



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

February 1, 2016

Agenda B-2: NMFS Management Report

Status of Actions Report online

A status of Actions report is provided in **Attachment 1** and is updated daily at:

<https://alaskafisheries.noaa.gov/sites/default/files/reports/amendments.pdf>

Progress on Rulemaking

Highlights on progress since the December 2015 meeting include:

- Approval of Amendment 111 to the BSAI FMP – Reduce halibut bycatch (prohibited species catch) limits in the BSAI groundfish fisheries.
Approved January 20, 2016
- Emergency Rule to exempt custom processing of Tanner crab from individual processor quota caps.
Effective January 26, 2016: <https://alaskafisheries.noaa.gov/sites/default/files/81fr4206.pdf>
- Final Rule to revise maximum retainable amounts for skates in the Gulf of Alaska (GOA).
Effective January 27 2016: <https://alaskafisheries.noaa.gov/sites/default/files/80fr80695.pdf>
- Final Rule for cost recovery programs for Aleutian Islands Pollock, Amendment 80, American Fisheries Act, and Community Development Quota Programs.
Effective February 4, 2016: <https://alaskafisheries.noaa.gov/sites/default/files/81fr150.pdf>
- Final Rule for Amendment 44 to the Bering Sea/Aleutian Islands (BSAI) King and Tanner Crab Fishery Management Plan (FMP) - Revise the BSAI Crab Rationalization Program right of first refusal (ROFR) provisions.
Effective February 12, 2016: <https://alaskafisheries.noaa.gov/sites/default/files/81fr1557.pdf>



- Proposed Rule to revise authorized methods for submitting cost recovery fee payments.
Proposed Rule – December 31, 2015 – Comment through February 1, 2016
<https://alaskafisheries.noaa.gov/sites/default/files/80fr81798.pdf>
- Notice of Availability and Proposed Rule for Amendment 112 to the BSAI FMP & Amendment 102 to the GOA FMP – Revise allowances for small catcher/processors to be in the partial observer coverage category.
Notice of Availability – December 17, 2015 – Comment through February 16, 2016
<https://alaskafisheries.noaa.gov/sites/default/files/80fr78705.pdf>
Proposed Rule – December 29, 2015 – Comment through January 28, 2016
<https://alaskafisheries.noaa.gov/sites/default/files/80fr81262.pdf>
- Notice of Availability and Proposed Rule for Amendment 110 to the BSAI FMP - Revise Chinook salmon bycatch limits in the Bering Sea pollock fishery.
Notice of Availability – January 8, 2016 – Comment through March 8, 2016
<https://alaskafisheries.noaa.gov/sites/default/files/81fr897.pdf>
Proposed Rule – February 3, 2016 – Comment through March 4, 2016
(Link not yet available)
- Notice of Availability and Proposed Rule for Amendment 109 to the BSAI FMP - Revise regulations to facilitate a small boat community development quota Pacific cod fishery.
Notice of Availability – January 20, 2016 – Comment through March 21, 2016
<https://alaskafisheries.noaa.gov/sites/default/files/81fr3374.pdf>

Litigation on Regulations Limiting the Use of Hired Masters in the Halibut and Sablefish IFQ Program

On January 13, 2016, NMFS received an order from the District Court for the Western District of Washington at Tacoma in *Fairweather Fish, Inc. and Captain Ray Walsh v. Pritzker*. This case challenged regulations in the Halibut and Sablefish IFQ Program prohibiting the use of hired masters to harvest individual fishing quota (IFQ) derived from quota share received by transfer after February 12, 2010. The order supersedes an earlier Court order from October 2015.

In the new order, the Court holds that NMFS has not yet provided sufficient reason as to why the regulations are consistent with Magnuson-Stevens Act National Standard 9 (to the extent practicable minimize bycatch, and the mortality of bycatch that cannot be avoided) or National Standard 10 (to the extent practicable, promote the safety of human life at sea).

The Court requests that the parties propose a briefing schedule as to the appropriate remedy. NMFS will provide updates as remedy proceedings progress.

This new order did not remand or vacate the final rule. Participants in the halibut and sablefish fishery must continue to comply with regulations limiting the use of hired masters to harvest IFQ derived from quota share received after February 12, 2010.

Implementation of Amendment 44 and ROFR contracts changes

The implementation of Amendment 44 and its accompanying final rule made several changes to the FMP and regulations that affect processors, communities, and harvesters for the upcoming 2016/2017 crab fishing year.

The ROFR under the Crab Rationalization Program is administered through contractual arrangements between processor quota share (PQS)/individual processor quota (IPQ) holders and eligible crab community entities (ECC). Persons who hold PQS/IPQ subject to a ROFR must enter into a contract with the ECC entity eligible to exercise a ROFR for those PQS/IPQ shares. Amendment 44 established two new ROFR contract terms. First, Amendment 44 requires a PQS holder to notify the ECC entity of any proposed transfer of IPQ or PQS subject to ROFR, regardless of whether the PQS holder believes the proposed transfer triggers the right. Second, Amendment 44 requires a PQS holder to annually notify the ECC entity of the location at which IPQ derived from PQS subject to a ROFR was processed, and what amount of that IPQ subject to a ROFR was processed by the PQS holder. ***With the approval of Amendment 44, PQS/IPQ holders and ECC entities must establish a new or revised ROFR contract to contain all required terms under the Crab FMP.***

The final rule implementing Amendment 44 also requires PQS/IPQ holders to annually certify that a ROFR contract with the required terms has been established with the applicable ECC entity. NMFS will require PQS/IPQ holders to make this annual certification on the Application for Annual Crab IPQ Permit. If an applicant for IPQ is unable to establish a revised ROFR contract with an ECC entity and provide that confirmation to NMFS in the Application for Annual Crab IPQ Permit each year, then NMFS will consider the application incomplete. NMFS will withhold issuance of IPQ until this requirement is met. ***To receive IPQ for the upcoming fishing year, holders of PQS/IPQ and ECC entities must establish new or revised ROFR contracts prior to submission of the IPQ application.***

The final rule also modified the application deadlines for IFQ and IPQ. ***The new deadline for IFQ and IPQ application is June 15 of each year -- June 15, 2016 for the 2016/2017 crab fishing year.*** Additional information on ROFR contract terms and the annual IPQ application is available online at: <https://alaskafisheries.noaa.gov/fisheries/bsai-crab-rationalization>.

Cost Recovery Programs for Aleutian Islands Pollock, Amendment 80, American Fisheries Act, and Community Development Quota Programs

The final rule implementing cost recovery programs became effective on February 4, 2016. Amendment 80 vessel owners and shoreside processors and motherships that process BSAI Pacific cod must submit volume and value reports on November 10, 2016. Persons subject to

cost recovery under these programs must submit fees by December 31, 2016. NMFS will determine the amount of fees due on December 31, 2016 based on management costs incurred from the effective date of the final rule (February 4, 2016) through September 30, 2016. Fishery participants subject to cost recovery fees should plan their business operations appropriately in 2016 to accommodate these fees and additional reporting requirements. Additional information on these cost recovery programs are available online at:

<https://alaskafisheries.noaa.gov/fisheries/cost-recovery-fee-payment>

NMFS Alaska Region Website Design

We launched our new website design on December 16, 2015. We are working on additional refinements and improvements. If you have specific suggestions, or comments please provide them to alaska.webmaster@noaa.gov.

Job Announcement

A job announcement for a Fishery Management Specialist Position within the Ecosystem Branch of the Sustainable Fisheries Division opened and posted on USAJobs on February 1, 2016. The position announcement closes on February 10, 2016. The position announcement can be found here: <https://www.usajobs.gov/GetJob/ViewDetails/426598200>.

Responsibilities include analyzing the effects of alternative fishery management approaches on the affected human environment, as required by the National Environmental Policy Act, and assessing the impacts of actions on threatened and endangered species, as required by the Endangered Species Act. The successful applicant will prepare Magnuson-Stevens Fishery Conservation and Management Act Fishery Management Plan amendments, implementing regulations, and provide policy guidance to managers.

Excellent analytical, writing, and verbal communication skills are essential for this position and project management experience within a team environment is desirable.

Please contact Glenn Merrill (glenn.merrill@noaa.gov) or Brandee Gerke (brandee.gerke@noaa.gov, [907-586-7650](tel:907-586-7650)) with any questions about this opportunity.

Manning Sustainability Act (MSA)

The Council family is reminded that under the provisions of the Manning Sustainability Act, it is prohibited to besmirch, disparage, denigrate, or otherwise express unsupportive positions regarding the Denver Broncos. It is unacceptable to otherwise create a hostile fan environment for any and all persons supporting the Denver Broncos before, during, or after Super Bowl 50.

GO BRONCOS !

Inseason Management Report

Catch during 2016 is through January 23, 2016 and is compared to catch during 2015 through January 24, 2015. All catch amounts are expressed in metric tons. Additional information from daily catch reports and information bulletins are available at:

<https://alaskafisheries.noaa.gov/fisheries-catch-landings>

Bering Sea and Aleutian Islands

Bering Sea and Aleutian Islands Pollock

In 2016, the Bering Sea pollock TAC is 1,340,000 mt compared to 1,310,000 mt in 2015. The 2016 pollock fishery opened January 20. Initial catch reports are limited, but appear consistent with 2015 catch rates. Given anticipated low effort in the Aleutian Islands, NMFS is pursuing a reallocation of pollock TAC from the Aleutian Islands to the Bering Sea.

Aleutian Islands Pacific cod

Twelve vessels have reported 613 mt of catch in 2016 relative to 9 vessels reporting 1,437 mt of catch in 2015. NMFS set a non-CDQ Pacific cod directed fishing allowance of 9,000 mt in 2016 compared to an allowance of 6,400 mt in 2015. In 2015, NMFS closed the Federal Aleutian Islands Pacific cod directed fishery on February 27, 2015.

BSAI Hook-and-line catcher/processors

This sector has similar catch rates and participation in 2016 relative to 2015.

Year	2016	2015
Total catch	11,480	11,277
A season TAC	55,581	55,116
Remaining A season TAC	44,101	43,839
Number of vessels	27	26

BSAI Pot catcher vessels (CVs) greater than or equal to 60 ft length overall

In 2016, total catch is lower with one less vessel targeting Pacific cod relative to 2015.

Year	2016	2015
Total catch	2,028	3,495
A season TAC	9,587	9,507
Remaining A season TAC	7,559	6,012
A season closure	n/a	June 10 by regulation
Number of vessels	11	12

Pot catcher/processors

Catch rates are slightly higher in 2016 relative to 2015.

Year	2016	2015
Total catch	1,233	1,182
A season TAC	1,712	1,698
Remaining A season TAC	479	516
A season closure	January 29, 2016	February 4, 2015
Number of vessels	4	4

Hook-and-line or pot gear less than 60 feet length overall

Overall catch in this sector has been lower in 2016 relative to 2015. Based on historic levels of harvest, NMFS reallocated 1,750 mt of the A season jig allocation to the less than 60 feet allocation.

Year	2016	2015
Total catch	3,202	5,378
Annual TAC	6,226 (4,476 + 1,750 from jig)	6,138 (4,438 + 1,700 from jig)
Remaining TAC	3,024	760
Closure	n/a	February 2
Number of vessels	18	19

Trawl catcher vessels

In 2016, 12 CVs have reported 235 mt in the Pacific cod target relative to 25 CVs reporting 830 mt in the Pacific cod target in 2015. The remaining catch is mostly in the pollock target.

Year	2016	2015
Total Catch	288	886
A season TAC	36,732	36,426
Remaining TAC	36,444	35,540
A season closure	n/a	A season did not close
Number of vessels	Pacific cod target 12	Pacific cod target 25
	All targets 53	All targets 55

Gulf of Alaska**Pacific cod Western GOA**

In 2016, all sectors have lower catch relative to 2015.

Sector	2016				2015			
	A season Allocation	Catch Jan 23	A season closed	# of vessels Jan 23	A season Allocation	Catch Jan 24	A season closed	# of vessels Jan 24
Hook-and-line C/P	2,982	22	n/a	<3	2,850	853	Apr 2	3
Hook-and-line CV	192	0	n/a	0	183	0	Jun 10	0
Jig	595	0	n/a	0	569	2	Jun 10	< 3
Pot CV/CP	5,417	1,591	n/a	29	5,176	2,938	Feb 12	34
Trawl CV	7,579	39	n/a	21	7,242	70	Mar 11	8
Trawl C/P	246	0	Jan 20	0	235	0	Jan 20	0
Total	17,011	1,652		50	16,255	3,863		45

Pacific cod Central GOA

In 2016, overall catch is lower relative to 2015.

Sector	2016				2015			
	A season Allocation	Catch Jan 23	A season closed	# of vessels Jan 23	A season Allocation	Catch Jan 24	A season closed	# of vessels Jan 24
Hook-and-line C/P	1,504	98	n/a	<3	1,870	80	Jun 10	< 3
Hook-and-line CV <50 ft	3,411	296	n/a	28	4,241	769	Jun 10	45
Hook-and-line CV >=50 ft	2,054	146	n/a	5	2,554	210	Jun 10	6
Jig	222	48	n/a	14	276	34	Mar 2	11
Pot CV/CP	6,528	4,591	Feb 1	48	8,118	4,182	Feb 16	42
Trawl CV	7,738	263	n/a	25	9,623	487	Apr 20	18
Trawl C/P	734	0	Jan 20	0	912	0	Jan 20	0
Total	22,191	5,442		120	27,594	5,762		122

GOA Pollock

Effort in the 610 pollock fisheries is similar to 2015, but catch rates have increased slightly. Overall catch and effort is low in the 620 and 630 pollock fisheries.

2016 Allocations	610	620	630	640
A season allocation	3,826	43,374	12,456	9,348 (annual)
A season catch	1,647	239	223	0
A season closure	January 29	n/a	n/a	n/a

Preliminary Halibut Mortality Data (no CDQ)

In 2016, the total halibut mortality in the BSAI is 62 mt lower and in the GOA is 96 mt higher relative to 2015. Overall halibut mortality rates for all types are lower in 2016 in the BSAI and higher for non-pelagic trawl and hook-and-line CVs in the GOA relative to 2015. The trawl data is only for 3 days of fishing, and is expected to change with additional observer data and catch. The non-pollock trawl fleet has voluntarily paused fishing due to high halibut PSC rates.

Area and Gear	2016			2015		
	Halibut Mortality	Groundfish	Rate	Halibut Mortality	Groundfish	Rate
BSAI non-pelagic trawl CP	12	5,826	0.21%	53	9,934	0.53%
BSAI non-pelagic trawl CV	12	1,506	0.80%	20	2,155	0.93%
BSAI pelagic trawl CP	0	8,015	0.00%	2	8,790	0.02%
BSAI pelagic trawl CV	0	12,069	0.00%	8	10,476	0.08%
BSAI hook-and-line CP	28	15,470	0.18%	33	13,742	0.24%
BSAI hook-and-line CV	0	1	0.00%	0	235	0.00%
BSAI Total	52	42,886	0.12%	116	45,332	0.26%
GOA non-pelagic trawl CV	117	1,312	8.92%	8	925	0.86%
GOA pelagic trawl CV	0	1,677	0.00%	0	472	0.00%
GOA hook-and-line CP	1	180	0.56%	11	1,125	0.98%
GOA hook-and-line CV	17	806	2.11%	20	1,303	1.53%
GOA Total	135	3,976	3.40%	39	3,824	1.02%

Attachment 1: Status of Actions
(Changes since December 2015 Council meeting in red)

FMP Amendment Status	Lead Council and SF Staff	Date of Council Final Action	Start Regional Review	Received by GCAK	Transmittal Date of Action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published in <i>Federal Register</i>	Proposed Rule Published in <i>Federal Register</i>	Final Rule or Notice of Approval Published in <i>Federal Register</i>
Amendment 44 (BSAI KTC) Modify Right-of First Refusal Provisions Approved: January 4, 2016	Marrinan Baker	October 2014	PR: 1/05/15 FR: 11/24/15	PR: 1/08/15 FR: 12/09/15	PR: 10/02/15 FR: 12/29/15	Oct 9, 2015 80 FR 61150 EOC: 12/08/15	Oct 23, 2015 80 FR 63950 EOC: 11/23/15	Jan 13, 2016 81 FR 1557 Effective: 2/12/16
Amendment 101 (GOA) Allow port longline gear in GOA sablefish IFQ Fishery	Cunningham Murphy	April 2015						
Amendment 103 (GOA) Reapportionment of Chinook salmon PSC limits in GOA trawl fisheries	Cunningham Hartman	December 2015						
Amendment 109 (BSAI) - CDQ Small Vessel Groundfish Fishery Decision Date: April 20, 2016	Marrinan Bibb	February 2015	PR: 8/11/15	PR: 8/21/15	PR: 1/12/16	Jan 21, 2016 81 FR 3374 EOC: 3/21/16		
Amendment 110 (BSAI) Salmon prohibited species catch management in the Bering Sea pollock fishery Decision Date: April 9, 2016	Harrington Stram	April 2015	PR: 9/18/15	PR: 9/28/15	PR: 1/04/16	Jan 8, 2016 81 FR 897 EOC: 3/08/16	Feb 3, 2016 EOC: 3/04/16	
Amendment 111 (BSAI) Revise halibut prohibited species catch limits Approved: January 20, 2016	Evans McKeen	June 2015	PR: 8/28/15 FMP: 1/8/16	PR: 8/28/15 FMP: 1/8/16	PR: 10/23/15 FMP: 1/13/16	Oct 29, 2015 80 FR 66486 EOC: 12/28/15	Nov 16, 2015 80 FR 71650 EOC: 12/16/15	
Amendment 112 (BSAI) / 102 (GOA) Revise allowances for small catcher/processors to be in the partial observer coverage category Decision Date: March 17, 2016	Evans Eich Meyer	June 2015	PR: 9/30/15	PR: 10/2/15	PR: 12/11/15	Dec 17, 2015 80 FR 78705 EOC: 2/16/16	Dec 29, 2015 80 FR 81262 EOC: 1/28/16	
Amendment 113 (BSAI) Aleutian Islands Pacific cod shoreplant delivery requirements	McCracken Scheurer	October 2015						

Regulatory Amendment Status	Lead Council and SF Staff	Date of Council Final Action	Start Regional Review	Received by GCAK	Transmittal Date of Action to NMFS HQ for Review	Proposed Rule Published in Federal Register	Final Rule Published in Federal Register
Cost recovery for AFA, AI Pollock, Amendment 80, and CDQ Programs	Brannan Harrington	Reviewed December 2013	PR: 8/22/14 FR: 4/15/14	PR: 8/29/14 FR: 5/01/15	PR: 12/09/14 FR: 12/04/15	Jan 7, 2015 80 FR 936 EOC: 2/06/15	Jan 5, 2016 81 FR 150 Effective: 2/04/16
Changes to authorized cost recovery fee payments (Halibut & Sablefish, and Crab IFQ)	Kent	NMFS initiated	PR: 10/28/15	PR: 10/28/15	PR: 12/11/15	Dec 31, 2015 80 FR 81798 EOC: 2/01/16	
Western Aleutian Islands Golden King Crab Full Offload Delivery Exemption	Marrinan Kent	October 2015	PR: 1/05/16	PR: 1/06/16			
Emergency Rule: Exempt custom processing of Tanner crab from IPQ use caps	Marrinan Kent	December 2015	FR: 1/05/16	FR: 1/05/16	FR: 1/15/16	N/A	Jan 26, 2016 81 FR 4206 Effective: 1/26/16 through 6/30/16
2016 and 2017 BSAI Harvest Specifications	Stram Whitney	December 2015	PR: 10/16/15 FR: 1/11/16	PR: 10/19/15 FR: 1/11/16	PR: 11/24/15	Dec 9, 2015 80 FR 76425 EOC: 1/08/16	
2016 and 2017 GOA harvest specifications	Armstrong Davis	December 2015	PR: 10/15/15 FR: 1/6/16	PR: 10/19/15 FR: 1/6/16	PR: 11/24/15	Dec 9, 2015 80 FR 76405 EOC: 1/08/16	
Halibut Annual Management Measures for 2016	Scheurer Pollard	IPHC: January 2016					