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

AGENDA B-5
APRIL 2003

March 25, 2003

Mr. David Benton
Chairman
North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, Alaska 99501-2252

Re: NOAA Fisheries Activities relating to Potential Interactions of BSAI/GOA Trawl Fishery with the Endangered Short-tailed Albatross; April Council Meeting, Agenda Item B-5 USFWS Report

Dear Mr. Benton:

We understand that the U.S. Fish & Wildlife Service (USFWS) will provide information to the North Pacific Fishery Management Council at its April meeting on the draft Biological Opinions that the USFWS is preparing on the effects of the BSAI/GOA groundfish fisheries on bird species listed under the Endangered Species Act (ESA) and that are under USFWS jurisdiction. Please find attached additional materials from NOAA Fisheries regarding some of our related activities. This information complements that being provided by USFWS.

The attached information focuses on work being conducted by NOAA Fisheries to address the potential interactions of trawl third-wire equipment with the short-tailed albatross. NOAA Fisheries staff will be available during the presentation of the B-5 USFWS Report at the April Council meeting in the event that additional information is needed regarding our activities to address this issue.

Sincerely,

James W. Balsiger
Administrator, Alaska Region

Attachment
cc: Tony DeGange, USFWS
Greg Balogh, USFWS

Attachment

April 2003
Agenda Item B-5

NOAA FISHERIES' ACTIVITIES ON POTENTIAL INTERACTIONS OF BSAI/GOA TRAWL FISHERIES WITH ENDANGERED SHORT-TAILED ALBATROSS

✓ Anecdotal information (researcher and observer reports) indicates that Laysan albatross and northern fulmars collide with trawl third wire equipment on trawl vessels resulting in bird mortalities.

✓ September 2000: Initiation of section 7 consultations with USFWS on effects of the BSAI/GOA groundfish fisheries on ESA-listed bird species. Included in the consultation is a determination by NOAA Fisheries that the BSAI/GOA trawl fishery, particularly the use of trawl third wire sonar transducer cables, is likely to adversely affect the short-tailed albatross (STAL).

✓ November 2000: USFWS concurs with this determination.

✓ Beginning in 2001: NOAA Fisheries began planning to address the potential interaction of trawl third wire equipment with the STAL. Work is needed to: 1) Determine scope of potential problem in the trawl fleet, 2) based on scope, determine vessel effort using vessel-specific information and the observer program database, 3) determine needed vessel monitoring levels, 4) conduct vessel monitoring of trawl third wire/seabird interaction rates, 5) assess appropriate and science-based proxy of interaction rates; and evaluate if Laysan albatross is an appropriate proxy for STAL rates, 6) based on 5, develop a risk-assessment profile for STAL, and 7) concurrent with 1-5, begin cooperatively working with industry to develop and test potential mitigation devices.

✓ Communications with international colleagues in Australia, New Zealand, Falkland Islands/Malvinas Islands, and Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) regarding their efforts to reduce seabird mortalities in trawl fisheries. The use of 'net monitor cables' was banned in CCAMLR trawl fisheries in 1994 as well as some other trawl fisheries in the Southern Hemisphere.

✓ December 2001: NOAA Fisheries meets with USFWS staff and representatives of the trawl industry (At-Sea Processors Association, Groundfish Forum, United Catcher Boats) to address issue.

✓ August 2002: NOAA Fisheries, Alaska Fisheries Science Center (AFSC), works with Archipelago Marine Research, Ltd. (AMR), to conduct a pilot test of the use of video monitoring to assess seabird interactions with third wire cables on trawl vessels. Objectives are: 1) Use video technology to evaluate feasibility of detecting and identifying interactions of seabirds with the trawl third wire during trawl fishing operations, and 2) Support the use of electronic monitoring technology in a fisheries application in order to promote further development of this tool.

✓ Fall 2002: AMR completes field work on pollock catcher vessels delivering to shoreside processors and 2 bottom trawl vessels. AMR's final report due to NOAA Fisheries in late April 2003.

✓ January 2003: NOAA Fisheries and AMR staff visit several AFA vessels ported in Seattle. Presentation made to At-Sea Processors Association about the potential trawl/STAL interaction. Constructive and very helpful collaboration with trawl industry to gain a better understanding of the trawl third wire equipment and the potential for interactions with seabirds. Exploration of vessel-specific characteristics and port visits will continue.

✓ Other Funding Solicitations for Related Trawl/STAL ESA Projects

- December 2002: Proposal submitted to National Cooperative Research for project to work with industry in developing three possible mitigation devices, build them, and conduct sea trials on commercial vessels. Final funding decisions unknown at this time.

- January 2003: Proposal submitted to National Pacific Research Board for trawl third wire project. Project phases include: 1) Determine scope of third wire usage, 2) develop vessel-specific profiles, 3) Assess the species-specific seabird third wire encounter rates, 4) begin obtaining data for species-specific risk profiles, 5) support efforts to develop appropriate mitigation devices, and 6) provide data for use in refining seabird mortality assessments. Final funding decisions unknown at this time.

✓ April 2003: NOAA Fisheries briefs the Council and the trawl industry on activities to address potential trawl/STAL interactions.

B-5 Fish and Wildlife Service Report to the North Pacific Fishery Management Council

Sea otters

As most of you know the southwest Alaska stock of the sea otter has experienced a substantial population decline since the late 1980s ranging from 56% at Kodiak Island to 91% on the south side of the Alaska Peninsula. Causes of the decline are not known with certainty but the weight of evidence points to increased rates of predation on sea otters. For those interested in more details on the decline in the Aleutian Islands I refer you to this recent paper published in the Journal of Mammalogy by Fish and Wildlife Service and US Geological Survey biologists. We previously briefed the Council in detail on these declines.

We have developed a proposal to list the southwestern stock of the sea otter as threatened under the ESA. The proposal is currently being reviewed and undergoing revision in Washington. We are hopeful the proposal will be published in the Federal Register in the near future but I can't provide you with an exact time frame. Publication of the proposal will be followed by a public comment period and subsequent decision by the agency.

Kittlitz's Murrelets

The Kittlitz's murrelet is a small seabird that is found during the nesting season in glacially influenced coastal marine habitats primarily in southeast and southcentral Alaska. Its wintering habitat is not known but it is believed to be offshore. Population centers for this species include Glacier Bay, Icy Bay, the Malaspina Forelands, Prince William Sound, and the Kenai Fjords. Survey data suggest that this species has undergone substantial population declines in many of these areas ranging from 80-90%. Causes of this decline are unknown, but loss of habitat because of glacial recession is one hypothesis that has been proposed.

We believe the declines of this species are serious enough that this species may warrant listing under the ESA. We are currently conducting surveys of this species to better determine population trends and USGS is conducting research in Glacier Bay to better understand this species' ecology. This species is currently being evaluated as a Candidate species under the ESA in our Washington Office. Candidate designation will give this species heightened visibility, may provide additional funds for research in Alaska, and will allow this species to better compete for funds through other Service programs. At the Council's request, we can provide you with a more detailed briefing on this species.

Funds to Address Seabird By-catch

In fiscal years 2001, 2002 and 2003, the Service received $575K to address seabird bycatch issues. We are currently soliciting ideas on how to spend these funds for FY03 but I wanted to provide the Council with a brief summary of the projects we have implemented in 2001 and 2002.

Development of an educational video on seabird bycatch mitigation devices for distribution to

fishermen (contract with Ed Melvin of the University of Washington). Video will include information on seabirds, design of seabird deterrent devices, and how to deploy streamer lines to make them safe and effective.

Development of a North Pacific pelagic seabird database to help identify areas of seabird concentrations, seasonal shifts in distribution, and estimates of populations.

Joint U.S.-Japan Short-tailed albatross telemetry study to determine the occurrence and marine habitat use. Three tags were deployed in 2001 and nine tags were deployed in 2002.

Demographic analysis of Laysan and Black-footed albatross banding data. This is an analysis of the numerous band recoveries resulting from extensive banding that occurred on these species' breeding colonies in Hawaii.

Foraging patterns and genetics of Northern fulmar - This study seeks to learn something about the foraging range and colony of origin (genetics) of fulmars which is the species most frequently caught in longlines in the North Pacific.

Demography of fulmars and albatrosses taken in commercial fishing operations (age, sex ratios, breeding condition, body condition and genetics)

Develop an Observer Notes Database - this project is developing a system for archiving and retrieving observations from fisheries observers incl. sighting information, vessels strikes, rare seabird observations, effectiveness of deterrent devices, and other potentially useful information.

Seabird bycatch training - assist in the preparation of training materials such as study skins, conduct training, and distribution of field guides to observers.

Streamer line purchase ($60K) - augments the funds that the Service previously provided to construct and distribute streamer lines to longline fishermen.

Testing a prototype weighted sink line - we continue to search for more universally practical, cost effective and efficient bycatch deterrent devices. Ed Melvin tested four sizes of weighted lines to establish sink rates and operational efficiencies in 2002. Report is due in December 2003.

Test of bycatch reduction devices on small vessles - this study with Ed Melvin is looking at performance of paired streamer lines in vessels smaller than 55 ft.

Gillnet bycatch study - we are cooperating with NMFS to look at the catch of non-target species in gillnets at Kodiak Island in 2002 and 2003.

Seabird Project Coordinator, Fish and Wildlife Service- partially offset staff costs for individual devoted to managing these funds and working with the NMFS, the Council's Groundfish Planning team and other agencies and organizations on seabird fishery interactions.

April 2003
Agenda B-5

ANECDOTAL INFORMATION RELATING TO SEABIRD/TRAWL THIRD WIRE INTERACTIONS. INFORMATION PRIOR TO 2000 CONTRIBUTED TO THE SECTION 7 CONSULTATION THAT NMFS INITIATED WITH USFWS IN 2000.

Table 3. Seabird Observer Daily Notes: Bird/Vessel Interactions, 1998 and 1999.
(Excerpt from materials provided to USFWS when NMFS reinitiated a section consultation, September 2000.)

INTERACTION	DATE	SPECIES INVOLVED	COMMENTS
Trawl third wire	–	Laysan's Albatross	"3 LAAL caught on third wire during the setting of the net;birds seem to have entangled themeselves in the 3rd wire and remained there for the duration of the tow; this was not a sampled tow"
Trawl third wire	3/4/98	Laysan's Albatross	"it was tangled in the third wire...not sure how it got tangled on the third wire, it does have a series of tight coils immediately in front of the suitcase that has a tendency to snag fish skin, guts, etc"
Trawl third wire	3/3/98	Laysan's Albatross, Northern Fulmar	"seabirds are getting caught in the third wire and drowned. 2 Laysan Albatross and 3 Northern Fulmar came up in this haul....3/4/98 More birds in third wire, they fell off before they came up on deck, but I noticed a couple of Laysan Albatross and possibly fulmars. I'm trying to see how the birds get caught on the wire. They always come up in one big clump though...3/6/98 Laysan Albatross (mostly) and other seabirds are caught in almost every tow now. There are usually 4 or 5 Albatross that I notice. I asked the crew to save any STAL or banded birds they notice. I think the birds get wrapped around the wire while we are fishing. There are so many birds behind the boat that they end up crowding around the wire and get caught when they try to fly off. Their wings get stuck on the wire.
Sighting	1998	Short-tailed Albatross	STAL sighted and reported from a trawl vessel on the following cruise numbers: (*8 different cruise numbers identified*)
Trawl third wire	2/3/99	Laysan's Albatross	"At 1645, 51degree 38'N, 178 degree 14 I was watching haul #10 come on board when I noticed 2 Laysan's albatross caught in the junction of the suitcase and 3rd wire. I was able to make a positive identification"
Trawl third wire	3/7/99	Laysan's Albatross and Northern Fulmar	"#242 Laysan and fulmar dead on third wire"
Sighting	1999	Short-tailed Albatross	STAL sighted and reported from a trawl vessel on the following cruise numbers: (*6 different cruise numbers identified)*

Questions and Answers concerning the FWS Biological Opinions on the Effects of the Fishery Management Plans (FMPs) and Total Allowable Catch (TAC)-setting Process for the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish Fisheries on the Short-tailed Albatross and Steller's Eider

1. Briefly describe this consultation and biological opinion process.

As a federal agency, the NMFS is required by section 7 of the Endangered Species Act (ESA) to ensure that any action it funds, authorizes, or carries out does not jeopardize any endangered or threatened species, or adversely modify any species' designated Critical Habitat. The process of Formal Consultation is entered into when NMFS (or any other federal agency) determines that their action (in this case, development and approval of the BSAI/GOA groundfish FMP's and the process used to set the TAC for these fisheries) *is likely to adversely affect* any endangered or threatened species. The formal consultation process is completed when the Fish and Wildlife Service (FWS) issues a Biological Opinion (BiOp) determining whether or not the action under consultation is, or is not *likely to jeopardize* the continued existence of the species. If the BiOp concludes jeopardy (very rare), it will include *Reasonable and Prudent Alternatives* to the proposed action; if the BiOp concludes no-jeopardy, but there is the potential for take of the species (= harm, harass, or kill), the FWS includes an Incidental Take Statement (ITS) with the BiOp, which legalizes such potential take. This ITS may include mandatory *Reasonable and Prudent Measures* that must be taken in order for the incidental take permit to remain in effect.

2. Why are we consulting now? Haven't we done this for the AK groundfish fisheries in the past?

We have consulted on many aspects of the BSAI and GOA longline fisheries, beginning in 1989, including numerous consultations on the TAC for certain years. However, the two consultations now nearing completion differ, in that one is a programmatic consultation on the FMPs for the BSAI and GOA groundfish fisheries in their entirety (including the trawl fishery), and the other, tiered to this programmatic consultation, covers the TAC-setting *process*, rather than covering the TACs for certain specific years. This latter BiOp includes the Incidental Take Statement (ITS), Reasonable and Prudent Measures to minimize incidental take (RPMs), and the Terms and Conditions (T&Cs).

3. What species are covered in these BiOps?

The ESA grants authority for endangered species protection to both NMFS and FWS. In general, NMFS covers most fish and marine species, and FWS covers birds, some freshwater fish, and terrestrial species. The current two BiOps address short-tailed albatross and, for the first time, Steller's eider. Effects to spectacled eider were also considered, but the actions were found to be *not likely to adversely affect* this species.

4. What actions are considered "likely to adversely affect" these listed species?

Both the longline and trawl fisheries are considered likely to adversely affect both short-tailed albatross and Steller's eiders. Effects to short-tailed albatross are direct. Available data indicate that longline fisheries may result in take of short-tailed albatross that are attracted to baited hooks and become hooked and subsequently drowned. Available data do not allow us to conclude whether take of short-tailed albatross occurs in association with the trawl fishery, but anecdotal observations of Laysan's albatross collisions with trawl sonar cables provide circumstantial

evidence that such take may occur. NMFS has initiated studies to address this issue (see NMFS letter of March 25, 2003 to the Council). Effects to Steller's eider are indirect (see next question). As presently drafted, these BiOps conclude that the actions under consideration are **not likely to jeopardize** the continued existence of either species.

5. Why are you anticipating take for short-tailed albatross, but not for Steller's eider?
Analysis of the direct and indirect effects of the proposed actions indicated that the groundfish fisheries may result in direct mortality of short-tailed albatrosses, through hookings, drownings, or third wire collisions. Unlike short-tailed albatross, Steller's eiders do not follow fishing vessels at sea and are therefore unlikely to be directly affected by hook-and-line or trawl operations. Effects to Steller's eider are likely to be *indirect*, resulting from vessel-related petroleum releases, vessel strikes, and seafood processing in harbors and other nearshore areas, where these birds congregate. Such effects have been (and will continue to be) covered in consultations with other agencies, on seafood processing plant permits, proposed harbor creation and expansion, etc., and the potential for incidental take of Steller's eiders has been /will be evaluated for each of these actions. To anticipate incidental take of Steller's eiders in association with implementation of the FMP's and TACs could result in "double-counting" of Steller's eider incidental take.

6. If NMFS requested consultation in 2000, why is consultation just being completed now?
Following NMFS' September, 2000, request for consultation, NMFS and FWS mutually agreed to delay initiation of formal consultation pending the results of an ongoing study by the Washington Sea Grant Program evaluating the effectiveness of various seabird avoidance measures used in hook-and-line fisheries off Alaska. The results of that study became available in August of 2001. Based on the study results and additional recommendations, the North Pacific Fisheries Management Council, in December, 2001, made recommendations to NMFS for revisions to the regulations for seabird avoidance in the groundfish and halibut hook-and-line fisheries off Alaska. These proposed regulatory amendments to the BSAI and GOA FMPs were published in the Federal Register on February 7, 2003, and are a major subject addressed in this consultation.

7. Why is FWS considering including an ITS in the trawl fishery, when we haven't had one in past consultations?
Recent observations have indicated that certain seabirds, including Laysan's albatrosses, can fatally collide with trawl third wires. Based on these reports, NMFS determined for the first time, in their 2000 request for consultation, that the trawl fishery *is likely to adversely affect* short-tailed albatross. FWS concurred with this determination and is currently working with NMFS in developing studies to address this issue. For the first time, NMFS will now be developing a systematic monitoring protocol for trawl third wire-seabird interactions (see NMFS letter of March 25, 2003 to the Council for further explanation). If such systematic monitoring reveals take of short-tailed albatross from third wire collisions, an ITS would protect the agency and the industry from violating the take prohibitions (section 9) of the ESA.

8. Why is the Service considering an ITS of 2 for the trawl fleet, as opposed to 2 per year for the longline fleet?
In contrast with our documented evidence of short-tailed albatross mortality associated with longline hookings, our analysis of short-tailed albatross interactions with trawl third wires is in

its infancy. NMFS is just beginning to gather data to determine whether video monitoring of short-tailed albatross-trawl third wire interaction is even feasible (see NMFS March 25, 2003 letter to the Council). In the absence of any data on short-tailed albatross mortality from this source, but with occasional observer reports of Laysan's albatross collisions with trawl third wires, the FWS is considering it most prudent to anticipate take of two short-tailed albatross, in case the video monitoring should reveal such an event. Under current conditions, the trawl fleet is allowed zero incidental take of short-tailed albatross, and incidental take of even a single short-tailed albatross would constitute a violation of ESA section 9. The ITS of two birds that is under consideration would thus provide protection from section 9 violations for both NMFS and the trawl industry.

9. What would happen if there is zero incidental take coverage and a short-tailed albatross mortality is observed from a third wire collision?

Such mortality would constitute a violation of the take prohibitions of ESA section 9, making NMFS potentially vulnerable to litigation and a potential injunction against the trawl fishery. In this situation, we would expect NMFS to initiate consultation with FWS immediately, and the agencies would be in an "emergency mode," designing measures to minimize such take as quickly as possible, to minimize the chances of third-party litigation.

10. What would happen if there were an ITS of 2 and one (or two) short-tailed albatross were taken?

According to the letter of the law, no action would need to be taken until the amount of authorized incidental take is exceeded. Therefore if three short-tailed albatross were taken, any operations causing such take should cease pending reinitiation of consultation. In reality, NMFS would likely *choose* to reinitiate consultation if even a single bird were taken, to allow the agencies and industry time to work towards potential solutions proactively, thus avoiding potential delays in operations.

11. What does it mean for NMFS and FWS to reinitiate a consultation, and how long would that take?

A re-initiation of consultation would begin when FWS received in writing a letter from NMFS requesting such action. During the re-initiated consultation process, the agencies would evaluate the new information on the take that had occurred, evaluate this information relative to the jeopardy standard, and determine what additional steps should be taken to minimize such take. A formal consultation may take up to 135 days, but this time frame may be shorter or longer, at the agencies' mutual discretion.

12. As the population of short-tailed albatross continues to increase, one might expect an increased probability of hooking. Why has the anticipated amount of incidental take for the longline fleet not increased since first estimated in 1989?

The Service recognizes that the amount of anticipated take of short-tailed albatrosses associated with the longline fishery in the BSAI and GOA (2) is no greater than that anticipated in previous BiOps. Although the world-wide population of this species has grown and is continuing to do so, we believe that our increased knowledge about the effectiveness of specific seabird deterrent devices, the availability and increasing use of these devices by a significant portion of the longline fleet, and continuing outreach efforts to make these devices available to the fleet and to

train the fleet in their effective use, should offset any expected increase in albatross mortality due to increased population size.

13. What reasonable and prudent measures (not alternatives) and Terms and Conditions are being considered in these BiOps? What requirements will be placed on the commercial fishermen?

The RPMs and T&Cs apply primarily to NMFS, not to the fishermen directly. Conditions directly affecting fishermen's day-to-day operations apply mostly to the longline fishery and include:

(a) adherence to the proposed rule published by NMFS in the Federal Register on February 7, 2003, entitled Management Measures to Reduce Incidental Take in the Hook-and-Line Halibut and Groundfish Fisheries.

(b) Fishermen will be required to retain all birds incidentally taken during observer-sampled portions of hauls, or as requested by observers during non-sampled portions of hauls, until observers have had the opportunity to identify and record the specimens.

(c) Any short-tailed albatross mortality shall be reported immediately to NMFS or the Service (regardless of whether the mortality occurs in a sampled portion of the haul), and the carcass shall be retained.

(d) Fishermen should make every reasonable effort to save any live, injured short-tailed albatrosses or Steller's eiders (An appendix to the BiOp provides further instructions.).

(e) Fishermen should make every effort to recover any dead short-tailed albatrosses, including gaffing them if they fall off of a hook. Any mortality of short-tailed albatrosses must be reported to the NMFS within 48 hours of occurrence.

(f) Any short-tailed albatross carcasses obtained should be frozen immediately and transferred as soon as possible to a NMFS or Service office.

The BiOp as currently drafted requires NMFS to assess the third wire issue, as follows:

The NMFS shall continue to work on developing a safe and reliable means of assessing short-tailed albatross interaction/collision with trawl vessel gear, to: (1) document whether take occurs, and if so, (2) estimate the rate of such take. A report of the interactions between short-tailed albatross and trawl gear shall be submitted to the Service by **December 31, 2006.**

14. Are there any voluntary actions that fishermen could choose to implement to minimize the chance of taking short-tailed albatross?

Yes! Some voluntary conservation measures that could help both short-tailed albatrosses and Steller's eiders include:

(a) When a short-tailed albatross is observed following a fishing vessel, fishermen should make every effort to minimize the possibility of the bird becoming entangled with the gear, by adopting

the following measures:

i) Change the vessel's heading or speed, to discourage the bird from following.
ii) If no sets are in progress: (a) avoid initiating a set while the bird is in sight and (b) avoid offal discharge in the presence of short-tailed albatross to discourage their association with the fishing vessel.
iii) If a short-tailed albatross appears to be attacking baited hooks despite the use of required bird avoidance mechanisms, gear should be deployed without bait, or gear deployment should be suspended, until the albatross discontinues attacks on the gear.

(b) Use oil-water separators on longline vessel bilge systems. These simple devices filter petroleum products out of bilge water prior to its expulsion from the vessel. (BiOp appendices include source information).

(c) Use fuel collars on tender vessels to minimize the potential for small spills during re-fueling.

(d) Work with NMFS to develop an industry-based peer system to reward vessels that successfully avoid seabird bycatch.

(e) Stay up-to-date on the latest regulations governing seabird conservation and proper deployment and use of seabird deterrents.

(f) When night fishing, keep deck lighting to a minimum, without compromising safety; all deck lights should be shaded and be directed towards the deck.

(g) Partner with NMFS in their efforts to develop state-of-the-art seabird deterrent devices for the fishing industry, including novel technologies that eliminate the need to fly streamer lines, such as underwater setting (via tubes and chutes, or novel hull designs) and line weighting (line that sinks quickly but maintains ease of handling).

(h) Share information on methods of minimizing incidental capture of seabirds with other fishermen and coordinate with other U.S. fishery management councils, including the Pacific FMC and the NMFS Northwest Region, on our success in addressing the seabird bycatch problem in Alaska.

Gulf Alternative Observer Deployment Project
Question and Answer

What does NMFS hope to accomplish? We want to test a new method of deploying observers that may allow us to get more accurate catch data without increasing the total amount of observer coverage. This is timely because as Gulf fisheries move towards rationalization, the need for better observer data will increase. Further, because halibut bycatch frequently drives when Gulf trawl fisheries close, accurately determining halibut bycatch rates is critical to proper management of the fisheries.

Before finalizing the details of the project, we would like to work with as many boat owners and captains as possible to ensure that what we are proposing is workable and will interfere with boat operations and fishing activity as little as possible.

How will the project work? NMFS has developed a draft map showing 7 trawling areas around Kodiak that seem to have different rates of halibut bycatch or be dominated by different targets fisheries. Before a boat goes fishing, they would call a contact at Pacific States Marine Fisheries Commission (PSMFC) and tell them in which of the areas they intend to fish. The contact would tell them if they needed to carry an observer or not for that trip. If they needed to carry an observer, the contact would call the observer contractor and tell them where to send the observer. When the boat returns to port, they would drop off the observer (if they had one), turn in their electronic logbook and call to see if they needed to carry an observer on the next trip. The PSMFC contact will be available 24 hours a day and an observer will be ready within two hours of being requested.

When would the project take place? The project would begin on 6/29/03, when the Gulf trawl fisheries open. It would run until they have closed or until 8/20/03, whichever comes first.

What incentives will the boat owner/crew have to participate in the project? In a general way, especially as Gulf fisheries move towards rationalization, everyone stands to benefit from an observer program that gets better data more efficiently. In the short term, each boat owner that wished to participate in the project would enter into a contract with PSMFC. The boat owner would be billed by the observer contractor for the days when they carried an observer (this would be identical to the current system). At the end of the project (or when Central Gulf trawl closes), the boat owner would be reimbursed for those days if they did the following in every trip in the Central Gulf during the project period. :

1. Fished where they said they would fish , or notified PSMFC if they wish to change areas (see below for more on this);
2. Made a good faith effort to use electronic logbooks and to turn them in at the end of each trip (see below for more on this);
3. Called PSMFC at least three hours before leaving the dock to determine if they needed to carry an observer;
4. Carried an observer when asked to;
5. Carried and used a VMS on each trip.

Boat owners that failed to deliver the above, would be reimbursed for any observer days above the thirty percent that they would be expected to carry under the current system but would not be reimbursed for observer days up to the thirty percent coverage requirement.

How often will a boat need to carry an observer? To make the project work, NMFS may need to slightly increase the overall amount of observer coverage during the duration of the project from 30 percent to 40 percent. So assuming the average boat fishes 40 days during the season, they would be expected to carry an observer an average of 16 days rather than the 12 days . Some boats will be asked to carry an observer more than this, some less.

What happens if the boat owner/captain changes his mind about where to fish after the boat leaves the dock? If there is a change of plans, the boat would need to notify the PSMFC contact at least four hours before starting the first haul in the new area. Also the captain would need to complete a brief form before the next trip telling PSMFC why they chose to change areas.

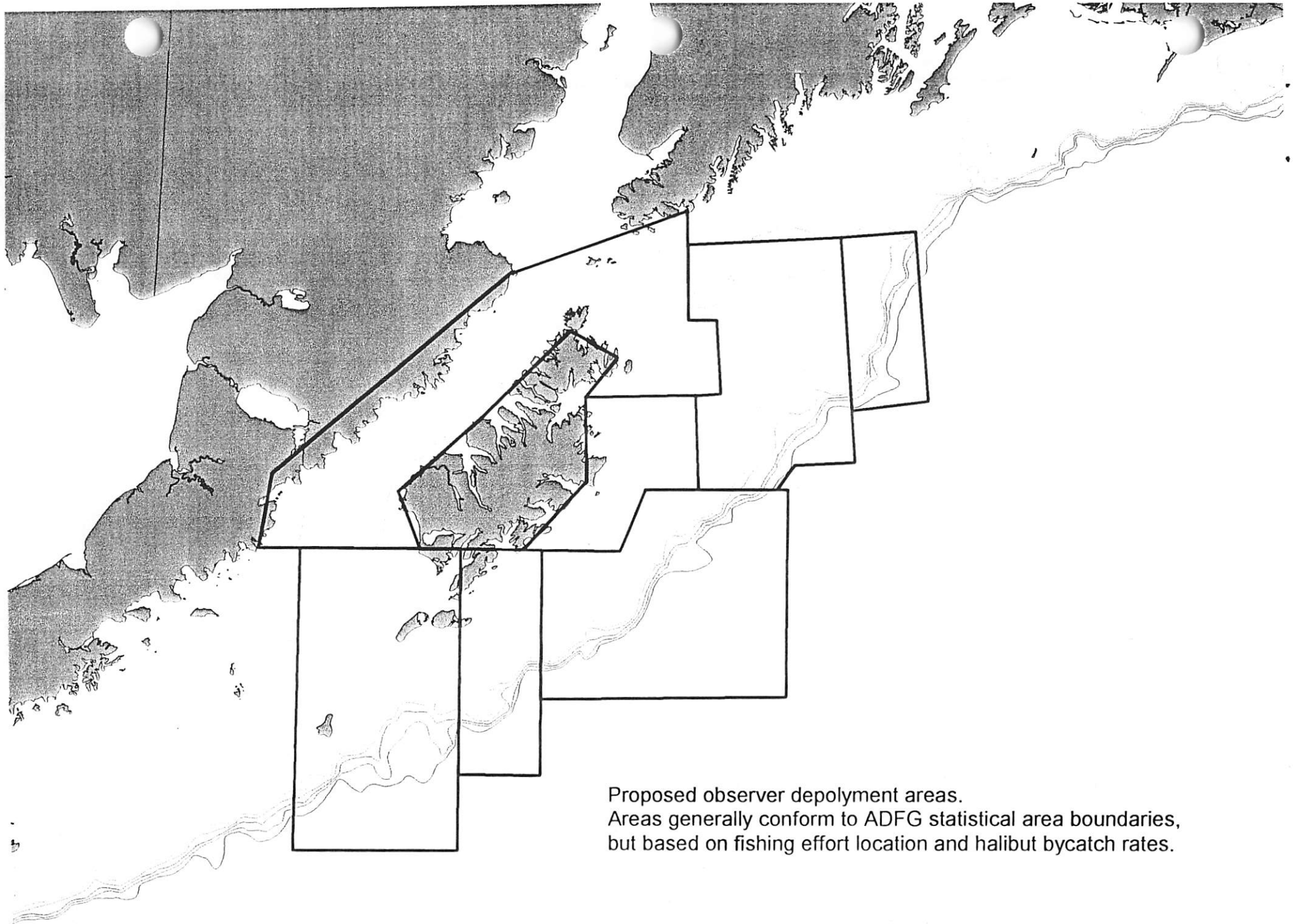
What happens if the boat owner/captain wants to fish in more than one of the areas on the same trip? The owner/captain would tell the PSMFC contact the primary area where they intended to fish. They would need to do at least three hauls in that area during the trip or follow the notification procedure.

How will NMFS determine which boat needs to carry an observer? We will monitor ongoing fishing activity in real time using VMS data. As boats return to port and turn in their electronic logbook data, NMFS will analyze the data to determine where fishing is taking place and how observer coverage is distributed. Within the constraints of available boats and observers, we will develop a model that will seek to deploy observers so that any area where fishing is taking place has observer coverage.

What if the electronic logbook software doesn't work? The elog software is an important part of the project and we need participating boats to make a good faith effort to use it. To help make sure that this happens, we will have technical support available in Kodiak during the first week of the project. Ideally, boat owners would install and start using the elog software now so that when the project starts, any problems would have already been solved.

If for some reason a boat is unable to turn in their elog data, the captain would need to inform PSMFC as soon as possible and make the boat's computer available to tech support. They would also need to turn in paper logbook data.

What if a boat stops fishing in the Central Gulf before the trawl fishery closes? Not a problem. For example, if a boat fishes only during rockfish and then leaves the Gulf or stops fishing, they would be reimbursed for their coverage assuming they met the other program requirements.



Proposed observer depolyment areas.
Areas generally conform to ADFG statistical area boundaries,
but based on fishing effort location and halibut bycatch rates.

PUBLIC TESTIMONY SIGN-UP SHEET FOR AGENDA ITEM B Items

PLEASE SIGN ON THE NEXT BLANK LINE.
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B-5 BIRDS

	NAME	AFFILIATION
1.	Paul MacGregor / Brent Paine / Ed Cuthbert	~~B-5 Fact~~
~~2.~~	John Gauci	At-Sea Processors; United Catcher Boats; Groundfish Forum
3.	Thom Smith	APA
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