

This report will be available at:

<http://www.afsc.noaa.gov/FMA/document.htm/2013DeploymentPlan>

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1.0 Background

The Final Motion on Observer Restructuring (BSAI Amendment 86/GOA Amendment 76) from the Council, dated October 8, 2010 specifies that:

NMFS will release an observer report by September 1 of each year. The report will contain the proposed stratum and coverage rates for the deployment of observers in the following calendar year, as well as a detailed financial spreadsheet by budget category on the financial aspects of the program. The Council may request its Observer Advisory Committee, Groundfish Plan Teams and/or the SSC to review and comment on this draft plan. NMFS will consult with the Council each year on the draft plan for the upcoming year, at a meeting of the Council's choosing that provides sufficient time for Council review and input to NMFS.

NMFS also would prepare an annual report on the observer program for presentation to the Council each year, including information on how industry participants have adapted to and been able to accommodate the new program. As part of this annual report, the 1.25% fee percentage would be reviewed by the Council after completion of the second year of observer deployment in the restructured program. This report would be provided to the Council at the same time the annual deployment plan is being provided.

The Council's motion above references two reports: an observer report and an annual report. The observer report is referred to here as the Annual Deployment Plan since it provides information about the deployment of observers on an annual basis. The annual report is referred to as the Annual Performance Report since it will be generated at the end of the first year of the new program, and will include a section on the performance of new program elements in terms of data quality and compliance.

The two reports are envisioned to be delivered to the Council in June (Annual Performance Report) and October (Annual Deployment Plan). The Plan Teams and the OAC will review the Annual deployment Plan during their September meetings. Observer data are generally not considered fully debriefed until after the first quarter of the year since observer contracts are limited to 90 days and an observer could be deployed on the last day of the year. Thus the annual report in the Council's 2010 motion, describing the performance of the deployment plan from the prior year, would be presented before the Council in their June meeting. A graphical representation of the timelines for these reports is provided in the table below:

Activity	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
Annual Deployment Plan Enacted for <i>current year</i>	☑											
Observer Data fully debriefed from <i>prior year</i>			☑									
Annual Performance Report for <i>prior year</i> (Council)						☑						
Annual Deployment Plan for <i>next year</i> (Plan Team, OAC)									☑			
Annual Deployment Plan for <i>next year</i> (Council)										☑		

Catch is through May 26, 2012 and May 28, 2011 unless otherwise stated.

Bering Sea and Aleutian Islands

Bering Sea Pollock

The 2012 TAC for Bering Sea pollock is 1,200,000 mt compared to 1,252,000 mt in 2011. NMFS reallocated pollock TAC from the Aleutian Islands to the Bering Sea increasing the Bering Sea allocations by 1,900 mt for CDQ and 10,500 mt for inshore, C/P, and mothership directed fisheries. The B season opens at noon, Alaska local time (A.l.t.), June 10, 2012.

The remaining Bering Sea pollock for the B season allocations are:

Inshore	319,154
C/P	253,956
Mothership	63,851
CDQ	73,173

Salmon in the pollock fishery

In 2012, the Non-CDQ Chinook salmon is 722 salmon higher and pollock catch is 18,250 mt lower than 2011.

Chinook			Non-Chinook		
	2012	2011		2012	2011
CDQ	344	430	CDQ	1	11
Non-CDQ	7,428	6,706	Non-CDQ	10	111

Pacific cod

Hook-and-line C/Ps

In 2012, 28 hook-and-line C/Ps are participating in the Pacific cod fishery. About 91% of the 57,684 mt 2012 A season TAC has been reached. The B season allocation of 55,422 mt becomes available June 10. The hook-and-line C/Ps operate in a voluntary cooperative, and the fishery is expected to be open all year.

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

In 2012, the fishery closed February 17. However, hook-and-line CVs continued to fish in State waters since the Federal hook-and-line C/P fishery remained open. After the federal closure, 726 mt of Pacific cod catch by <60 ft hook-and-line CVs accrued to the <60 ft hook-and-line/pot allocation. This will limit or may prevent future openings for this sector in 2012. The 2012 annual allocation is 6,445 mt including a reallocation of 1,800 mt from the jig gear A season allocation. In 2011, the <60 ft hook-and-line/pot fishery closed March 8, 2011, with six hook-and-line and 13 pot vessels reporting 5,931 mt from the Bering Sea (including a 2011 reallocation of 1,500 mt from jig gear March 1, 2011). For the opening April 30 until early June the catch was 1,464 mt. In June the fleet moved to other fisheries, and in September the fleet started targeting Pacific cod again until mid-November catching 626 mt.

Trawl vessels

The C season allocations become available at noon, A.l.t., June 10, 2012. The annual allocations are 51,509 mt for trawl catcher vessels (CVs), 5,361 mt for AFA C/Ps, and 31,232 mt for the two Amendment 80 cooperatives (no Amendment 80 limited access sector in 2012).

Trawl catcher vessels

In 2012, the trawl CV Pacific cod A season closed February 29, 2012. For the B season, 33 CV targeted Pacific cod that opened three days early, March 29, and closed April 15, 2012, because the A+B season TAC was reached. About 7,695 mt remains for the C season allocation available at noon, A.l.t., June 10, 2012. The halibut bycatch mortality was 361 mt for the A season and 49 mt for the B season. For the 2011 A season, 47 trawl CVs targeted Pacific cod reporting 33,981 mt (for all trawl CV fisheries) and the fishery closed March 26. The 2011 B season opened April 1-4, April 9-12, and April 15-November 1, 2011 reporting 5,855 mt.

The 2012 catch rates were higher than 2011. The highest weeks were February 25, 2012, at 7,559 mt compared to March 26, 2011, at 5,637 mt.

The AFA CV catch of Pacific cod was lower than their A+B season sideboard limit.

2012	Non-pelagic	Pelagic (pollock)	Total	2012	Non-AFA	AFA	Total	AFA sideboard	Remaining ¹
A season	30,613	3,445	34,057	A season	6,102	27,956	34,057	32,815	4,859
B season	9,596	161	9,757	B season	2,393	7,364	9,757	4,878	(2,486)
Total	40,209	3,605	43,814	Total	8,494	35,319	43,814	37,693	2,374

2011	Non-pelagic	Pelagic (pollock)	Total	2011	Non-AFA	AFA	Total	AFA sideboard	Remaining ¹
A season	32,056	1,925	33,981	A season	8,473	25,507	33,981	28,659	3,152
B season	2,080	329	2,409	B season	1,207	1,202	2,409	4,261	3,059
Total	34,135	2,254	36,390	Total	9,681	26,709	36,390	32,920	6,211

¹ Underage from A season rolls to B season.

Hook-and-line catcher vessels >= 60 feet length overall (LOA)

The hook-and-line catcher vessels >= 60 feet LOA sector remains open with no participation.

Jig gear

Jig effort started during the week of May 12, 2012. The 2012 A+B season allocation is 811 mt after a reallocation of 1,800 mt from the jig gear A season allocation to the < 60 ft hook-and-line/pot CVs. For 2012, NMFS expects this fishery to be open all year. In 2011, fishing began during the week ending May 7, and 11 vessels reported 505 mt of Pacific cod for the year.

Arrowtooth flounder, Greenland turbot, and Kamchatka flounder

The fisheries opened May 1 and remain open. Six trawl C/Ps in the Aleutian Islands and seven trawl C/Ps in the Bering Sea have targeted arrowtooth and Kamchatka flounder since May 1. Hook-and-line C/Ps are expected to start targeting Greenland turbot in late June or July.

Flatfish

In 2012, catch is higher for arrowtooth flounder and rock sole than 2011.

Species	2012	2011
Alaska plaice	6,416	15,025
Arrowtooth flounder	5,877	4,542
Kamchatka flounder	1,979	4,560
Flathead sole	5,421	5,911
Greenland turbot	154	320
Rock sole	69,263	49,495
Yellowfin sole	60,060	69,549

Halibut mortality in metric tons

In 2012, compared to 2011, halibut mortality is higher for C/P and CV pelagic and non-pelagic CV trawl gear, lower for C/P non-pelagic trawl gear, and the same for hook-and-line gear.

BSAI	Sector	2012		2011	
		Halibut mortality	Groundfish	Halibut mortality	Groundfish
Pelagic trawl (pollock fishery)	C/P	170	232,527	128	239,158
	CV	105	259,051	66	269,611
Non-pelagic trawl	C/P	612	187,467	696	188,534
	CV	449	56,266	241	41,525
Hook-and-line	C/P	133	74,031	133	70,560
	CV	1	757	1	603
Total		1,470	810,099	1,199	809,991

Hook-and-line halibut mortality does not include halibut and sablefish targets.

Gulf of Alaska

Pacific cod

The B season allocations become available at noon, A.l.t., September 1, 2012, except for the jig allocations which become available at noon, A.l.t., June 10, 2012.

Central GOA Pacific cod

Sector	A season allocation	Opened	Closed	# of vessels	Lowest week	Highest week
Hook-and-line C/Ps	1,736	1/1	2/23	5	n/a	497
Hook-and-line CVs <50 ft	3,938	1/1	3/04	55	252	816
Hook-and-line CVs >=50 ft	2,372	1/1	3/20	15	98	327
Jig	256	1/1	3/06	35	10	59
Pot CV/CP	7,538	1/1	2/10	56	1,035	1,618
Trawl CV	8,936	1/20	3/26	46	100	1,426
Trawl C/P	847	1/20	4/8	<3	n/a	n/a

In 2011, the A season inshore fishery closed January 29 and offshore fishery closed June 10. The 2011 A season inshore allocation was 21,795 mt and offshore allocation was 2,422 mt.

Western GOA Pacific cod

Sector	A season allocation	Opened	Closed	# of vessels	Lowest week	Highest week
Hook-and-line C/Ps	2,257	1/1	n/a	8	n/a	435
Hook-and-line CVs	145	1/1	4/2	<3	n/a	n/a
Jig	189	1/1	n/a	20	1	24
Pot CV/CP	4,100	1/1	2/06	34	331	1,452
Trawl CV	5,736	1/20	2/22	24	177	1,972
Trawl C/P	186	1/20	2/14	<3	n/a	n/a

In 2011, the A season inshore fishery closed February 16 and offshore fishery closed June 10. The 2011 A season inshore allocation was 12,304 mt and offshore allocation was 1,367 mt.

Pollock

In Area 610, 12 vessels targeted pollock. Fishing was slow and 3,047 mt remained in the A season allocation. Only 1,159 mt of the remaining A season allocation could be added to the B season allocation of 5,797 mt. In Area 620, 39 vessels and in Area 630, 33 vessels targeted pollock. The B season closed for Area 610 April 1, 2012, Area 620 March 17, 2012, and Area 630 March 24, 2012. The C season pollock fisheries open at noon, A.l.t., August 25, 2012.

Chinook Salmon

In 2012, Chinook salmon in the GOA for all areas and fisheries is 5,434 salmon compared to 7,937 salmon in 2011. The total groundfish catch is 6,790 mt more in 2012 than 2011.

Chinook			Non-Chinook		
	2012	2011		2012	2011
Pollock	3,767	2,976	Pollock	40	0
All fisheries	5,434	7,937	All fisheries	196	216

Halibut PSC limits

The 2012 trawl halibut mortality is 1,018 mt compared to 734 mt for the same time period in 2011. The 2012 hook-and-line halibut mortality is 97 mt compared to 80 mt for the same time period in 2011.

Deep-Water and Shallow-Water Trawl Fishery Categories for Halibut PSC

The 2nd season halibut mortality allowances became available April 1, 2012. NMFS prohibited directed fishing by vessels using trawl gear for deep-water species on April 19, 2012 and shallow-water species on May 31, 2012. As of May 26, for deep-water species, 456 mt of halibut mortality has accrued to the current 400 mt limit. Also, the Rockfish Program cooperatives have accrued 8 mt of halibut mortality. For shallow-water fisheries, 553 mt of halibut mortality has accrued to the current 550 mt limit. The 3rd season allowances become available at noon, A.I.t., July 1, 2012.

Hook-and-line – Other than Demersal shelf rockfish

For the first season allowance, halibut mortality for the hook-and-line C/Ps is 26 mt of the 101 mt limit, and for the hook-and-line CVs is 70 mt of the 149 mt limit. The 2nd season allowances become available June 10, 2012.

Halibut mortality and groundfish in metric tons

Most of the increase in 2012 was from the trawl CV Pacific cod target, 461 mt, compared to 176 mt in 2011.

GOA	Sector	2012		2011	
		Halibut mortality	Groundfish	Halibut mortality	Groundfish
Pelagic trawl	CV	4	52,302	11	44,640
Non-pelagic trawl	C/P	233	6,760	268	8,241
	CV	781	30,458	454	25,885
Hook-and-line	C/P	25	4,351	35	5,564
	CV	72	15,156	45	12,629
Total		1,115	109,027	813	96,959

Hook-and-line halibut mortality does not include halibut and sablefish targets.

**Bering Sea Aleutian Islands Catch Report
(includes CDQ)**

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Other Rockfish (includes CDQ)	49	500	451	10%	6
	Pacific Ocean Perch (includes CDQ)	288	4,854	4,566	6%	48
	Sablefish (Hook-and-Line and Pot)	113	892	779	13%	0
	Sablefish CDQ (Hook-and-Line and Pot)	29	223	194	13%	13
	Sablefish (Trawl)	2	948	946	0%	0
	Sablefish CDQ (Trawl)	4	84	80	5%	1
	Greenland Turbot	37	5,296	5,259	1%	6
	Greenland Turbot CDQ	1	667	666	0%	0
X	Pollock, AFA Inshore	209,896	529,050	319,154	40%	0
X	Pollock, AFA Catcher Processor	169,284	423,240	253,956	40%	0
X	Pollock, AFA Mothership	41,959	105,810	63,851	40%	0
X	Pollock CDQ	48,727	121,900	73,173	40%	0
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	15,385	32,400	17,015	47%	314
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	77	150	73	51%	32

**Bering Sea Aleutian Islands Catch Report
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Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Aleutian Islands

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Other Rockfish (includes CDQ)	182	485	303	37%	2
	Pacific Ocean Perch, Eastern	1,929	5,019	3,090	38%	0
	Pacific Ocean Perch, Eastern CDQ	44	601	557	7%	0
	Pacific Ocean Perch, Central	743	4,456	3,713	17%	0
	Pacific Ocean Perch, Central CDQ	47	534	487	9%	0
	Pacific Ocean Perch, Western	0	7,483	7,483	0%	0
	Pacific Ocean Perch, Western CDQ	333	897	564	37%	0
	Rougheye Rockfish (includes CDQ) - BS + Eastern	22	231	209	10%	0
	Rougheye Rockfish (includes CDQ) - Central + Western	5	244	239	2%	0
	Atka Mackerel, Eastern (Jig)	0	167	167	0%	0
	Atka Mackerel, Eastern ICA	96	1,000	904	10%	0
X	Atka Mackerel, Eastern (Trawl)	15,992	33,213	17,221	48%	0
X	Atka Mackerel, Eastern CDQ	1,172	4,120	2,948	28%	9
X	Atka Mackerel, Central (Trawl)	3,536	9,511	5,975	37%	0
	Atka Mackerel, Central ICA	1	100	99	1%	0
X	Atka Mackerel, Central CDQ	31	1,152	1,121	3%	0
X	Atka Mackerel, Western (Trawl)	0	1,300	1,300	0%	0
	Atka Mackerel, Western ICA	0	40	40	0%	0
X	Atka Mackerel, Western CDQ	3	161	158	2%	0
	Sablefish (Hook-and-Line and Pot)	291	1,230	939	24%	21
	Sablefish CDQ (Hook-and-Line and Pot)	0	307	307	0%	0
	Sablefish (Trawl)	7	436	429	2%	0
	Sablefish CDQ (Trawl)	0	38	38	0%	0
	Greenland Turbot (includes CDQ)	116	2,066	1,950	6%	2
X	Pollock	0	5,000	5,000	0%	0
X	Pollock CDQ	0	0	0	0%	0
X	Pollock, Incidental Catch (includes CDQ)	343	1,600	1,257	21%	0

**Bering Sea Aleutian Islands Catch Report
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Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea Aleutian Islands

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Alaska Plaice (includes CDQ)	6,416	20,400	13,984	31%	742
	Arrowtooth Flounder	5,807	21,250	15,443	27%	614
	Arrowtooth Flounder CDQ	70	2,675	2,605	3%	8
	Flathead Sole	5,106	30,482	25,376	17%	172
	Flathead Sole CDQ	315	3,652	3,337	9%	3
	Kamchatka Flounder (includes CDQ)	1,979	15,045	13,066	13%	167
	Northern Rockfish (includes CDQ)	394	4,700	4,306	8%	4
	Other Flatfish (includes CDQ)	2,051	2,720	669	75%	123
X	Pacific Cod, Catcher Processor (Amendment 80)	15,795	31,232	15,437	51%	1,142
X	Pacific Cod, Catcher Processor (AFA)	4,884	5,361	477	91%	11
X	Pacific Cod, Catcher Vessel (Trawl)	43,814	51,509	7,695	85%	6
X	Pacific Cod, Catcher Processor (Hook-and-Line)	52,638	113,106	60,468	47%	936
X	Pacific Cod, Catcher Vessel (Hook-and-Line >= 60 ft)	0	465	465	0%	0
X	Pacific Cod, Catcher Processor (Pot)	1,680	3,484	1,804	48%	0
X	Pacific Cod, Catcher Vessel (Pot >= 60 ft)	9,854	19,509	9,655	51%	0
X	Pacific Cod (Jig)	28	1,463	1,435	2%	6
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	7,171	6,445	-726	111%	0
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	65	500	435	13%	0
X	Pacific Cod CDQ	16,960	27,927	10,967	61%	319
	Rock Sole	63,339	77,691	14,352	82%	1,197
	Rock Sole CDQ	5,924	9,309	3,385	64%	260
	Shortraker Rockfish (includes CDQ)	31	393	362	8%	6
	Yellowfin Sole	54,828	180,386	125,558	30%	3,860
	Yellowfin Sole CDQ	5,232	21,614	16,382	24%	766
	Octopus (includes CDQ)	38	900	862	4%	0
	Sculpin (includes CDQ)	3,185	5,200	2,015	61%	109
	Shark (includes CDQ)	12	200	188	6%	0
	Skate (includes CDQ)	11,224	24,700	13,476	45%	322
	Squid (includes CDQ)	52	361	309	14%	17
Total:		829,635	1,990,084	1,160,449	42%	11,246

Other flatfish: all flatfish except Pacific halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, arrowtooth flounder, and Alaska plaice.

Other rockfish: all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and rougheyeye rockfish.

For changes to the harvest specifications refer to <http://alaskafisheries.noaa.gov/2012/hschanges.htm>

**Bering Sea Aleutian Islands
Prohibited Species Report
(includes CDQ)**

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Chinook Salmon

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
X	BS Pollock (Pelagic)	Count	7,428	55,104	47,676	13%	0
X	BS Chinook Salmon PSQ	Count	344	4,896	4,552	7%	0
	AI Pollock (Pelagic)	Count	0	647	647	0%	0
	AI Chinook Salmon PSQ	Count	0	53	53	0%	0
Total:			7,772	60,700	52,928	13%	0

Halibut Mortality

Non-Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Halibut Mortality (Non-Trawl)	MT	142	833	691	17%	4
Total:			142	833	691	17%	4

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Halibut Mortality (Trawl)	MT	1,336	3,200	1,864	42%	82
Total:			1,336	3,200	1,864	42%	82

Trawl and Hook-and-Line Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Halibut Mortality PSQ	MT	108	393	285	27%	12
Total:			108	393	285	27%	12

Herring (includes CDQ fisheries)

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Pacific Cod	MT	0	31	31	0%	0
	Rockfish	MT	0	11	11	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	31	31	0%	0
	Pollock, Atka Mackerel, Other Species	MT	15	227	212	7%	0
	Pollock Pelagic	MT	114	1,600	1,486	7%	0
	Yellowfin Sole	MT	1	179	178	1%	1
	Turbot, Arrowtooth, Kamchatka, Sablefish	MT	0	15	15	0%	0
Total:			131	2,094	1,963	6%	1

**Bering Sea Aleutian Islands
Prohibited Species Report
(includes CDQ)**

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Opilio (Tanner) Crab - COBLZ

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Opilio Crab	Count	250,192	5,102,867	4,852,675	5%	11,077
	Opilio Crab PSQ	Count	3,395	889,221	885,826	0%	0
Total:			253,587	5,992,088	5,738,501	4%	11,077

Bairdi Crab, Zone 1

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Bairdi Crab PSQ	Count	13,233	88,810	75,577	15%	367
	Bairdi Crab	Count	134,570	779,749	645,179	17%	5,409
Total:			147,803	868,559	720,756	17%	5,776

Bairdi Crab, Zone 2

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Bairdi Crab	Count	75,027	1,869,278	1,794,251	4%	14,792
	Bairdi Crab PSQ	Count	6,310	269,640	263,330	2%	0
Total:			81,337	2,138,918	2,057,581	4%	14,792

Red King Crab, Zone 1

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Red King Crab	Count	22,771	69,782	47,011	33%	447
	Red King Crab PSQ	Count	2,500	21,079	18,579	12%	0
Total:			25,271	90,861	65,590	28%	447

Gulf of Alaska Catch Report

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Western, Central Pollock

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
X	Pollock, 610 Shumagin	9,076	30,270	21,194	30%	0
X	Pollock, 620 Chirikof	31,182	45,808	14,626	68%	2
X	Pollock, 630 Kodiak	7,765	26,348	18,583	29%	70

Western Gulf

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Arrowtooth Flounder	650	14,500	13,850	4%	2
	Deep Water Flatfish	0	176	176	0%	0
	Shallow Water Flatfish	94	13,250	13,156	1%	0
	Flathead Sole	234	8,650	8,416	3%	0
	Rex Sole	179	1,307	1,128	14%	0
	Pacific Ocean Perch	36	2,102	2,066	2%	0
	Rougeye Rockfish	9	80	71	11%	0
	Shortraker Rockfish	36	104	68	35%	0
	Thornyhead Rockfish	34	150	116	22%	3
	Dusky Rockfish	9	409	400	2%	0
	Northern Rockfish	20	2,156	2,136	1%	0
	Other Rockfish	2	44	42	4%	0
	Pacific Cod	12,626	21,024	8,398	60%	2
	Sablefish (Hook-and-Line)	339	1,424	1,085	24%	19
	Sablefish (Trawl)	6	356	350	2%	0
	Big Skate	53	469	416	11%	0
	Longnose Skate	9	70	61	13%	0

Gulf of Alaska Catch Report

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Central Gulf

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Arrowtooth Flounder	8,828	75,000	66,172	12%	149
	Deep Water Flatfish	106	2,308	2,202	5%	3
	Shallow Water Flatfish	1,287	18,000	16,713	7%	94
	Flathead Sole	946	15,400	14,454	6%	4
	Rex Sole	1,379	6,412	5,033	22%	3
	Pacific Ocean Perch	3,337	11,263	7,926	30%	523
	Rougheye Rockfish	52	850	798	6%	1
	Shortraker Rockfish	36	452	416	8%	10
	Dusky Rockfish	783	3,849	3,066	20%	257
	Northern Rockfish	800	3,351	2,551	24%	334
	Thornyhead Rockfish	120	766	646	16%	10
	Other Rockfish	52	606	554	9%	8
	Pacific Cod	26,686	42,705	16,019	62%	46
	Sablefish (Hook-and-Line)	2,207	4,608	2,401	48%	260
	Sablefish (Trawl)	174	1,152	978	15%	19
	Big Skate	1,142	1,793	651	64%	10
	Longnose Skate	371	1,879	1,508	20%	7

Eastern Gulf

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Rougheye Rockfish	87	293	206	30%	12
	Shortraker Rockfish	59	525	466	11%	7
	Thornyhead Rockfish	82	749	667	11%	11
	Pacific Cod	298	1,971	1,673	15%	1
	Big Skate	34	1,505	1,471	2%	0
	Longnose Skate	28	676	648	4%	1

Gulf of Alaska Catch Report

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



West Yakutat

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Arrowtooth Flounder	14	6,900	6,886	0%	1
	Deep Water Flatfish	0	1,581	1,581	0%	0
	Shallow Water Flatfish	0	4,307	4,307	0%	0
	Flathead Sole	0	4,558	4,558	0%	0
	Rex Sole	0	836	836	0%	0
	Pacific Ocean Perch	225	1,692	1,467	13%	0
	Dusky Rockfish	5	542	537	1%	0
	Other Rockfish	4	230	226	2%	0
	Pollock	2,288	3,244	956	71%	0
	Sablefish (Hook-and-Line)	1,173	1,976	803	59%	74
	Sablefish (Trawl)	0	271	271	0%	0

Southeast

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Arrowtooth Flounder	27	6,900	6,873	0%	6
	Deep Water Flatfish	1	1,061	1,060	0%	0
	Shallow Water Flatfish	0	1,472	1,472	0%	0
	Flathead Sole	0	1,711	1,711	0%	0
	Rex Sole	0	1,057	1,057	0%	0
	Pacific Ocean Perch	0	1,861	1,861	0%	0
	Dusky Rockfish	0	318	318	0%	0
	Other Rockfish	5	200	195	2%	0
	Pollock	0	10,774	10,774	0%	0
	Demersal Shelf Rockfish	27	293	266	9%	3
	Sablefish (Hook-and-Line)	1,466	3,173	1,707	46%	155

Entire Gulf

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Week Catch
	Atka Mackerel	4	2,000	1,996	0%	1
	Octopus	103	1,455	1,352	7%	0
	Sculpin	560	5,731	5,171	10%	4
	Shark	401	6,028	5,627	7%	0
	Other Skates	802	2,030	1,228	40%	10
	Squid	1	1,148	1,147	0%	0
Total:		118,364	438,159	319,795	27%	2,124

**Gulf of Alaska
Prohibited Species Report**

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Non-Chinook Salmon

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Non Chinook Salmon	Count	196	0		0%	66
Total:			196	0			66

Chinook Salmon

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Chinook Salmon	Count	5,434	0		0%	87
Total:			5,434	0			87

Halibut Mortality

Non-Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
X	Other Hook-and-Line Fisheries	MT	97	290	193	33%	0
Total:			97	290	193	33%	0

Trawl Gear

Seasons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Week Catch
	Trawl Fishery	MT	1,018	2,000	982	51%	13
Total:			1,018	2,000	982	51%	13

No PSC Limits apply to salmon in the GOA.

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District. The hook-and-line sablefish fishery is exempt from halibut PSC limits.

Halibut mortality for the demersal shelf rockfish fishery in Southeast District is not listed due to insufficient observer coverage.

Data is based on observer reports extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

Trawl halibut PSC limit data include catch from Rockfish Program cooperatives.

**Gulf of Alaska
Halibut Mortality Report**

Through: 26-MAY-2012

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Trawl Fisheries

Deep Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-Jan-2012	01-Apr-2012	71	100	29	71%
2nd Season	01-Apr-2012	01-Jul-2012	385	300	-85	128%
3rd Season	01-Jul-2012	01-Sep-2012	0	400	400	0%
4th Season	01-Sep-2012	01-Oct-2012	0	0	0	0%
Total:			456	800	344	57%

Shallow Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-Jan-2012	01-Apr-2012	494	450	-44	110%
2nd Season	01-Apr-2012	01-Jul-2012	60	100	40	60%
3rd Season	01-Jul-2012	01-Sep-2012	0	200	200	0%
4th Season	01-Sep-2012	01-Oct-2012	0	150	150	0%
Total:			553	900	347	61%

Year-To-Date

Count	Total Catch	Limit	Limit Remaining	% Taken	Last Week Catch
Trawl Fishery	1,018	2,000	982	51%	13

Other Hook-and-Line Fisheries

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	01-Jan-2012	10-Jun-2012	97	250	153	39%
2nd Season	10-Jun-2012	01-Sep-2012	0	5	5	0%
3rd Season	01-Sep-2012	31-Dec-2013	0	35	35	0%
Total:			97	290	193	33%

Deep-water species complex: sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder. Shallow-water species complex: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and 'other species'.

No apportionment between shallow-water and deep-water fishery complexes during October 1 to December 31 (300 mt allocated).

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District.

Halibut mortality for the demersal shelf rockfish fishery in Southeast District is not listed due to insufficient observer coverage.

Data is based on observer reports extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

May 31, 2012

RECEIVED
MAY 31 2012

Eric A. Olson
Chairman, North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Mr. Olson:

We are writing to reaffirm our commitment to develop electronic monitoring (EM) as an alternate tool for fulfilling observer coverage requirements as a component of the restructured North Pacific Groundfish and Halibut Observer Program (Observer Program) per the Council's June 2010 motion. The change in the draft proposed regulatory text to implement Amendment 86 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands and Amendment 76 to the FMP for Groundfish of the Gulf of Alaska (Amendments 86 and 76), the Council reviewed in October 2011, to the proposed rule published April 18, 2012 (77 FR 23326), does not reflect a change in our intent to develop and integrate EM into the restructured Observer Program. The following provides an update on our efforts and objectives to integrate EM into the restructured observer program by 2013.

The Council's October 2010 motion to restructure the Observer Program expanded the program to all groundfish and halibut vessels participating in fisheries under the Council's jurisdiction. NMFS Alaska Fisheries Science Center (AFSC) and Alaska Regional Office (AKR) staff participated in meetings of the Council's Observer Advisory Committee (OAC) and the Council in 2011. The results from those meetings established that the initial phase of an EM program should focus on the 40 to 57.5 ft halibut and sablefish hook-and-line vessels. The Council's October 2011 motion clarified the Council's goal of integrating EM into the Observer Program as an alternative tool for meeting program requirements and urged NMFS to advance in that direction. Various limitations about EM were discussed in these meetings including the inability for EM to provide the biological information collected by observers, difficulty in species identification, the time lag in information availability from EM, system reliability, susceptibility to tampering, and the multi-year interval required to establish a very productive data generating system from EM. Despite these limitations, NMFS agreed that EM may be a helpful tool for gathering data to generate estimates of at-sea discards on previously unobserved vessels, particularly in the hook-and-line individual fishing quota fisheries, where it would be relatively difficult or impractical to carry an observer. As such, NMFS has been developing the capacity to deploy EM systems on some vessels at the outset of the restructured Observer Program.



We are working to achieve the Council's short-term goal of including EM for use on hook-and-line vessels less than 57.5 ft in length and working to incorporate EM as an integrated component of the Observer Program over the longer-term where technically and economically feasible. Lessons learned from prior fishery EM projects demonstrate the need to match the sampling objective with the system capabilities. We think the first-look at discards on small hook-and-line vessels where there's not a need for rapid data transmission is a good starting point.

As noted at the April 2012 Council meeting and in correspondence to you from the AFSC on March 21, 2012, the AFSC has dedicated \$175K to fund EM in 2013. This amount is in addition to the \$3.8M NMFS dedicated to start the restructured Observer Program. NMFS is developing two separate contracts for implementing the restructured program: one to provide the camera deployment infrastructure for EM, and the second to hire and deploy human observers across the restructured fleet. The Request for Proposals (RFP) for the EM contract has been submitted to our procurement office and will be advertised in the near future. The RFP for the observer contract has been advertised and we are evaluating bids. We expect to award both contracts this fiscal year; together they form the basis for the restructured Observer Program with an EM component in 2013.

The AFSC recently hired Farron Wallace, a long-time member of the Council's Science and Statistical Committee. Mr. Wallace will lead the development of EM on hook-and-line vessels while assisting the analytical work to inform our human observation systems. We also plan to add resources to extract video data collected from EM systems.

NMFS AFSC and AKR are also collaborating to enable efficient storage and retrieval of EM-collected data and to potentially automate analysis of images. Images contain a large volume of data, and organized database access will be needed. Data storage and retrieval solutions exist for some EM applications, and we have the resources and skills to implement them. We have also identified potential for the development of software analytics that can assist in rapid, automated interpretation of images. We completed a contract demonstrating this potential and anticipate further work this year focusing on hook-and-line gear.

Pilot EM work conducted by the Alaska Longline Fisherman's Association (ALFA) under a National Fish and Wildlife Foundation (NFWF) grant has provided valuable guidance for the operational and logistical aspects of EM. They have deployed camera systems on several vessels and presented their work to the Council and the OAC. AFSC staff worked with the principal investigator in 2012, the initial year of the NFWF grant. AFSC staff spent a week in Sitka assessing the video footage and providing feedback for the next year's work. As well, ALFA has provided information that has helped NMFS in our work to contract for operational EM in small boat hook-and-line fisheries.

On a broad level, NMFS has initiated a nationwide effort to examine EM technologies and provide guidance to the regions, where applicable. The goal of that effort is to develop a strategic process for the agency to evaluate and fund EM technologies and to understand any impediments to implementing EM programs including technical, policy, regulatory, budgetary, and

enforcement issues.¹ NMFS Headquarters staff have committed to developing six white papers addressing analysis of existing EM technologies/programs, enforcement issues/impediments, legal/confidentiality concerns, research and development requirements, re-alignment of management and monitoring, and funding options. After development of the white papers, the national effort will focus on:

- working with the Council Chairs Committee and Councils to set up opportunities to resolve issues impeding adoption of EM;
- developing guiding principles and best practices for implementing EM in U.S. fisheries
- devising more options to help develop and fund EM; and
- incorporating EM results into a cost-effective strategic approach to sustainably meet data collection requirements.

NMFS AKR and AFSC staff are participating in the development of the white papers, which are targeted for completion this year. We will share the completed white papers with the Council. We may glean information from these documents that will be helpful to our own EM efforts.

We provided the Council with a discussion paper on prior EM projects in fisheries off Alaska at the February 2011 Council meeting. The experience from the EM projects discussed in that paper (in the Gulf of Alaska rockfish fishery, the halibut hook-and-line fishery, and BSAI Amendments 80 and 91), provided useful background for the priorities for initial EM efforts in the restructured Observer Program. As well, we are continuing to coordinate with and learn from EM projects that are occurring outside Alaska. NMFS Northeast Region is employing EM on a variety of gear types to monitor quota allocations and sub-annual catch limits. Upon completion of the first year of the project in 2010, NMFS Northeast Fishery Science Center (NFSC) concluded that their EM system was insufficient to meet the program objectives which included identifying species of flounder and hake and monitoring weights of discarded fish by species. That project is continuing and some improvements in EM performance were expected through further research.² We expect to continue to learn from their efforts and acknowledge that their use of EM for real-time catch accounting in a catch share fishery was a high bar to achieve through EM. We think the approach in Alaska, without the demand for timely catch accounting in the hook-and-line fishery, may be a better fit for the existing technology.

Pending implementation of the final rule for Amendments 86 and 76, we will deploy EM systems on cooperating vessels in the vessel selection pool in 2013. NMFS does not intend to deploy EM systems on vessels that are opposed to carrying EM in the initial years of the program due to concerns about NMFS' ability to enforce the requirement for vessels to carry EM until more detailed specifications are provided in the regulations. As well, NMFS AKR and AFSC recognize the importance of industry support for EM. We intend to continue to work collaboratively with industry and the Council to develop EM and apply it where it makes good sense in meeting an information need for effective fisheries management. Thus, the change in

¹ A presentation on the national EM perspective was presented to the Council Chairs Committee at its May 2012 meeting and to the Pacific Fishery Management Council in April 2012. The presentation is available online www.pcouncil.org/wp-content/uploads/14b_SUP_NMFS_PPT_APR2012BB.pdf.

² The contractor's report on the first year of the Northeast's EM program and NMFS NFSC's review are available online www.nefsc.noaa.gov/fsb/Electronic%20Monitoring%20Pilot%20Study/2010_EM_Report_FINAL.pdf.

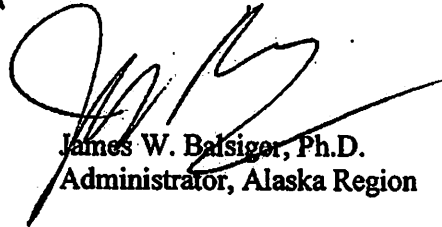
EM text from the draft proposed regulations in October 2011 to the proposed regulations in April 2012 does not decrease our incentive to develop EM. However, we will give full consideration to the Council's comments on the EM language in the proposed rule submitted by Chris Oliver on May 14, 2012.

There are numerous perspectives within NMFS, the Council, and the industry about what constitutes an integrated EM component and how far along the EM program will be in 2013. Our goal for a fully-integrated EM program in the North Pacific includes obtaining quality effort (location and quantity of gear set) and catch composition information from EM-observed vessels. Implementation of an EM program will need to consider the potential economic costs and benefits to the industry and NMFS. While work is underway, it may be several years before the overall goal of a fully-integrated EM program is realized. We envision continued coordination with the Council and industry to develop an EM program to provide data necessary to meet the high standards for fishery management in the North Pacific.

Sincerely,

Douglas P. DeMaster, Ph.D.
Science and Research Director, Alaska Region

For
BOTH



James W. Balsiger, Ph.D.
Administrator, Alaska Region



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

May 31, 2012

RECEIVED
MAY 31 2012

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2817

Dear Chairman Olson:

Staff of the Alaska Department of Fish and Game (ADF&G) asked whether any federal regulations apply to *non-commercial fishing* for groundfish in the Exclusive Economic Zone (EEZ) off Alaska. Their question referred to groundfish in general and to sablefish in particular. We are providing this letter to the North Pacific Fishery Management Council (Council) as our response because this issue involves regulations governing commercial fishing under the fishery management plans and regulations recommended by the Council, and we expect that our answer will be of interest to a broad audience. This letter also is posted on the NMFS Alaska Region website at (<http://www.alaskafisheries.noaa.gov/sustainablefisheries/default.htm>). In summary, there are no "non-commercial fishing" categories under which persons may harvest sablefish with *fixed gear* in the EEZ.

Additional Information

Regulations promulgated by NMFS in 50 CFR part 679 govern commercial fishing for groundfish in the EEZ off Alaska. These regulations do not specifically address any non-commercial fishing for groundfish. When no federal regulations govern a fishing activity in the EEZ, section 306(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) allows a state to regulate both vessels registered under the laws of that state and, under some circumstances, vessels not so registered while those vessels are fishing in the EEZ.

Commercial fishing for sablefish in the EEZ off Alaska is authorized only for vessels using fixed gear or trawl gear as defined under § 679.2. Under regulations at § 679.24(c), persons catching sablefish with any gear other than fixed gear or trawl gear must treat this sablefish as a prohibited species and, after allowing for sampling by an observer if an observer is onboard the vessel, return the sablefish to the sea with a minimum of injury.

Regulations governing the halibut and sablefish Individual Fishing Quota (IFQ) Program do not contain a specific definition of commercial fishing for sablefish using fixed gear. Nevertheless, in order to have an IFQ Program that can be effectively managed and monitored, the regulations work together to insure that harvests of sablefish are limited to a select group of commercial fishermen. Only those fishermen possessing an IFQ sablefish permit and using fixed gear in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI) management areas may harvest IFQ sablefish in federally managed waters. In some cases, the IFQ regulations also apply to sablefish harvested in waters of the State of Alaska.



NMFS regulations define IFQ sablefish as "any sablefish that is harvested with fixed gear, either in the EEZ off Alaska or in waters of the State of Alaska, by persons holding an IFQ permit, but does not include sablefish harvested in Prince William Sound or under a State of Alaska limited entry program." Fixed gear is defined as longline gear in the GOA, which includes hook-and-line, jig, troll, and handline; and as hook-and-line and pot gear in the BSAI. The harvest of IFQ sablefish is governed by the IFQ regulations in 50 CFR part 679, specifically:

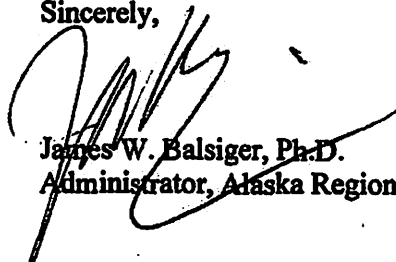
- § 679.7(f)(3)(ii) prohibits any person from retaining sablefish caught with fixed gear without a valid IFQ permit or IFQ hired master permit, unless that person is fishing on behalf of a Community Development Quota (CDQ) group; and
- § 679.7(f)(4) prohibits any person from retaining IFQ or CDQ sablefish on a vessel in excess of the total amount of unharvested IFQ or CDQ currently held by all permit holders onboard the vessel.

The result of these regulations is that any sablefish harvested with *fixed gear* in the EEZ or in waters of the State of Alaska, with the exception of Prince William Sound or under a State of Alaska limited entry program, may be retained only if the harvest, retention, and disposition of the sablefish complies with all regulations in 50 CFR part 679 that apply to IFQ or CDQ sablefish. If fixed gear is used to harvest sablefish, these regulations apply even if a person is not intending to commercial fish for sablefish.

This letter specifically refers to regulations governing commercial fishing for groundfish that have been promulgated by the Secretary of Commerce. The U.S. Fish and Wildlife Service and the U.S. Forest Service manage subsistence activities on federal public lands in Alaska, including limited marine waters, under 50 CFR part 100 and 36 CFR part 242 respectively. Questions about federal regulations governing subsistence fishing under 50 CFR part 100 should be directed to the U.S. Fish and Wildlife Service Office of Subsistence Management. In addition, as stated earlier, if fishing for groundfish in the EEZ is not regulated as commercial fishing under 50 CFR part 679, no regulations promulgated by NMFS apply to that fishing and it may be permissible under the MSA for the State of Alaska to extend its regulations to vessels non-commercial fishing in the EEZ.

Please let us know if you have any questions on this issue or if you would like to discuss this further at a future Council meeting.

Sincerely,



James W. Balsiger, Ph.D.
Administrator, Alaska Region

cc: Commissioner Campbell, ADF&G

Eric Olsen, Chair NPFMC
605 West 4th Street Ste 306
Anchorage AK, 99501

May 29, 2012

Agenda Item B: NMFS Report, Observer Program

Dear Chairman Olsen and Members of the Council,

At the June 2010 NPFMC meeting, the Council tasked the Observer Advisory Committee and Council and NMFS staff with developing electronic monitoring (EM) as an alternative tool for fulfilling observer coverage requirements. The Council stated that its intent was for EM "to be in place at the same time as the restructured observer program." The April 2012 proposed rule to implement the restructured observer program does not reflect this commitment. Because the rule fails to include a viable EM option, the analysis to support the restructured observer program fails to adequately assess the logistical, economic, and social impacts of placing observers on the less than sixty foot fixed gear fleet.

Throughout the development of the restructured observer program, we have consistently identified the need for EM as an alternative to human observers for fixed gear vessels less than sixty feet to mitigate the significant social and economic impacts. The EA/RIR/IRFA to implement the restructured observer program indicates that the sablefish/halibut fleet will pay approximately 67% of the costs associated with the partial coverage category. Although this places a substantial burden on these small businesses, we continued to support the goals of the restructured observer program to gather unbiased at-sea data from all sectors and have stated our willingness to pay a fair share of the future observer program costs. We have taken the initiative to operationalize EM to ensure it meets at-sea monitoring needs, is cost effective, and avoids impacts on fishing behavior associated with human observers. At this point, we are willing to provide unbiased at-sea data that meet program goals and to pay more than our fair share of the program costs. What we cannot accept is a program that does not include EM as a viable option for meeting at sea coverage requirements, and relies on supplemental funding, rather than the fee assessed on the fleet, to develop and integrate EM. That, combined with the current dearth of specificity in the deployment plan for the fixed gear fleet, render the program as proposed untenable to our memberships.

We appreciate that the Council has repeatedly directed NMFS to develop EM, and we appreciate the effort the Alaska Fisheries Science Center has committed to the joint industry/agency EM pilot program. We are willing to continue to do all we can to develop a cost effective EM program compatible with the operational constraints of the 1,400 small fixed gear vessels operating off Alaska. At this point we ask that the Council direct NMFS to include in the final rule a commitment to:

1. Dedicating 15- 20% of the fees collected from the industry to develop, implement, and fully integrate EM into the restructured observer program;
2. Providing EM as the preferred monitoring tool for the less than sixty foot sablefish/halibut fleet in 2013 and providing EM as the preferred monitoring tool for all fixed gear vessels by 2016.

Until the restructured observer program includes these two commitments, the undersigned organizations cannot support observer requirements on fixed gear vessel less than sixty feet in length overall.

Respectfully,



Linda Behnken
(Alaska Longline Fishermen's Association)



Julianne Curry
Petersburg Vessel Owners Association



Kathy Hansen
Southeast Alaska Fishermen's Alliance

CC. Senator Mark Begich
Senator Lisa Murkowski
Rep. Don Young
Governor Shawn Parnell
Commissioner Cora Campbell

Subject: Written comment - Glacier Fish Company LLC - NPFMC June 2012 meeting
From: Andrew Richards <arichards@mundtmac.com>
Date: 5/29/2012 4:07 PM
To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>
CC: Jim Johnson <JimJ@glacierfish.com>, John Bundy <john@glacierfish.com>, "Joe Sullivan" <JSullivan@mundtmac.com>

We represent Glacier Fish Company LLC ("Glacier").

Attached please find a written comment that we are submitting on behalf of Glacier regarding Agenda Item B-2 for the upcoming NPFMC meeting in Kodiak. The attached is a copy of correspondence that we previously sent to Dr. James W. Balsiger, Alaska Regional Administrator, NMFS.

Best regards,
Andrew Richards

Andrew P. Richards
Mundt MacGregor L.L.P.
Fishermen's Terminal Office
4005 20th Avenue West, Suite 221
Seattle, WA 98199-1290
Direct: (206) 995-8287
Fax: (206) 299-0419

— Attachments: _____

NPFMC June 2012 - Glacier Fish Co.pdf

168 KB

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North Pacific Fishery Management Council
June 2012 meeting Kodiak, Alaska
Agenda Item B-2

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Reply to Fishermen's Terminal Office

May 25, 2012

Dr. James W. Balsiger
Alaska Regional Administrator
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

SENT VIA EMAIL
AND U.S. MAIL

Re: Amendment 97 comments

Dear Dr. Balsiger:

We represent Glacier Fish Company LLC ("Glacier"). This letter is further to our recent correspondence with the National Marine Fisheries Service ("NMFS") concerning listed American Fisheries Act ("AFA") catcher/processors serving as Amendment 80 replacement vessels under Amendment 97. Specifically, this letter will address public comments submitted on Amendment 97 that challenge NMFS's interpretation of the Capacity Reduction Program ("CRP") legislation as not preventing listed AFA catcher/processors from serving as Amendment 80 replacement vessels. This letter will also discuss operational and business aspects of AFA vessels serving in that capacity.

The comments challenging NMFS's interpretation of the CRP legislation focus on the CRP requirement that an "owner" must own a catcher/processor that is "not an AFA trawl catcher processor" to initially qualify for the Amendment 80 sector. See CRP Section 219(a)(7)(A). However, as the Court observed in Arctic Sole Seafoods v. Gutierrez, there is a critical distinction between a) the CRP's initial qualification criteria for vessel owners, and b) whether or not the CRP limits in any way the type of vessel that an owner, once qualified, may use in the Amendment 80 sector. The Arctic Sole Seafoods case involved a challenge to NMFS's prior position that the CRP limited an owner to using only the vessel that qualified it for the Amendment 80 sector—that is, a vessel meeting the requirements of CRP Section 219(a)(7)(A) ("not an AFA trawl

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processor") and (C) (historic harvest). The Court characterized NMFS's position as "read[ing] into the [CRP] a requirement that otherwise qualified owners must use the vessel that qualified them for the [Amendment 80 sector] ... [when] Congress did not impose that requirement." 622 F. Supp. 2d 1050, 1060 (W.D. Wash. 2008). The Court also observed that "[u]nlike in section 208 of the [AFA, which restricts directed harvest of pollock in the BSAI to certain listed vessels] ... there is nothing in the [CRP] that indicates Congress was concerned with which particular vessels are used in the [Amendment 80] fishery." *Id.* at 1060 n.3. In light of the Court's analysis, NMFS is correct to interpret the CRP as not preventing listed AFA catcher/processors from being used as replacement vessels in the Amendment 80 sector, if that is what an Amendment 80 owner voluntarily chooses to do.

While the law is clear that an AFA vessel may serve in that capacity, it is evident from the comments that certain related operational and business issues could stand clarification. Operationally, one commenter expressed concern that the vessel could compete for non-allocated species. To reiterate Glacier's own comment, **AFA sideboards would continue to prevent the vessel from directed fishing for non-CDQ non-allocated species such as Alaska plaice, arrowtooth and Kamchatka flounder and Greenland turbot that current Amendment 80 vessels are allowed to target.** In addition, Amendment 80 sideboards would prevent the vessel from harvesting any amount of Amendment 80 species allocated to the trawl limited access sector ("TLAS"). See 50 C.F.R. § 679.7(o)(1)(ii) (prohibiting "[u]se of an Amendment 80 vessel to catch any amount of Amendment 80 species, crab PSC or halibut PSC assigned to the BSAI trawl limited access sector."). **The vessel would therefore not be able to "double-dip" in both the TLAS and Amendment 80 sectors for Atka mackerel and yellowfin sole.** Accordingly, absent further action by the North Pacific Fishery Management Council, a listed AFA catcher/processor that is used to replace a current Amendment 80 vessel would not become a full "hybrid AFA/A80 vessel," as one commenter put it.

On the business side of things, commenter concerns include a purported increase in competition for Amendment 80 quota shares ("QS") and the potential elimination of the need to pay for new vessel construction. As to the first issue, companies and CDQ groups that own AFA vessels are, today, able to acquire Amendment 80 QS. They are therefore already a source of competition for that QS. To the extent their competitive position may improve if they are allowed to use their own vessels as Amendment 80 replacement vessels, any corresponding increase in the market value of Amendment 80 QS would benefit current holders of such QS. Regarding the second issue, Glacier does not see the downside to current Amendment

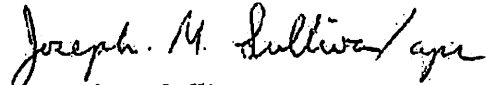
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80 owners of potentially having to spend less money on a qualified replacement vessel by acquiring an existing load-lined and classed catcher/processor rather than constructing a new vessel.

After considering the comments submitted on Amendment 97, Glacier continues to believe the CRP legislation does not prevent listed AFA catcher/processors from serving as Amendment 80 replacement vessels, and that allowing those vessels to do so would benefit current participants in the Amendment 80 sector and further the goals of capacity reduction and safety at sea.

Sincerely yours,

MUNDT MacGREGOR L.L.P.


Joseph M. Sullivan

JMS:apr
BALSIGER 5-25-12 - 3122-003A

cc (all via email):

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