo, National Marine Fisheries Service Northeast Region**  
Sector Outreach: Grassroots to High-Tech
- 20. Mark Holliday, PhD, NMFS Headquarters**  
NMFS Catch Share Policy/Comparison of Elements
- 21. Gregory Power and Barry Clifford, NMFS Northeast Regional Office**  
Overview of Implementing Catch Shares From a General Reporting Standpoint
- 22. J. Michael Lanning, PhD, NMFS Northeast Regional Office**  
Northeast Groundfish Catch Share Data Imputation
- 23. Daniel Caless, NMFS Northeast Regional Office**  
Discard Estimation Methodology Used for Northeast Groundfish Catch Share Monitoring
- 24. Richard Van Hoosen, PhD, NMFS Northeast Regional Office**  
Quality Assurance Metrics In Catch Share Data Management
- 25. Stanley Wang, PhD, NMFS Northeast Regional Office**  
Monitoring Systems In Catch Share Management
- 26. Joshua Wiersma, PhD, Northeast Fishery Sector XI and XII**  
The Impacts of Catch Share Management on Fishing Patterns and Productivity of New Hampshire Groundfish Vessels
- 27. Jessica Melgey and Anne Hawkins, New England Fishery Management Council**  
Accumulation of Fishing Privileges Under Amendment 16 to the Northeast Multispecies FMP: Sector Analysis After One Year
- 28. Ray Hilborn, PhD, University of Washington**  
CSP Symposium Wrap-up

mechanism would help to ensure that Tribal priorities are met in providing USF support for the extension of mobile voice service. To the extent other options may be preferable, commenters are requested to discuss alternatives in detail and explain how these options would work in the context of the proposed competitive bidding mechanism. Commenters are also invited to provide information about what factors are most important in targeting limited support for mobile wireless service within Tribal lands.

### 2. Possible Requirement for Engagement With Tribal Governments Prior to Auction

6. Several commenters suggest that parties participating in a Mobility Fund auction seeking support to serve Tribal lands be required to demonstrate that Tribal governments have been formally and effectively engaged in the planning process and that the service to be provided will advance the goals established by the Tribal government. The Commission seeks comment on those proposals. What issues should receive priority in a flow of information and exchange of ideas with Tribal governments? What subjects of discussion will increase the potential for sustainability and adoption of the contemplated service? Among other things, the Commission believes the topics of engagement with Tribal governments could include: (1) Needs assessment, deployment planning and inclusion of Tribal anchor institutions and communities; (2) feasibility and sustainability planning; (3) marketing supported services in a culturally sensitive manner; (4) rights-of-way processes, land use permitting, facilities siting and cultural preservation review processes; and, (5) compliance with Tribal business and licensing requirements. At what point in time should any such engagement requirement apply (*e.g.*, at the short-form or long-form application stage)? Commenters are invited to address the appropriate scope and timing of a potential consultation requirement.

### 3. Possible Preference for Tribally-Owned and -Controlled Providers

7. At least one comment to the Mobility Fund NPRM suggested a preference for Tribally-owned and -controlled providers. Specifically, the Commission seeks comment on a proposal that would provide a form of bidding credit to qualified Tribally-owned and -controlled providers. If a provider qualified for this bidding credit, its per-unit bid amount would be reduced by a designated percentage for

purposes of comparing it to other bids made—although if the bid were to win, support would be calculated at the full, undiscounted bid amount. That is, the “reduced” bid would fall lower in the ranking of bids from lowest to highest, making it more likely that a Tribally-owned and -controlled entity would be among the winning bidders eligible to receive funding, but the bidding credit would not reduce the amount of funding that the entity would receive if it were to be awarded support. The Commission seeks comment on this approach. The Commission also invites comment on whether a Tribal preference is appropriate in the context of awarding universal service funds. To the extent the Commission wishes to adopt such a bidding credit for Tribally-owned and -controlled providers, what percentage would be appropriate? Are there other methods the Commission should consider to provide a preference to Tribally-owned and -controlled providers? The Commission notes that the establishment of an absolute Tribal priority, as proposed in the mobile spectrum context and adopted in the context of the Tribal Priority for radio broadcast licensing, may not be appropriate here. This is because in the reverse auction mechanism proposed for the Mobility Fund, an award would not be made for each area, but instead support would be granted only for those areas where the per-unit bids are lowest.

8. The Commission also seeks comment on whether it should employ both a priority unit mechanism and a bidding preference for Tribal entities at the same time. And, if not, which of these mechanisms may work more effectively in a Mobility Fund auction to target support consistent with Tribal needs?

### 4. Timing of a Tribal Mobility Fund Auction

9. In the Mobility Fund NPRM, the Commission noted that addressing Mobility Fund support for Tribal lands on a separate track could be beneficial in providing adequate time to consult with Tribal governments and seek their input. While commenters generally supported creation of a separate Tribal Mobility Fund, they cautioned that addressing Tribal issues on a “separate track” should not put them on a “slow track.” The Commission agrees that Tribal issues are a priority and should be resolved expeditiously in order to speed the provision of services on Tribal lands. The Commission observes, however, that there are pending proposals regarding utilization of spectrum over Tribal lands that could benefit from the support that may be

available through a Tribal Mobility Fund auction. In particular, the *Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum Over Tribal Lands, Notice of Proposed Rulemaking*, 76 FR 18476, April 4, 2011, proposes a variety of options for Tribal entities to access spectrum over Tribal lands. The Commission seeks comment on the extent to which these open issues should influence the timing of a possible Tribal Mobility Fund auction.

### Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the *Mobility Fund NPRM* included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission’s proposal. The Commission invites parties to file comments on the IRFA in light of this additional notice.

### Procedural Matters

*Ex Parte Presentations.* This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules.

Federal Communications Commission.  
Margaret W. Wiener,  
Chief, Auctions and Spectrum Access  
Division.

[FR Doc. 2011-9860 Filed 4-20-11; 8:45 am]  
BILLING CODE 6712-01-P

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 110218147-1199-01]

RIN 0648-BA74

### National Standard 10 Guidelines

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



**ACTION:** Advance notice of proposed rulemaking; request for comments; notice of a public meeting.

**SUMMARY:** NMFS issues this advance notice of proposed rulemaking (ANPR) to provide background information and request public comment on potential adjustments to the National Standard 10 Guidelines.

**DATES:** Written comments regarding the issues in this ANPR must be received by 5 p.m., local time, on July 20, 2011. A public meeting to obtain additional comments on the items discussed in this ANPR will be held at the NOAA Science Center in Silver Spring, MD, on May 19, 2011 from 1 p.m. to 3 p.m. NMFS may hold additional meetings during the comment period and will announce those meetings in the *Federal Register*.

**ADDRESSES:** A public meeting will be held on May 19, 2011 from 1 p.m. to 3 p.m. at the NOAA Science Center, 1301 East-West Highway; Silver Spring, MD 20910.

You may submit comments, identified by "0648-BA74", by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>.

- **Fax:** 301-713-1193, Attn: Debra Lambert.

- **Mail:** Debra Lambert; National Marine Fisheries Service, NOAA; 1315 East-West Highway, Room 13403; Silver Spring, MD 20910.

**Instructions:** All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Debra Lambert, National Marine Fisheries Service, 301-713-2341.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) contains 10 national standards (NS) with which all Fishery Management Plans (FMPs) and their amendments and implementing

regulations must be consistent. Section 301(b) of the MSA requires that "the Secretary establish advisory guidelines (which shall not have the force and effect of law), based on the national standards to assist in the development of fishery management plans." Conforming to the NS guidelines (50 CFR part 600, subpart D) when preparing an FMP, FMP amendment, and regulations is essential to properly addressing the intentions of Congress when it established and revised the MSA.

The Sustainable Fisheries Act, signed into law in 1996, added National Standard 10 (NS10) to the MSA (15 U.S.C. 1801 *et seq.*). National Standard 10 states: "Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea." NMFS published final guidelines for NS10 in 1998 (63 FR 24212; May 1, 1998). More recently, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, added section 303(a)(9)(C) to the MSA, which states that fishery impact statements shall address the impact of conservation and management measures and include possible mitigation measures for "the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery."

**Need for Revision**

Commercial fishing is one of the most dangerous occupations because fishing operations are often conducted under poor weather conditions, high winds, cold temperatures, and on moving platforms that can be slippery or icy; some gear types can be dangerous to operate; a number of structural or mechanical problems can arise on vessels; and the work can be physically straining and lead to fatigue. Recreational fishing, including the for-hire charter and party-boat segments, can also be a dangerous activity with participants facing many of the same risks as commercial participants.

The National Standard 10 Guidelines are the primary source of guidance for the consideration of safety issues in fishery management regulations. The current Guidelines are relatively short and have four main sections with the following elements: (1) A general statement that fishing is a dangerous occupation and recommendation that Regional Fishery Management Councils (Councils) reduce safety risks when developing management measures; an explanation of the qualifying phrase "to the extent practicable" in NS10; and an explanation that the phrase "safety of

human life at sea" refers to both the safety of a fishing vessel and the safety of persons aboard the vessel; (2) a list of safety issues to consider when evaluating management measures; (3) a recommendation that during the preparation of any FMP, FMP amendment, or regulation that might affect safety of human life at sea, the Council should consult with the U.S. Coast Guard and fishing industry as to the nature and extent of any adverse impact; and (4) a list of mitigation measures that could be considered when management measures are developed.

Recent events suggest a need to revise the guidelines for NS10. The current Guidelines are thirteen years old and fisheries management and fishing vessel safety science in general has evolved during that time. NOAA has new fishery management requirements and policies in place, and the implementation of these measures will lead to changes in the way fisheries are managed. Major changes in fisheries management that change the way fishing operations are conducted, including catch share programs, could impact the safety of fishermen at sea, and those impacts should be assessed during the management process.

As mentioned above, section 303(a)(9)(C) to the MSA states that fishery impact statements shall include possible mitigation measures for "the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery." This is a relatively new requirement (added by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006) and NMFS could provide guidance on addressing this requirement in the revised National Standard 10 Guidelines.

There are also external factors that point to the need to focus on safety at sea. The Coast Guard Authorization Act (CGAA) of 2010 was signed by President Obama on October 15, 2010. Section 604 of the CGAA builds on requirements set forth in the Commercial Fishing Industry Vessel Safety Act of 1988, including the following: It authorizes the U.S. Coast Guard to examine at dockside, at least once every 2 years, fishing vessels that operate beyond 3 miles to ensure that they meet safety standards; it authorizes and requires a training program for the operators of fishing vessels that operate beyond 3 miles; and it establishes design and construction standards for all new vessels. Furthermore, the CGAA requires that Alternative Compliance and Safety Agreement programs be

developed for certain groups of existing fishing vessels. These new requirements highlight an emphasis on improving fishing vessel safety. NMFS will ensure that revisions to the NS10 Guidelines will complement the new mandates of the CGAA.

The current NS10 Guidelines do not contain any guidance on analytical methods to evaluate safety. Recent work by the National Institute for Occupational Safety and Health and the U.S. Coast Guard has shown that the fishery management process can more explicitly address safety at sea by analyzing fatalities and calculating fatality rates for the fishery and understanding the overall trend in fatality rates. This information can be used in risk assessments to identify major hazards within a fishery. NMFS could include guidance on the analytical approaches for addressing safety considerations in the revised NS10 Guidelines.

For the above reasons, NMFS believes it is appropriate and timely to revise NS10 Guidelines and is accepting public comments on potential revisions to the Guidelines. Through the revision of the NS10 Guidelines, NMFS intends to enhance consideration of safety issues in fisheries management.

#### Public Comments

To help determine the scope of issues to be addressed and to identify significant issues related to this action, NMFS is soliciting written comments on this ANPR and will hold a public meeting at the NOAA Science Center in Silver Spring, MD, on May 19, 2011 from 1 p.m. to 3 p.m. NMFS may hold additional public meetings during the comment period and will announce those meetings in the Federal Register. The public is encouraged to submit comments related to the specific ideas mentioned in this ANPR. NMFS is also seeking additional ideas and solutions to improve safety at sea and the NS10 Guidelines. All written comments received by the due date will be considered in drafting proposed revisions to the NS10 Guidelines.

#### Issues Under Consideration

In considering potential revisions to the NS10 Guidelines, NMFS has identified the following list of issues related to safety of human life at sea. NMFS seeks public comment on the scope of this ANPR generally and the potential for guidance on the following fisheries safety issues.

1. *Assembling Fatality, Injury, and Vessel Loss Information:* Establishing guidance on how to assemble and analyze data on fatalities and injuries

for each Federal fishery using information from NMFS's National Observer Program, U.S. Coast Guard investigations, U.S. Coast Guard's Marine Information and Safety and Law Enforcement database system, and National Institute for Occupational Safety and Health data.

2. *Developing Fatality, Injury, and Vessel Loss Rates:* Establishing guidance on how to estimate workforce for each Federal fishery in order to calculate fatality and injury rates. By combining fatality and non-fatal injury information with workforce estimates, injury, fatality, and vessel loss rates can be calculated to identify trends over time.

3. *Evaluating Risks:* Establishing general guidance on how to conduct fishery specific risk assessments, which can help identify major safety hazards within a fishery. The frequency for conducting such assessments will also be explored.

4. *Safety Considerations and Mitigation Measures:* Risk assessments may identify that fishery conservation and management measures are needed and appropriate to improve safety at sea. The current NS10 Guidelines contain three safety considerations (operating environment, gear and vessel loading requirements, and limited season and area fisheries) and eight mitigation measures to consider when developing management measures (see 50 CFR 600.355 paragraphs (c) and (d)). NMFS seeks comments on these sections and, if appropriate, additional safety considerations and mitigation measures that could be added to the Guidelines. For example, NMFS could consider how fishery management measures can better complement and reinforce U.S. Coast Guard safety regulations. In addition, where regulations currently restrict vessel upgrades or replacement, mitigation measures could include allowing for vessel replacement in a fleet so that older vessels can be replaced with newer and safer vessels. Other potential mitigation measures could include eliminating or reducing penalties for cutting fishing trips short due to weather or other conditions and extending fishing seasons to allow for quotas to be reached.

5. *Recreational Fisheries:* NMFS welcomes information about safety issues in both the private recreational and the recreational for-hire components of recreational fisheries and suggestions on how to address them.

6. *Establishing a Safety Committee:* The current NS10 Guidelines (50 CFR 600.355 paragraph (d)) recommend that Councils consult with the U.S. Coast Guard and the fishing industry during the development of management

measures that might affect the safety of human life at sea. NMFS welcomes comments on this guidance and if improvements to the consultation process are necessary, NMFS could recommend that Councils and the Secretary of Commerce (Secretary), as appropriate, establish a Safety Committee or Safety Advisory Panel that regularly reports on ongoing activities to reduce injuries, fatalities, and vessel losses within their jurisdiction. U.S. Coast Guard personnel, NMFS National Observer Program personnel, and state enforcement officers would be encouraged to participate on such committees and/or panels.

7. *Stock Assessment and Fishery Evaluation Reports:* Establishing guidance for the type of safety information to include in Stock Assessment and Fishery Evaluation (SAFE) reports. The National Standard 2 Guidelines state that safety information should be summarized in SAFE reports. SAFE reports provide Councils and the Secretary with important scientific information needed for management purposes and different types of safety information could be added to these reports to better inform the Councils and the Secretary.

8. *Fishery Impact Statements:* Establishing guidance for addressing safety issues in fishery impact statements, as required by the MSA. Fishery impact statements are supposed to address the impact of conservation and management measures and include possible mitigation measures for "the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery" (MSA section 303(a)(9)(C)).

#### Special Accommodations

The public meeting to be held at the NOAA Science Center on May 19, 2011 from 1 p.m. to 3 p.m. will be accessible to people with physical disabilities. Request for sign language interpretation or other auxiliary aids should be directed to Debra Lambert (301-713-2341), by May 5, 2011.

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

Dated: April 15, 2011.

Samuel D. Rauch III,  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

[FR Doc. 2011-9718 Filed 4-20-11; 8:45 am]

BILLING CODE 3510-22-P

**Alaska Crab Coalition**  
3901 Leary Way N.W. Ste. #6  
Seattle, Washington 98107  
206.547.7560  
Fax 206.547.0130  
accrabak@earthlink.net

**RECEIVED**  
MAY 23 2011

May 19, 2011

Senator Mark Begich  
144 Russell Senate Office Building  
1st and C Sts., NE  
Washington D.C. 20510

Dear Senator Begich:

It has come to our attention that you have received communications complaining of alleged inequitable treatment of crew in the Bering Sea/Aleutian Islands crab fishery program. We find the attacks leveled against the North Pacific Fishery Management Council process and against good faith cooperative efforts by the stakeholders to address crew-related issues to be entirely unfair and unwarranted. In point of fact, the BSAI program provides benefits to skippers and crew that are unique in all American fisheries management. These benefits include an *initial* allocation of quota to skippers and federal loans statutorily established *specifically* for BSAI crab fishing crew.

In point of fact, Congress enacted a statute with a provision directing the North Pacific Council to establish the BSAI crab rationalization program, and enacted a further statute authorizing and directing implementation of the Council's response. The program was, thus, given great forethought, and was, upon completion of the Council process, approved expressly by Congress as having achieved a fair and equitable balance of the interests of all stakeholders, including crew. The process of consideration in the Congress and the Council, including exhaustive analysis and extensive public testimony, consumed more than twelve years (EIS, Appendix 1- RIR, August 2004; and Appendix 1-1 of Appendix 1, RIR, November 2003). Needless to say, every group with a stake in the new management system would have liked to have achieved more in its own interest. However, compromises were necessary and were made on all sides to achieve the critically important goals of effective conservation, economic stability, and safety. As statutorily required review of the program amply reflects, these goals were achieved.

Congress has been consistent in its insistence that stakeholders make every effort to reach agreement among themselves on how best to address unresolved issues. In the case of crew-related issues, stakeholders have done just that, both in recommendations to

Congress concerning legislative direction and authorization, and in further implementation of the program.

Crew-related issues have received extensive, and even special consideration by the NPFMC, particularly throughout the year, 2008, and proposals and negotiations are underway within the industry in 2011. In 2008, the Council-appointed Crab Advisory Committee assumed the task of fleshing out several pressing issues for negotiated compromises. The Council included crew issues as a priority for the group and eventually, on August 11<sup>th</sup> of that year, convened a special workshop in Anchorage to assist crewmen in developing concepts for proposals. Virtually all of the issues identified in 2008 and others have been resolved through industry negotiations, with the exception of crew-related issues. At the December 2010 Council meeting, the Council received an in-depth Report on the 5-Year Review of the Crab Rationalization Program. It is the most recent, and the best, information available regarding crew pay, and the effects of leasing on crew compensation. Report data is based on audited financial information provided by vessel owners, as mandated by the NPFMC for the crab program. "Overall, data and anecdotal reports suggest that remaining crew positions in the fisheries are more stable and (there is) generally greater total pay under the rationalization program." (Review, p. 57.) In addition, on average based again on the 5-Year Review, deck crew are making \$734/day fishing red king crab (10.9% higher than before the Program) while making \$483/day fishing opilio (1.8% higher than before the Program). (Review, p.51.)

Although crew compensation per day and per season overall has increased under the crab program, the Council and the industry are concerned that the data and conclusions in the 5-Year Review illustrate a continued decline in the percentage of gross revenues the crew are receiving, most notably in the red king crab fishery. The industry goal is to stop the decline and to turn it around. The main reason for the declining trend is the number of new entrants who are now participating in the fishery through ownership of vessels with little direct ownership of quota. In effect, these new entrants are forced to lease quota shares for nearly all the crab they catch. Since red king crab brings a higher lease rate than does opilio crab, the effect on crew pay as a percentage of gross revenues is more pronounced in the red king crab fishery than in the opilio fishery. Although the news is nearly all positive in regards to crew pay, the industry understands the need for vessel owners, quota share holders, and crew to work together to reverse this trend in the future. A second round of meetings began amongst all affected parties on May 3<sup>rd</sup>, with the goal to resolve the issue in a manner that works for crew, existing vessel and quota share holders, and new entrants purchasing crab vessels or quota share.

Below are the Council's recent comments about the program, which reflect general approval of the program, however, they also include tasking of the harvesting sector to resolve issues related to crewmen.

The Council appreciates the work of the Council and NOAA Fisheries staff, as well as that of Mike Downs, AECOM, Inc., Commander Mike Woodley, USCG and Jennifer Lincoln, National Institute of Occupational Safety and Health, in preparing the five year review of the crab rationalization management program

for Bering Sea and Aleutian Island crab fisheries. The five year review demonstrates that many aspects of the Bering Sea and Aleutian Islands crab rationalization management program seem to be working well for the stakeholders. For example, participants have adapted to the complications of the 'three-pie' system, safety goals continue to be achieved and overcapitalization has been reduced. However, the review also indicates that there are some aspects of the program that may merit further consideration. **Program stakeholders, as well as the Advisory Panel, have identified several problem areas, including issues of equitable crew compensation, quota lease rates and active participation, as related to program participation opportunities and next generation ownership, and certain aspects of the binding arbitration system.** Nevertheless, it will take some additional time for Council members to more fully evaluate the five year review and assess oral and written public testimony to determine whether or not additional Council action is needed. In the meantime, the Council strongly encourages crab rationalization stakeholders to work together within the industry to craft solutions to the concerns identified. Stakeholder solutions will be considered by the Council should a formalized five year review amendment package be developed.

Since the December meeting, Bering Sea crab harvesting organizations have developed a 5-Year Review Committee and they have held several public meetings via open teleconference to deal with proposals that will provide the crew with right of first offer to purchase a minimum of ten per cent of quota shares that are offered on the market, and crew compensation issues. A meeting was held at the Deep Sea Fishermen's Union Hall on March 18<sup>th</sup>, and progress reports have been made to the Council in public testimony at the February and April Council meetings. A teleconference workshop has also been conducted in Seattle on May 3<sup>rd</sup> and 4<sup>th</sup>, with a satellite site connection in a public meeting room, in Kodiak. A link was also established in the offices of the Commercial Fisheries and Agricultural Bank (CFAB) and the Southwest Alaska Municipal Conference (SWAMC), in Anchorage. These meetings are being assisted with NPFMC staff support, Dr. Mark Fina.

We reject the charge that the present program violates the Magnuson-Stevens Fishery Conservation and Management Act. It is, of course, open to critics of the program to take their grievances to court. However, we hope you agree that the preferred approach should be continued dialogue aimed at a result that will enjoy wide support among interested groups. That result is our objective.

It is important to remember that our fishery was plagued with resource and economic problems and was infamous for its position as the most dangerous occupation in the country and that, thanks to the good will and dedicated efforts of Congress, the North Pacific Council, the Commerce Department, vessel owners, communities, processors, and skippers and crew, that tragic history is behind us. We owe it to all involved to ensure that our program performs to the fair expectations of all stakeholders, and we remain committed to meet that responsibility.

We will keep you informed of our efforts. If you have questions or concerns, please do not hesitate to let us know.

Sincerely,



Arni Thomson, Executive Director  
Alaska Crab Coalition

cc: Washington Congressional Delegation  
Eric Schwab, Assistant Administrator, NMFS  
Jim Balsiger, Regional Administrator, Alaska, NMFS  
Erik Olson, Chairman, NPFMC  
Cora Campbell, Commissioner, ADFG



**ALASKA BERING SEA CRABBERS**

**RECEIVED**  
MAY 24 2011

NPFMC, Agenda B-1, Executive Director's Report

May 22, 2011

**Letter to the Editor, Alaska Journal of Commerce**

This letter is in response to your May 6th article "State's workplace deaths down, crabbing still most dangerous job" by Andrew Jensen. [http://alaskajournal.com/stories/050611/loc\\_swddcsm.shtml](http://alaskajournal.com/stories/050611/loc_swddcsm.shtml)

I have read several of Mr. Jensen articles and normally he is a good and fair minded writer, mostly writing well rounded articles in an unbiased manner. However when he writes about the Bering Sea Crab fishery and in particular the crab catch share program, he has some obviously negative opinions and biases. No matter what the author's personal opinions may be of the crab catch share program we should expect to receive unbiased and thoroughly researched reporting from a well respected publication such as the Alaska Journal of Commerce.

The most recent example of Jensen's continuing anti-crab program bias is in his article stating that the Bering Sea Crab Fishery is still the Deadliest Job. Safety was one of the primary arguments and the main cornerstone for the Bering Sea crab fisheries adapting a catch share program, that is why Safety is such a very important point for writers to get correctly when reporting about us. The following two NIOSH reports clearly state that Alaska Bering Sea crab is not the most dangerous job, and if someone digs just a bit closer one can tell this fishery is well on the way to becoming the "Safest Catch".

From the Alaska region Report titled "**Fatal Occupational Injuries in the U.S. Commercial Fishing Industry: Risk Factors and Recommendations Alaska Region**" [http://www.cdc.gov/niosh/docs/2011-103/pdfs/AK\\_CFID\\_Summary\\_EV.pdf](http://www.cdc.gov/niosh/docs/2011-103/pdfs/AK_CFID_Summary_EV.pdf)

See Chart 1, page 3. For the years 2000-2009 it is clear in this illustration that Bering Sea Crab is not the Deadliest Job in Alaska.

**Commercial Fishing Fatality Rates for Full-time Equivalent (FTE) Workers,**

**Alaska, 2000-2009**

<b>Fishery</b>	<b>Fatalities</b>	<b>FTEs</b>	<b>Annual rate per 100,000 FTEs*</b>
Bering Sea Aleutian Island Freezer Trawl	22	6,489	340
Bering Sea Crab	12	4,658	260
Alaska Halibut	10	7,519	130
Alaska Salmon	39	34,287	115

From the National CDC Report titled "Commercial Fishing Deaths — United States, 2000–2009"  
[http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5927a2.htm?s\\_cid=mm5927a2\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5927a2.htm?s_cid=mm5927a2_w)  
 See chart 2. Again in the national report Bering Sea Crab is not the Deadliest Catch in the U.S.

**TABLE 2. Commercial fishing fatalities and fatality rates\* for full-time equivalent (FTE) employee, by fishery type — United States, 2000–2009**

Fishery	Fatalities	FTEs	Annual rate per 100,000 FTEs
<b>Groundfish</b>			
Northeast multispecies groundfish	26	4,340	600
Atlantic snapper/grouper	6	3,622	170
Alaska halibut	10	7,519	130
Alaska cod	26	21,327	120
Alaska sole	21	—†	—
Gulf of Mexico snapper/grouper	10	—	—
<b>Shellfish</b>			
Atlantic scallop§	44	10,384	425
West Coast Dungeness crab¶	25	8,092	310
Bering Sea and Aleutian Islands crab	12	4,658	260
Gulf of Mexico shrimp	55	—	—
Northeast lobster	18	—	—
Gulf of Mexico oyster	11	—	—
<b>Pelagic fish</b>			
Alaska salmon	39	34,287	115
West Coast tribal salmon	10	—	—
Other fisheries**	165	—	—
Unspecified	26	—	—

\* Rates were calculated by dividing the total number of fatalities for the 10-year period by total annual FTEs.

† Unknown.

§ Includes the Northeast and Mid-Atlantic regions.

¶ Excludes two Washington tribal crab fatalities, which are not included in the FTE count.

\*\* Fisheries with <10 fatalities each.

Mr. Jensen further exaggerates the fatality record of the Bering Sea Crabbers by stating we have had four fatalities since the Catch Share program began in 2005'. When in fact according to all reports there has been one unfortunate fatality since the crab program began in August of 2005. I am not an Epidemiologist, but I do not think it takes one to figure out that one death in six years (including this last 2010 crab season just concluded) certainly brings the Bering Sea rate well below any of the above



fisheries listed. Just using numbers from NIOSH I was able to come up with the below chart showing the Bering Sea Crab fisheries improvement from the 90's when we unfortunately received the title of Deadliest Catch, with an average of 8 fatalities per year.

	Avg yearly Fatalities	% Decrease since 90's
1990 to 1999	8	
2000 to 2009	1.2	567%
August 2005 to Present	0.167	4700%

A reader of the article also walks away based on Jensen's article with the notion that the Crab Program has increased the need for Coast Guard presence in the Bering Sea. One must realize the Bering Sea in the winter is a very busy place, there are many fisheries being prosecuted at this time (Pot Cod, Trawl Cod, Long Line Cod, Pollack, Scallop and Flat Fish) and hundreds of cargo vessels transiting the area, presenting many more boats and at sea personnel than just the crab fleet. Jensen mentions the 8 medevacs and 11 search and rescues this winter on the Bering Sea, what is not mentioned is that none or few of these were from the crab fleet.

Another good source for Mr. Jensen if he is interested in writing an accurate article on our fishery is a report by Dr. Jennifer Lincoln of NIOSH "**Review of Safety Under the Crab Rationalization Management Program for Bering Sea and Aleutian Islands Crab Fisheries**" [http://alaskafisheries.noaa.gov/npfmc/current\\_issues/crab/5YearRev1210\\_AppxB.pdf](http://alaskafisheries.noaa.gov/npfmc/current_issues/crab/5YearRev1210_AppxB.pdf) given in the NPFMC five year review of the crab program. The report explains the reasons why this fishery is so much safer now than before the program. Dr. Lincoln herself would have been a good person to have interviewed before writing such an article, if a writer was interest in a truthful article.

Alaska Bering Sea Crabbers is working with NIOSH, Coast Guard, North Pacific Fishing Vessel Owners Association (NPFVOA), Seattle Fisherman's Memorial Fund, Alaska & Washington Sea Grant and others in partnership with education and safety awareness programs for our crews, captains and vessel owners. Another benefit of the Crab Program is that it has given our vessels the funding needed to be able to pursue such safety programs and vessel improvements identified as safety issues. Hopefully together we can all continue this momentousness decrease in fatalities in the Bering Sea Crab fleet. I am looking forward to the day the Alaska Journal of Commerce or any other publication has an article declaring Bering Sea crab as the "Safest Catch".

Jim Stone

President, Alaska Bering Sea Crabbers and 32 year veteran of the crab fishery

*Alaska Bering Sea Crabbers is a harvester alliance that represents all crab fisheries of the Bering Sea and Aleutian Islands. The group is active in research, marketing and crab advocacy at all policy levels. The Crabbers partner with Alaska seafood processors and coastal communities to improve our industry for the benefit of all. [www.alaskaberingscraabbers.org](http://www.alaskaberingscraabbers.org)*

cc: Eric Olson, Chairman, NPFMC

Jim Balsiger, Regional Administrator, NMFS, AK

Cora Campbell, Commissioner, ADFG

## COUNCIL COORDINATION COMMITTEE

MAY 3-5, 2011

Doubletree Guest Suites Hotel

181 Church Street, Charleston, SC 29401

Phone: 843-408-8733 or 843-577-2644

Fax: 843-577-2697

<http://www.fisherycouncils.org/CCC/CCC.htm>

# AGENDA

(4/22/11)

### Tuesday, May 3

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
1:30 - 2:00	Welcome/Introductions	David Cupka Eric Schwaab
2:00 - 3:30	Council Reports on Status of Implementing Magnuson-Stevens Act Provisions and Other Current Activities of Interest <ul style="list-style-type: none"><li>• Annual catch limits</li><li>• Ending overfishing</li><li>• Status of rebuilding plans</li><li>• Catch shares</li><li>• Problems/concerns/other issues</li></ul>	Chairmen/EDs (TAB 1)
3:30 - 3:45	Break	
3:45 - 4:30	Council Reports Continued	Chairmen/EDs
4:30 - 5:30	Allocation of fishery resources	George Lapointe (TAB 2)
5:30	Adjourn for the Day	

### Wednesday, May 4

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
8:00 - 9:00	Budgets <ul style="list-style-type: none"><li>• FY2011: status, Council funding</li><li>• FY2012: update</li><li>• Council competition for additional grant funds</li></ul>	Gary Reisner (TAB 3)
9:00 - 9:30	Performance Measures Status	Galen Tromble (TAB 4)
9:30 - 10:00	NEPA update and issues	Steve Leathery (TAB 5)

# COUNCIL COORDINATION COMMITTEE

Wednesday, May 4

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
10:00 - 10:30	Status report on E.O. 13563	Sam Rauch (TAB 6) Caroline Park
10:30 - 10:45	Break	
10:45 - 12:00	National Bycatch Report	Samantha Brooke (TAB 7)
12:00 - 1:30	Lunch	
1:30 - 2:30	National Catch Share Policy Status	Kelly Denit (TAB 8)
2:30 - 3:30	MPA network <ul style="list-style-type: none"><li>• Update</li><li>• Council participation in MPA network</li></ul>	Sam Rauch (TAB 9) Chris Moore
3:30 - 3:45	Break	
3:45 - 4:45	MRIP/Recreational data <ul style="list-style-type: none"><li>• Update</li><li>• Using MRIP for recreational in-season adjustments</li></ul>	Gordon Colvin (TAB 10) Russell Dunn
4:45 - 5:30	Law Enforcement <ul style="list-style-type: none"><li>• Update</li><li>• NOAA GC penalty schedules</li></ul>	Alan Risenhoover (TAB 11)
5:30	Adjourn for the Day	

Thursday, May 5

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
8:00 - 9:00	USCG Issues	LCDR Schaeffer (TAB 12)
9:00 - 10:00	National Ocean Council/Coastal and Marine Spatial Planning	Sam Rauch (TAB 13) Bob Mahood
10:00 - 10:15	Break	
10:15 - 10:45	National SSC Workshop	Chris Moore (TAB 14)

# COUNCIL COORDINATION COMMITTEE

Thursday, May 5

<u>Time</u>	<u>Discussion Item</u>	<u>Presenter(s)</u>
10:45 - 12:30	Outreach	Councils/NMFS (TAB 15)
	<ul style="list-style-type: none"><li>• NOAA Fisheries activities</li><li>• RFMC activities<ul style="list-style-type: none"><li>➤ Communication Committee collective efforts</li><li>➤ Individual Council efforts</li><li>➤ Funding</li></ul></li><li>• Joint efforts<ul style="list-style-type: none"><li>➤ MONF III National Conference</li><li>➤ Funding</li></ul></li><li>• Marine Resource Education Program (MREP)</li></ul>	Laurel Bryant Don McIsaac  Don McIsaac  Kate Burns
12:30 - 1:00	Other Business and next annual CCC Meeting	David Cupka (TAB 16)
1:00	Adjourn Meeting	

## Draft GOA Halibut Prohibited Species Catch Limit Action Plan

May 25, 2011

### Proposed action

Revise the GOA Halibut Prohibited Species Catch Limits through the annual groundfish harvest specifications process for 2012/2013.

### Problem statement<sup>1,2</sup>

*The GOA Groundfish ~~FMP and NMFS rule-making~~ harvest specifications annually establish a 2,000mt halibut Prohibited Species Catch (PSC) limit for trawl gear and a 300mt halibut PSC limit for hook and line gear. The FMP authorizes the Council to recommend, and NMFS to approve, annual halibut mortality limits as a component of the proposed and final groundfish harvest specifications. Halibut PSC limits are set separately for trawl and fixed gear, which may be further apportioned by season, regulatory area, and/or ~~target fishery~~ PSC fishery category.*

*Since the existing GOA halibut PSC ~~caps~~ limits were established, the total biomass and abundance of Pacific halibut has varied and in recent years the stock has experienced an ongoing decline in size at age for all ages in all areas. Exploitable biomass has decreased 50% over the past decade. In recent years, the directed halibut catch limits in the GOA regulatory areas 2C, 3A and 3B have declined steadily. From 2002 to 2011 the catch limit for the combined areas 2C, 3A, and 3B declined by almost 50%. While total biomass is high, much of this biomass is made up of smaller fish that are more vulnerable than larger fish to trawl gear.*

*With the exception of ~~bycatch~~ PSC limit reductions in the IFQ sablefish fishery, and the Rockfish Pilot Program, the current PSC limits ~~bycatch limits~~ have not been revised since 1989 for trawl gear and 1995 for hook and line gear (~~Amendment 18~~). Since that time there have been significant changes in groundfish and halibut management programs and fishing patterns, environmental conditions, fishing technology, and our knowledge of halibut and groundfish stocks. Halibut is fully utilized in the directed sport, subsistence and commercial fisheries and is of significant social, cultural and economic importance to communities throughout the geographical range of the resource. Halibut PSC ~~allowances~~ limits are also critical to the prosecution of many groundfish fisheries operating in the GOA.*

*The GHL for the charter sector in Area 2C has declined from 1,432,000 to 788,000 net pounds in the last 5 years, and progressively restrictive management measures have been implemented to keep this sector within its GHL.*

*Recognizing the significant decline in exploitable biomass, the uncertainties about current halibut stock dynamics and the effect of current PSC limits ~~bycatch levels~~ on the halibut commercial catch limits and biomass and all user groups, the Council acknowledges a need to evaluate existing halibut PSC limits and consider reductions.*

### Analysis

EA, RIR<sup>3</sup>, IRFA

<sup>1</sup> Adopted by the Council in April 2011

<sup>2</sup> Staff recommends replacing "bycatch" and "incidental catch" with "prohibited species catch" to conform to language in the MSA.

<sup>3</sup> Option 3b is now the status quo. Option 3a would amend federal regulations; therefore it requires an RIR/IRFA. The RIR would not be submitted to the Secretary if the Council takes no action.

**Applicable laws**

MSA, NEPA, EO 12866, Regulatory Flexibility Act

**Range of alternatives<sup>1</sup>**

Alternative 1: Status quo

Alternative 2: GOA Halibut PSC limit reduction

Option 1: Reduce the halibut PSC limit for hook-and-line gear by

- a) 5%.
- b) 10%.
- c) 15%.

Option 2: Reduce the halibut PSC limit for trawl gear by

- a) 5%.
- b) 10%.
- c) 15%.

Suboption: Apply the full trawl PSC limit reduction to the 5<sup>th</sup> season.

Option 3: AFA/Amendment 80/Rockfish Program sideboard limits will:

- a) Be redefined as specific numbers (in mt) calculated against the status quo GOA halibut PSC limits
- b) Be applied as percentages against the GOA halibut PSC limit<sup>4</sup>

**Staff resources**

NPFMC	Jane DiCosimo	action plan, document coordination; introduction; background; purpose and needs, biological impacts on resources and fisheries: halibut (commercial halibut setline, guided sport, sport, subsistence); commercial groundfish: (trawl, longline); marine mammals, seabirds, ecosystem, habitat, cumulative effects
contractor	Darrell Brannan	Economic/social impacts on groundfish fisheries and halibut fisheries
contractor	Marcus Hartley	commercial groundfish database/tables
contractor	Mike Downs	communities impact analysis
AKFIN	Michael Fey	data support
NMFS SF	Mary Furuness	in-season management, sideboards
	Obren Davis	in-season management, "rulemaking"
	Tom Pearson	in-season management, "rulemaking"
	Josh Keaton	1) PSC and PSC rates of halibut in directed groundfish fisheries and 2) spatial distribution of target catches/halibut PSC
	Melanie Brown	incorporation into groundfish specifications package
	Ben Muse	incorporation into groundfish specifications IRFA
IPHC	Gregg Williams	halibut information (stock assessment/"bycatch"/wastage)
NMFS AFSC	Jim Ianelli	staff generated proposed 2012/2013 harvest specifications
NOAA GC	Maura Sullivan	applicable laws
Prot Res	Dana Seagars	no coordination issues identified
Habitat		no coordination issues identified
OLE		no coordination issues identified
NMFS HQ		no coordination issues identified

<sup>4</sup> Staff recommends that Option 3b could be dropped as an "option" in the analysis as it is now "status quo" in the draft proposed rule for implementing the GOA Rockfish Program

## Major issue

- The Council identified its intent for proposed changes to GOA halibut PSC limits to be in effect in 2012. To ensure that the final groundfish harvest specifications are a logical outgrowth of proposed specifications, the Council *should select a Preliminary Preferred Alternative (PPA) during its initial review* of the draft analysis scheduled for October 2011.
- The expedited timeline for implementation poses a number of *implementation hurdles* that previously were identified to the Council and will be addressed in the analysis:
  - The existing in-season adjustment authority, established under § 679.25 Inseason adjustments<sup>5</sup>, would not extend to the adjustment of a halibut PSC limit for the start of the next fishing year.
  - NMFS staff identified that “The potential scope of the analysis required to assess the implications of changing the overall GOA halibut PSC could be substantial and could compromise the ability of the agency to complete the analytical and rulemaking processes required to implement the annual harvest specifications in a timely manner. . . . Ideally, this potentially complicated analysis would be undertaken independent of the annual harvest specification process as a separate action.”
    - Final harvest specifications typically publish in the *Federal Register* by mid-March each year. A delay in publication could occur due to inclusion of the proposed action (which may revise both harvest specifications (i.e., PSC limits) AND corresponding federal regulations that implement the halibut PSC sideboard limits which may result in 1) additional review time because of potential controversy of the proposed action, 2) the potential need to respond to additional public comment on this added element, and 3) the potential promulgation of federal regulations associated with Option 3.
    - To speed implementation of harvest specifications for 2012 (but at the cost of additional staffing requirements NMFS may trifurcate the proposed action into 1) prioritized publication of harvest specifications for 2012/2013 (i.e., OFLs, ABCs, TACs); 2) trailing publication of revised halibut PSC limits and seasonal apportionments; and 3) trailing regulatory amendment for revised halibut PSC sideboard limits, as needed.

## Minor issue

- Consideration of the effects of the proposed action on seasonal apportionments of halibut PSC limits, as outlined in the GOA Groundfish FMP (see Appendix 1 below) will *not* be addressed in this analysis because they are interpreted to be outside the bounds of this proposed action and will occur during the harvest specifications agenda item.
- Council recommendations for seasonal apportionments of TACs and halibut PSC limits are based on in-meeting recommendations from its Advisory Panel and public testimony, which are based on in-meeting SSC recommendations for OFLs and ABCs. Because the different drafts of the analyses will be prepared before these panels adopt their recommendations, those recommendations can be incorporated into the analysis only after each Council meeting in which they occur. The Council’s timeline results in each draft of the analysis being out of synchrony with the best available information that will be presented during the meetings when actions are taken.

---

<sup>5</sup>“The adjustment of a TAC or PSC limit for any species under paragraph (a)(1)(iii) of this section must be based upon a determination by the Regional Administrator that the adjustment is based upon the best available scientific information concerning the biological stock status of the species in question and that the currently specified TAC or PSC limit is incorrect. Any adjustment to a TAC or PSC limit must be reasonably related to the change in biological stock status.”

The Council's timeline does not allow the inclusion into the public review draft analysis of the best available scientific information on the status of stocks (i.e., biennial Summer 2011 GOA Groundfish Survey), which will be adopted in the GOA Groundfish SAFE Report at the same meeting as the PA for this proposed final action. Therefore the Council will adopt its PPA in October and its PA in December, without the benefit of having the proposed and final, respectively, harvest specifications incorporated into the analysis because those decisions do not happen until the meeting in which the analysis is reviewed and action taken. The document submitted to the Secretary will contain all the new scientific data collected by the 2011 trawl survey, along with SSC and Council recommendations on OFLs, ABCs, and TACs. The public will have an opportunity to comment on 1) proposed specifications during the comment period on the proposed harvest specifications and 2) the proposed rule for amending the federal regulations (to convert percentage sideboards into fixed (mt) sideboards), if adopted by the Council. Delays associated with the need to reanalyze the impacts could be mitigated if the Council clearly identifies its intention *as early as possible* that its preferred alternative on this action may be bifurcated (or trifurcated if an action option is selected in the PA. Scheduling the proposed action during an off-year for the GOA trawl survey would allow the most recent conditions in effect to be incorporated in the public review draft analysis provided to the Council, but would delay implementation.

**Requests for clarification** (TBD by the Council under the June 2011 B-1 agenda item)

- Staff requests that the Council state whether it adopts the proposed minor edits in the problem statement.
- In April 2011 NMFS staff raised management concerns related to potential effects of the proposed action on halibut PSC sideboard limits in three other rationalization programs. Staff identified that the Council selected its PAs for the AFA, Amendment 80, and Rockfish Program GOA halibut PSC sideboard limits in the context of the 2,000 mt trawl PSC limit. The AFA GOA halibut PSC sideboard limits are based on a percentage of the seasonal allowances. Rockfish Program and Amendment 80 halibut PSC sideboard limits are based on a percentage of the total trawl allowance (2,000mt).

In response the Council adopted Options 3a and 3b under Alternative 2 to include a decision point whether PSC sideboard limits should be subject to (in percent (i.e., floating)) or exempt (in metric tons (i.e., fixed)) from proposed reductions. Since the April 2011 meeting, NMFS staff plans to propose regulatory language that would implement the Rockfish Program halibut PSC sideboard limits in percentages based on the 2,000 mt limit. *Alternative 2 Option 3b is now the No Action Alternative in the RIR.*

- To streamline the proposed action in order to meet the proposed implementation timeline for 2012, staff requests that the Council state whether all halibut PSC sideboard limits would be subject to proposed reductions is acceptable, *at least for 2012*, or whether this is a decision point to be addressed in the RIR. Under the status quo, the analysis will need to assess the effects of reduced PSC limits on fishery dynamics within these three fisheries with halibut PSC sideboard limits.
  - The analytical burden is increased if the Council makes this a decision point that requires an RIR (i.e., Option 3b to convert current percentages (based on 2,000 mt) to fixed metric tons). Staff cannot predict the tipping point for when or whether an analysis becomes too unwieldy to stay within the Council's proposed timeline, however, Option 3 is the sole proposed element that is subject to E. O. 12866 and would require the preparation of an RIR, proposed rulemaking, public comment, and final rulemaking. It may be implemented on a separate (i.e., later) timeline than the main proposed action, as described above. This could result in three separate implementation schedules for components of the proposed action under the harvest specifications process. Alternatively, the Council may choose to defer the decision point to a subsequent analysis.



- The Council may be prepared to resolve whether the Rockfish Program halibut PSC sideboard limits should be implemented as fixed or floating with the trawl halibut PSC allowance in June. There is still time for NMFS staff to implement the Council's preferred approach in the Rockfish Program proposed rule (scheduled for Summer 2011) and final rule (scheduled for November 2011) so that the program is in effect in January 2012. Note it was NMFS staff's original intent to implement them in metric tons, but the proposed rule was revised to convert them to percentages in response to Council discussion in April 2011. This analysis would then use that clarification for the Rockfish Program proposed rule as the status quo.

**To streamline the analysis in order to meet the Council's preferred implementation timeline, staff recommends that the Council consider all potentialities for streamlining the proposed analysis to meet its preferred timeline for implementation for the 2012 fishing year.** This could result in the following range of alternatives.

*Alternative 1 No Action.*

*Alternative 2. PSC limit reduction*

*Option 1. Reduce the halibut PSC limit for fixed gear by*

*a) 5% b) 10% c) 15%.*

*Option 2. Reduce the halibut PSC limit for trawl gear by*

*a) 5% b) 10% c) 15%.*

*Suboption a: Apply the full trawl PSC limit reduction to the 5th season.*

*Suboption b: Sideboards.*

*1. No Action. Set GOA halibut PSC sideboard limits for the Non-Exempt AFA CVs, Amendment 80, and Rockfish Program as percentages against the GOA halibut PSC limit*

**Deferred to trailing amendment???**

*2. Set GOA halibut PSC sideboard limits for the Non-Exempt AFA CVs, Amendment 80, and Rockfish Program as metric tons based on the current apportionments under the 2,000 mt allowance, to exempt them from halibut PSC reductions.*

**Timeline to implementation**

February 2010	NMFS discussion paper
June 2010	NPFMC discussion paper on FMP criteria
October 2010	NPFMC supplemental discussion paper/Northern Economics tables
December 2010	NPFMC supplemental discussion paper
April 2011	IPHC discussion paper/NMFS AKRO SF discussion paper Council adopts purpose statement and alternatives
May 2011	Interagency Staff Conference Call to Review Draft Action Plan; data requests
June 2011	Council adopts draft Action Plan/Analytical Outline under Executive Director's Report (B-1); AFSC provides draft proposed GOA groundfish OFLs and ABCs
August 2011	GOA Groundfish Plan Team reviews preliminary analysis of proposed action Initial review draft, possibly with supplemental analysis, is released
September 2011	Council approves initial review draft analysis and selects PPA
November 2011	NMFS publishes PPA as part of proposed 2012/2013 harvest specifications
December 2011	Final action/selection of PA/guidance on bifurcation of 2012/2013 harvest/halibut PSC limit specifications

March 2012 NMFS publishes PA as part of final 2012/2013 harvest specifications or bifurcates (or trifurcates) specification of 2012/2013 halibut PSC limits (and halibut PSC sideboard limits) (TBD)

**(Future) Alternative Approaches (Cumulative Effects)**

- All of the above could be incorporated into next (2013/2014) groundfish harvest specification process
- Analysis of GOA halibut PSC sideboard limits could be deferred to a separate analysis or combined with the intermediate step.
- Intermediate step: GOA Groundfish FMP amendment and regulatory amendment to remove halibut PSC limits from the harvest specifications process under the FMP and implement halibut PSC limits in regulation, as occurs under BSAI Groundfish FMP (timeline TBD)
- Long term step: “comprehensive” rationalization plan to allocate halibut PSC limits: exploratory discussion paper of all other “bycatch” allocations programs and previous NPFMC initiatives (October 2011)

## DRAFT TABLE OF CONTENTS<sup>6</sup>

<b>1</b>	<b>INTRODUCTION AND PURPOSE.....</b>	<i>JANE</i>
1.1	Purpose and Need	
1.2	Problem Statement	
1.3	History of this Action	
1.4	Relationship to Other GOA PSC Limit Reduction Actions	
1.5	FMP Requirements	
<b>2</b>	<b>DESCRIPTION OF ALTERNATIVES.....</b>	<i>JANE</i>
2.1	No Action	
2.2	Revise GOA Halibut PSC Limits	
2.3	Alternatives Considered But Not Carried Forward	
<b>3</b>	<b>ENVIRONMENTAL ASSESSMENT</b>	
3.1	Biological Impacts Analysis .....	<i>JANE &amp; JOSH</i>
3.1.1	Pacific Halibut	
3.1.1.1	Resource	
	(a.) <sup>8</sup> estimated change in biomass and stock condition of halibut	
	(b.) potential impact on halibut stocks	
3.1.1.2	Halibut IFQ Setline Fishery	
	(c.) potential impacts on the halibut fisheries	
	(d.) estimated bycatch <sup>9</sup> in years prior to that for which the halibut PSC mortality limit is being established	
3.1.1.3	Other Halibut Fisheries (Guided Sport, Sport, Subsistence)	
	(c) potential impacts on the halibut fisheries	
3.1.2	Groundfish Longline Fisheries	
3.1.2.1	Groundfish	
	(e.) expected change in target groundfish catch	
	(f.) estimated change in target groundfish biomass	
3.1.3	Other Commercial Groundfish, Ecosystem Component Species	
3.1.4	Marine Mammals	
3.1.5	Seabirds	
3.1.6	Habitat	
3.1.7	Ecosystem	
3.1.8	Impacts of the Alternatives	
	3.1.8.1 Alternative 1: Status quo	
	3.1.8.2 Alternative 2: PSC limit reduction	
3.2	Social and Economic impacts Analysis.....	<i>DARRELL/NEI data summaries</i>
3.2.1	Groundfish Fisheries <sup>10</sup>	
	(g.) methods available to reduce halibut bycatch	
	(h.) the cost of reducing halibut bycatch	

<sup>6</sup> First draft will have all tables and figures at the end of the document; some may be put in appendices

<sup>7</sup> Grayed text indicates draft completed

<sup>8</sup> These annotations refer to GOA Groundfish FMP criteria for adjusting halibut PSC limits (see Appendix 1)

<sup>9</sup> FMP language refers to "bycatch"

<sup>10</sup> Includes summary of effects on sideboards from RIR

	(i.) other biological and socioeconomic factors that affect the appropriateness of specific bycatch measures in terms of objectives	
3.2.2.1	Longline	
3.2.2.1.1	Demersal Shelf Rockfishes	
3.2.2.1.2	Other than Demersal Shelf Rockfishes	
3.2.2.2	Trawl	
3.2.2.2.1	Deep-water species category	
3.2.2.2.2	Shallow-water species category	
3.1.2.3	Exempted Fisheries	
3.1.2.3.1	Pacific Halibut	
3.1.2.3.1	Resource	
3.1.2.3.2	Halibut IFQ Fishery	
	(g.) methods available to reduce halibut bycatch	
	(h.) the cost of reducing halibut bycatch	
	(i.) other biological and socioeconomic factors that affect the appropriateness of specific bycatch measures in terms of objectives	
3.1.2.3.3	Other Fisheries (Guided Sport, Sport, Subsistence)	
3.1.2.3.2	Pot	
3.1.2.3.3	Jig	
3.1.2.3.4	State water	
3.2.3	Communities .....	<i>MIKE DOWNS</i>
3.2.4	Impacts of the Alternatives	
3.2.4.1	Alternative 1: Status quo	
3.2.4.2	Alternative 2: PSC limit reduction	
3.3	Cumulative Effects .....	<i>JANE</i>
<b>4</b>	<b>MANAGEMENT AND ENFORCEMENT CONSIDERATIONS.....</b>	<i>NMFS</i>
<b>5</b>	<b>REGULATORY IMPACT REVIEW <u>OF ALTERNATIVE 2, OPTION 3(A)</u>.....</b>	<i>DARRELL</i>
5.1	Introduction	
5.2	What is a Regulatory Impact Review?	
5.3	Problem Statement	
5.4	Description of the Alternatives	
5.6	Description of the fisheries	
5.7	Analysis of Alternatives	
5.8	Summary	
<b>6</b>	<b>INITIAL REGULATORY FLEXIBILITY ANALYSIS.....</b>	<i>DARRELL</i>
6.1	Introduction	
6.2	The Purpose of an IRFA	
6.3	What is Required in an IRFA?	
6.4	What is a Small Entity?	
6.5	What is this Action?	
6.7	Objectives and Reasons for Considering the Proposed Action	
6.8	Legal Basis for the Proposed Action	
6.9	Number and Description of Small Entities Directly Regulated by the Proposed Action	
6.10	Recordkeeping and Reporting Requirements	
6.11	Federal Rules that may Duplicate, Overlap, or Conflict with Proposed Action	
6.12	Description of Significant Alternatives	

7 **FMP AND MAGNUSON-STEVENS ACT CONSIDERATIONS**.....*JANE & DARRELL*  
7.1 Magnuson-Stevens Act National Standards  
7.2 GOA FMP — Groundfish Management Policy Priorities  
8 **NEPA SUMMARY** ..... *JANE*  
9 **REFERENCES** ..... *JANE & DARRELL*  
10 **PREPARERS** ..... *JANE*  
11 **AGENCIES AND PERSONS CONSULTED** ..... *JANE & DARRELL*

**APPENDIX 1. GOA GROUND FISH FMP CRITERIA FOR SETTING HALIBUT PSC LIMITS**

**APPENDIX 2. FINAL 2011 AND 2012 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS**

**Appendix 1. GOA FMP policy regarding halibut PSC limits  
(Section 3.6.2.1.1 Apportionment and Seasonal Allocation of Pacific Halibut)**

Apportionments of PSC limits, and seasonal allocations thereof, will be determined annually by the Secretary of Commerce in consultation with the Council. Separate PSC limits may be established for specific gear. PSC limits, apportionments, and seasonal allocations will be determined using the following procedure:

1. Prior to the October Council meeting. The GOA Groundfish Plan Team will provide the Council the best available information on estimated halibut bycatch and mortality rates in the target groundfish fisheries.

2. October Council meeting. While developing proposed groundfish harvest levels under Section 3.2.3, the Council will also review the need to control the bycatch of halibut and, if necessary, recommend proposed halibut PSC mortality limits and apportionments thereof. The Council will also review the need for seasonal allocations of the halibut PSC. The Council will make proposed recommendations to the Secretary about some or all of the following:

- a. the regulatory areas and districts for which PSC mortality limits might be established;
- b. PSC for particular target fisheries and gear types;
- c. seasonal allocations by target fisheries, gear types, and/or regulatory areas and district;
- d. PSC allocations to individual operations; and
- e. types of gear or modes of fishing operations that might be prohibited once a PSC is reached.

The Council will consider the best available information in doing so. Types of information that the Council will consider relevant to recommending proposed PSCs include:

- a. estimated change in biomass and stock condition of halibut;
- b. potential impact on halibut stocks;
- c. potential impacts on the halibut fisheries;
- d. estimated bycatch in years prior to that for which the halibut PSC mortality limit is being established;
- e. expected change in target groundfish catch;
- f. estimated change in target groundfish biomass;
- g. methods available to reduce halibut bycatch;
- h. the cost of reducing halibut bycatch; and
- i. other biological and socioeconomic factors that affect the appropriateness of specific bycatch measures in terms of objectives.

Types of information that the Council will consider in recommending seasonal allocations of halibut include:

- a. seasonal distribution of halibut;
- b. seasonal distribution of target groundfish species relative to halibut distribution;
- c. expected halibut bycatch needs on a seasonal basis relevant to changes in halibut biomass and expected catches of target groundfish species;
- d. expected bycatch rates on a seasonal basis;
- e. expected changes in directed groundfish fishing seasons;
- f. expected start of fishing effort; and
- g. economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry.

3. As soon as practicable after the Council's October meeting, the Secretary will publish the Council's recommendations as a notice in the Federal Register. Information on which the recommendations are

based will also be published in the Federal Register or otherwise made available by the Council. Public comments will be invited by means specified in regulations implementing the FMP for a minimum of 15 days.

4. Prior to the December Council meeting. The Plan Team will prepare for the Council a final Stock Assessment and Fishery Evaluation (SAFE) report under Section 3.2.3 which provides the best available information on estimated halibut bycatch rates in the target groundfish fisheries and recommendations for halibut PSCs. If the Council requests, the Plan Team also may provide PSC apportionments and allocations thereof among target fisheries and gear types, and an economic analysis of the effects of the apportionments.

5. December Council meeting. While recommending final groundfish harvest levels, the Council reviews public comments, takes public testimony, and makes final decisions on annual halibut PSC limits and seasonal apportionments, using the factors set forth under (2) above relevant to proposed PSC limits, and concerning seasonal allocations of PSC limits. The Council will provide recommendations, including no change for the new fishing year, to the Secretary of Commerce for review and implementation.

6. As soon as practicable after the Council's December meeting, the Secretary will publish the Council's final recommendations as a notice of final harvest specifications in the Federal Register. Information on which the final harvest specifications are based will also be published in the Federal Register or otherwise made available by the Council.

## Regional Fishery Management Council Coordination Committee

March 31, 2011



Eric C. Schwaab  
Assistant Administrator for Fisheries, NOAA  
1315 East West Highway  
Silver Spring, MD 20910

Dear Eric,



The purpose of this letter is to provide you with the Council Coordination Committee's (CCC) position on the National Marine Fisheries Service's (NMFS) allocation project. At the recent CCC meeting George Lapointe presented an update on the project and indicated the purpose is to examine both commercial and recreational allocation issues across the Nation. The implication was that NMFS viewed this as an opportunity to look at, and potentially revise, the various existing Council allocations as stocks continue to rebuild. As you are aware, the subject elicited significant debate during the meeting.



After much discussion the CCC unanimously approved a motion "requesting that the Service's allocation initiative not include any new directives to the Councils requiring or directing the Councils to revisit allocations, but that any initiatives to revisit allocations be left to the Councils". On behalf of the CCC I am making this request.



We are concerned the Councils may be directed or required to revise existing allocations, based on some nationally derived criteria. This could create the potential for opening old wounds that were suffered when the existing allocations were developed. Currently, as fisheries evolve and allocation issues arise, the Councils address them on a case by case basis, and we believe that is as it should be.



Thank you for your consideration of our request.



Sincerely,

David Cupka  
Chairman



cc: CCC Members  
Sam Rauch  
George Lapoint



# PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: B-1 EXECUTIVE DIRECTOR'S REPORT

NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:	
1	Bob Krueger	All whitefish Trawlers Assoc.
2	Paul MacGowan (APA) →	At-Sea Program <del>Assoc</del>
3	Jon Warrenchuk	Oceana
4	Julia Penning	AGPB
5	JOHN GAUVIN	Alaska Seafood Cooperative
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.