

Changes to the FMPs

Changes that apply to both BSAI and GOA FMPs:

- BSAI and GOA FMPs have been reorganized into a similar format, with supporting material moved to appendices:

Chapter 1	Introduction
Chapter 2	Management Policy and Objectives
Chapter 3	Conservation and Management Measures
Chapter 4	Description of Stocks and Fishery
Chapter 5	Consistency with Other Law
Chapter 6	References
- A new executive summary contains a brief overview of the management measures in place for the BSAI groundfish fisheries.
- Foreign fishery management measures, including those governing the allocation of harvest quota to foreign fisheries, have been deleted.
- Chapter 3, Conservation and Management Measures, has been streamlined to focus entirely on the management measures; descriptive text is moved to chapter 4.
- Chapter 4, Description of stocks and fishery, has been updated with current status of stocks and fishery information; the description of the foreign fisheries has been considerably reduced.
- Much of the EFH supporting material has been moved to Appendices D, E, and F.

Changes that apply to the BSAI FMP only:

- The description of fishing areas (Section 3.1.1) has been updated to define the Bering Sea and Aleutian Islands subareas and where appropriate, their districts, as defined in regulation for the BSAI (the existing area description referred to Areas I-IV, which are no longer used).
- All management measures or procedures that relate to the assessment and allocation of TAC, with the exception of the sablefish, pollock, or CDQ share-based programs, have been gathered in Section 3.2, Determining harvest levels.
- The treatment of closed areas and PSC limits has been regularized in the revised FMP. Those areas that are annually closed to a gear type or directed fishery for part or all of the year are listed in Section 3.5.2. Those areas that are closed in response to a prohibited species cap trigger are listed in Section 3.6.2.2. Individual species limits for prohibited species are all listed in one place, in Section 3.6.2.1.
- As described in attached Item C-1(a)(1)9 to the action memo, the existing FMP contains a lengthy policy statement about the treatment of prohibited species in the BSAI FMP. Policy goals and objectives about the treatment of prohibited species are addressed in the Council's revised management policy, therefore this section has provisionally been deleted from the FMP. The text is, however, included the attachment referenced above.
- Changes to the FMP are accomplished through specific amendment text. In a couple of cases, the text omitted to change all the requisite sections of the FMP, even though the intent of the amendment and the implementing regulations were comprehensive. These omissions have been corrected. (For example, the BSAI FMP now correctly allocates 10% of the pollock TAC to the CDQ program.)

Changes that apply to the GOA FMP only:

- All management measures or procedures that relate to the assessment and allocation of TAC, with the exception of the sablefish IFQ program, have been gathered in Section 3.2, Determining harvest levels.
- The definition of TAC has been amended as follows (change indicated in strikout):

Total allowable catch (TAC) is the harvest quota for a species or species group; ~~the retainable catch~~. TAC will be apportioned by area.
- Changes to the FMP are accomplished through specific amendment text. In a couple of cases, the text omitted to change all the requisite sections of the FMP, even though the intent of the amendment and the implementing regulations were comprehensive. These omissions have been corrected. (For example, the Shelikof District was rescinded in GOA 25.)
- Management and enforcement requirements have been updated.
- The existing version of the FMP has a number of sections that discuss the halibut fishery (paragraph in introduction about importance of halibut even though not managed under this FMP, preface to PSC limits and measures themselves, status of halibut stock, history of halibut fishery, impacts on halibut of other fisheries, consistency of FMP with IPHC) which indicate a level of importance. The revised, streamlined, FMP does not necessarily reflect this same importance at a Table of Contents level (although the introduction, and management measure sections are unchanged, there is less of the description focused on halibut.)

Existing Sections of the BSAI FMP for Council Consideration

For items 1-6, potential amendment language has been suggested on pages 2-3 of this attachment, which would address the issues raised.

1. definition of MSY (Section 3.2.1.1): definition differs from National Standard 1 guidelines; the Council may wish to consider substituting the existing definition for the definition in the guidelines.
2. definition of OY (Section 3.2.1.1): there are two issues with the definition, a housekeeping one and a substantive one. The first is that the definition is confusing; the paragraph reads as though OY is set for the same management units as ABC, whereas in reality we typically set about 20 ABCs annually while OY is a single fixed range. Grant Thompson has suggested a rewrite of this paragraph which includes the statutory definition and also clarified the text.

The more substantive issue with the definition is that OY can be set higher than ABC. This is contrary to the language in the current preliminary preferred alternative; should it remain in the preferred alternative, the Council may wish to take this opportunity to amend the definition.

3. definition of TAC: the GOA FMP includes a definition of TAC in this section. It could be appropriate to include such a definition in the BSAI FMP also.
4. description of MSY (Section 3.2.1.2): the description of MSY, written in 1982, is dated. Grant Thompson has suggested a rewrite of this section that would be non-substantive, but would bring the description of MSY up to date, in keeping with the intention of this amendment.
5. description of OY (Section 3.2.1.3): as with MSY, the description of OY is dated. Grant Thompson has suggested a rewrite of this section that would be non-substantive, but would bring the justification of OY up to date, in keeping with the intention of this amendment.
6. vessel safety section: unlike the GOA FMP, the BSAI FMP was not amended to accommodate the suggested language from the MSA regarding temporary management adjustments to accommodate vessel safety. Staff recommends that the Council incorporate this language into the FMP at this time.
7. Council review of the FMP (Section 3.10): the current preliminary preferred alternative contains re-evaluation of the FMP language that, should it remain in the preferred alternative, would appropriately be inserted here.
8. Schedule and Procedures for Evaluation (Section 3.10.1): the Council may wish to review the FMP's commitments in this section.
9. Review of EFH components (Section 3.10.2): the Council may wish to review the FMP's commitments to the review of EFH components in the annual SAFE process.
10. PSC limits and areas review (Section 3.10.3): the Council may wish to review the FMP's commitment to PSC limit and area review.
11. Research Needs (Appendix H): the current preliminary preferred alternative contains specific research recommendations that, should they remain in the preferred alternative, could appropriately be inserted here.

12. Important Habitat Information for non-FMP species (Appendix J): the existing FMP contains habitat assessments for halibut and herring. The Council may wish to consider adding a summary of EFH information for crab and salmon to this appendix.

Potential Amendment Language

1. **definition of MSY, Section 3.2.1.1** - replace existing text with the following:

Maximum sustainable yield (MSY) is the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological and environmental conditions.

2. **definition of OY, Section 3.2.1.1** - two options:

Option A: non-substantive changes - replace existing text with the following:

Optimum Yield is the amount of fish which—

(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(B) is prescribed as such on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and

(C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery.

In the case of the BSAI groundfish fishery, OY is specified as an annual catch of 1.4 to 2.0 million mt to the extent that this can be harvested consistently with the management measures specified in this FMP. In addition to definitional differences, OY differs from ABC in two practical respects. First, ABC is specified for each stock or stock complex within the “target species” and “other species” categories whereas OY is specified for the groundfish fishery as a whole. Second, ABCs are specified annually whereas the OY range is constant. The sum of the stock-specific ABCs may fall within or outside of the OY range.

Option B: substantive change in keeping with management policy - delete the last sentence from the revised definition above, or delete existing sentence from FMP: “OY may be set higher than ABC in order to produce higher yields from other more desirable species in a multispecies fishery.”

3. **definition of TAC, Section 3.2.1.1** - add the following text:

Total allowable catch (TAC) is the harvest quota for a species or species group.

4. **description of MSY, Section 3.2.1.2** - replace existing text with the following:

The groundfish complex and its fishery are a distinct management unit of the Bering Sea. This complex forms a large subsystem of the Bering Sea ecosystem with intricate interrelationships between predators and prey, between competitors, and between those species and their environment. Ideally, concepts such as productivity and MSY should be viewed in terms of the groundfish complex as a unit rather than for individual species or species groups. Due to the difficulty of estimating the parameters that govern interactions between species, however, estimates of MSY for the groundfish complex have sometimes been computed by summing MSY estimates for the individual species and species groups.

Early studies estimated MSY for the groundfish complex in the range of 1.7 to 2.4 million mt. This range was obtained by summing the MSY ranges for each target species and the “other species” category, as defined in Section 3.2.2 of this plan. By way of comparison, this range included both the average annual catch (1.8 million mt) and the maximum annual catch (2.4 million mt) taken during the period 1968-1977 (see Section 4.3.1, History of Exploitation).

Another early study was based on an ecosystem model of the Bering Sea (Laevastu and Larkins, 1981). This study simulated the principal components of the ecosystem (mammals, birds, demersal fish, semi-demersal fish, pelagic fish, squid, crabs, and benthos) and considered fluctuations in their abundance caused by predation, other sources of natural mortality, environmental anomalies, and fishing. It estimated the mean exploitable biomass of the species covered by this FMP at a value of 9.3 million mt, suggesting that the MSY for the groundfish complex is probably much higher than the 1.7 to 2.4 million mt range estimated conservatively by the single species approach.

An ecosystem perspective also suggests that the MSY of the groundfish complex may change if an environmental regime shift occurs or if the present mix of species is altered substantially. Also, as new data are acquired and as statistical methodology evolves over time, it is to be expected that estimates of MSY will change, even if the ecosystem has remained relatively stationary. Therefore, estimates of MSY contained in this section should be viewed in context, as historical estimates that guided development of the FMP but not necessarily as reflective of the best scientific information available currently.

5. description of OY, Section 3.2.1.3 - replace existing text with the following:

The optimum yield of the groundfish complex is specified as 85% of the historical estimate of the MSY range for the target species and the "other species" categories (1.4 to 2.0 million mt), to the extent this can be harvested consistently with the management measures specified in this FMP, plus the actual amount of the nonspecified species category that is taken incidentally to the harvest of target species and the "other species" category. This deviation from the historical estimate of MSY reflects the combined influence of biological and socioeconomic ecological, social, and economic factors. The important ecological factors may be summarized as follows:

1. The OY range encompasses the summed ABCs of individual species for 1978-1981 (Low, et al. 1978; and Bakkala, et al. 1979, 1980, and 1981). This sum was used as an indicator of the biological productivity of the complex, although such use is not completely satisfactory because multi-species/ecosystem interactions are not taken into account explicitly. The 15% reduction from MSY reduces the risk associated with incomplete data and questionable assumptions in assessment models used to determine the condition of stocks.
2. When multi-species/ecosystem interactions *are* taken into account explicitly, the OY range still appears to represent a safe range of long-term average harvests for the groundfish complex. The mean exploitable biomass of 9.3 million mt estimated for the groundfish complex by Laevastu and Larkins (1981) suggests that harvest levels level can be considerably higher than the OY range can be sustained.

The important social and economic factors may be summarized as follows:

1. The OY range is not likely to have any significant detrimental impact on the industry. On the contrary, specification of OY as a constant range helps to create a stable management environment in which the industry can plan its activities consistently, with an expectation that each year's total groundfish catch will be at least 1.4 million metric tons.
2. The OY range encompasses the annual catch levels taken in the period immediately prior to its implementation, during which the fishery operated profitably.

OY may need to be respecified in the future if major changes occur in the estimate of MSY for the groundfish complex. Likewise, OY may need to be respecified if major changes occur in the ecological, social, or economic factors governing the relationship between OY and MSY.

6. vessel safety, new Section 3.8.3 - add the following text:

The Council will consider, and may provide for, temporary adjustments regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safety of the vessels, after consultation with the Coast Guard and persons utilizing the fishery.

Existing Sections of the GOA FMP for Council Consideration

For items 1, 3, and 4, potential amendment language has been suggested on page 2 of this attachment, which would address the issues raised.

1. definition of MSY (Section 3.2.1.1): definition differs from National Standard 1 guidelines; the Council may wish to consider substituting the existing definition for the definition in the guidelines.
2. description of MSY (Section 3.2.1.2): MSY is only described in the FMP as the origin for the upper range of OY. The Council may wish to consider describing MSY in the FMP.
3. Framework for setting TAC (Section 3.2.3.1): the second paragraph describes the Council's policy/action to rebuild POP stocks due to low biomass. As the POP stock is now rebuilt, the Council may wish to consider whether this paragraph is still required in the FMP. Also, the procedure in this section includes specific considerations for POP in step 2, which may also no longer be necessary.
4. Framework for setting TAC (Section 3.2.3.1): in step 2 of the framework, TAC may be set higher than ABC in some instances. This is contrary to the language in the current preliminary preferred alternative; should it remain in the preferred alternative, the Council may wish to take this opportunity to amend the definition.
5. Council review of the FMP (Section 3.10): the current preliminary preferred alternative contains re-evaluation of the FMP language that, should it remain in the preferred alternative, would appropriately be inserted here.
6. Ongoing actions (Section 3.10.1): the Council may wish to review the FMP's commitments in this section.
7. Review of EFH components (Section 3.10.2): the Council may wish to review the FMP's commitments to the review of EFH components in the annual SAFE process.
8. Research Needs (Appendix H): the current preliminary preferred alternative contains specific research recommendations that, should they remain in the preferred alternative, could appropriately be inserted here.
9. Important Habitat Information for non-FMP species (Appendix J): the existing FMP contains habitat assessments for halibut and GOA crab. The Council may wish to consider adding a summary of EFH information for other prohibited species to this appendix.

Potential Amendment Language

- 1. definition of MSY, Section 3.2.1.1** - replace existing text with the following:

Maximum sustainable yield (MSY) is the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological and environmental conditions.

- 3. description of POP rebuilding policy, Section 3.2.3.1** - delete second paragraph in Section 3.2.3.1.

The Council may also wish to remove the procedure for setting TAC for POP during rebuilding. In that case, the Council would delete the content of step 2 of Section 3.2.3.1, starting with the second paragraph "The Council has examined biological and socioeconomic information..."

- 4. TAC setting, Section 3.2.3.1** - delete 3rd sentence in first paragraph of step 2, namely "Conversely, the TAC may be higher than ABC if the Council believes that socioeconomic considerations warrant a harvest in excess of ABC."

Groundfish Data Bank

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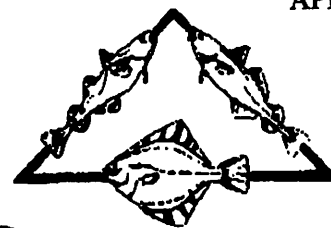
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MAR 24 2004

N.P.F.M.C.

March 24, 2004

Ms. Stephanie Madsen, Chairman
North Pacific Fishery Management Council
605 West 4th Ave.
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FAX: 907-271-2817

RE: Final Action for the Programmatic Supplemental Environmental Impact Statement (PSEIS).

Dear Ms. Madsen,

The members of Alaska Groundfish Data Bank generally support the Preliminary Preferred Alternative (PPA) identified by the North Pacific Fishery Management Council and the National Oceanic and Atmospheric Administration as its preferred policy choice in the PSEIS. The PPA Policy Statement successfully meets the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for meeting conservation goals while balancing numerous social and economic interests.

We believe it is vital that all material in the PSEIS Document be consistent with the MSA which requires that it is based on the best scientific information available and relies on analytical tools which have undergone peer review so that it will be useful to the Council in making future management decisions.

We highly encourage you to review and accept the recommendations proposed by the Marine Conservation Alliance concerning the PPA and PSEIS.

The members of Alaska Groundfish Data Bank include both shorebased catcher vessels and shorebased processors that all depend on the fisheries in the North Pacific. We depend on healthy fisheries and support the use of scientifically founded regulations for the harvesting of our product.

Sincerely,

Julie Bonney
Director

Alaska Groundfish Data Bank

PROWLER FISHERIES

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March 24, 2004

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Re: Agenda Item C-1: Final Action on PSEIS

Dear Ms. Madsen,

On behalf of Prowler Fisheries, I would ask the Council to adopt the PPA (with a few modifications) for final action on the PSEIS. I would endorse the changes in the PPA as outlined in the submission by the Marine Conservation Alliance (MCA) of which Prowler Fisheries is a member.

The Preliminary Preferred Alternative (adopted in June 2002) includes a policy statement, objectives and bookends. The PPA was selected from a range of alternatives that represented a very broad perspective in management approaches. Accordingly, the PPA is composed of elements from Alternatives 1b, 3 and 4 as well as new elements that came from public comment.

In general, the current PPA is a realistic ecosystem management approach that provides for sustainable fisheries and increased habitat protection. The PPA adaptive management approach has the flexibility to take into account potential changes in productivity that may arise from oceanographic, climatic, or fishery influences. The PPA takes a precautionary approach using fishery management based on sound scientific principles and research.

In its role as an overarching umbrella document from which future actions will tier from, the PSEIS PPA should not contain specific, inflexible management measures to be immediately implemented for every conceivable aspect of the FMPs. Instead, the PPA incorporates current management policies that have proven successful as well as providing a reasonable and a precautionary future course for future adaptive management, a policy that has served the North Pacific well.

Thank you for your time and consideration of this very thick document.



Gerry Merrigan
Prowler Fisheries



Frozen at Sea Longline Caught Fish

Alaska Draggers Association

Representing Kodiak based trawlers since 1974

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March 24, 2004

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N.P.F.M.C.

RE: Final Action for the Programmatic Supplemental Environmental Impact Statement (PSEIS).

Dear Ms. Madsen,

The Alaska Draggers Association supports the Preliminary Preferred Alternative (PPA) recently identified by the North Pacific Fishery Management Council and the National Oceanic and Atmospheric Administration as its preferred policy choice in the PSEIS. The PPA Policy Statement successfully meets the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for meeting conservation goals while balancing numerous social and economic interests.

We believe it is vital that all material in the PSEIS Document be consistent with the MSA which requires that it is based on the best scientific information available and relies on analytical tools which have undergone peer review so that it will be useful to the Council in making future management decisions.

We highly encourage you to review and accept the recommendations proposed by the Marine Conservation Alliance concerning the PPA and PSEIS.

The Alaska Draggers Association represents approximately 40 fishing vessels based out of Kodiak. We depend on healthy fisheries and support the use of scientifically founded regulations for the harvesting of our product.

Sincerely,



Alvin R. Burch
Executive Director
Alaska Draggers Association

MARINE CONSERVATION ALLIANCE

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ALYESKA SEAFOODS
ALASKA DRAGGERS
ASSOCIATION
ALASKA GROUND FISH DATA
BANK
ALASKAN LEADER FISHERIES
ALASKA PACIFIC SEAFOODS
ALEUTIAN ISLANDS BROWN
CRAB COALITION
ALEUTIAN PRIBILOF ISLAND
COMMUNITY DEVELOPMENT
ASSOCIATION
ARUTAM, ATKA, FALSE PASS, NELSON LAGOON,
NIKOLSKI, ST. GEORGE
AT-SEA PROCESSORS
ASSOCIATION
BRISTOL BAY ECONOMIC
DEVELOPMENT CORP.
ALDRINGOK, CLARK'S POINT, DILLINGHAM,
EGORIE, ERUK, ERVOK, KING SILLAKOK,
LEVELOCK, MANOKOTAK, NAIKNEK, PILOT POINT,
PORT HEDDEN, PORTAGE CREEK, SOUTH NAIKNEK,
TOGIAK, TWIN HILLS, UGASHIK
CENTRAL BERING SEA
FISHERMEN'S ASSOCIATION
ST. PAUL
CITY OF UNALASKA
COASTAL VILLAGES REGION
FUND
CHEFORNAK, CHEYAK, EEK, GOODNEWS BAY,
HOOPER BAY, KIPRIK, KONGIGANAK,
KINGILLINGOK, MERTYUK, NAPAIAK,
NAPASKAK, NEWTOK, NIGHTUTE, OSCARVILLE,
PLATNUM, QUINNAGAK, SCAMMON BAY,
TOSOOK BAY, TUTUTULAK, TUNUNAK
GROUND FISH FORUM
HIGH SEAS CATCHERS
COOPERATIVE
ICICLE SEAFOODS
MCCARTY AND ASSOCIATES
MID-WATER TRAWLERS
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MOTHERSHIP GROUP
PV EXCELLENCE
PV OCEAN PHOENIX
PV GOLDEN ALASKA
NORTH PACIFIC FISHERIES
RESEARCH FOUNDATION
NORTH PACIFIC LONGLINE
ASSOCIATION
NORTH PACIFIC SCALLOP
COOPERATIVE
NORTON SOUND ECONOMIC
DEVELOPMENT
CORPORATION
BREVIG MISSION, OMOEDOK, ELIM, GAMBELL,
GOLDVON, KOYUK, NOME, SAINT MICHAEL,
SAVDONGA, SHAKTOOLAK, STEPHENS, TELLER,
UNALAKLEET, WALKER, WHITE MOUNTAIN
PACIFIC SEAFOOD
PROCESSORS ASSOCIATION
PROWLER FISHERIES
SEAFOOD COLD STORAGE
ASSOCIATION
SOUTHWEST ALASKA
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TRIDENT SEAFOODS CORP.
UNITED CATCHER BOATS
ARUTAM CATCHER VESSEL ASSOC.
ARCTIC ENTERPRISE ASSOC.
NORTHERN VICTOR FLEET
PETER PAN FLEET COOPERATIVE
UNALASKA CO-OP
UNISEA FLEET COOPERATIVE
WESTWARD FLEET COOPERATIVE
WESTERN ALASKA
FISHERIES, INC.
YUKON DELTA FISHERIES
DEVELOPMENT
ASSOCIATION
ALAKANUK, EMMONAK, GRAYLING, KOTLIK,
MOUNTAIN VILLAGE, NUNAM IOUA

March 24, 2004

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Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Ave.
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RE: Final Action for the Programmatic Supplemental Environmental Impact Statement (PSEIS).

Dear Ms. Madsen,

The Marine Conservation Alliance (MCA) is writing to comment on the Preferred Preliminary Alternative (PPA) recently identified by the North Pacific Fishery Management Council (Council) and the National Oceanic and Atmospheric Administration (NOAA) as the preferred policy choice in the PSEIS. As discussed below, we generally support the PPA as described in the PSEIS, but would encourage the Council to consider a number of relatively minor revisions before selecting it as the Council's Final Preferred Alternative. Our proposed revisions are shown in the attachments that accompany these comments.

The Marine Conservation Alliance (MCA) is a broad-based coalition of coastal communities, fixed and mobile gear fishermen, Community Development Quota groups, vessel owners, processors, support industries and consumers directly and indirectly involved in the Alaska groundfish and shellfish fisheries. The coalition members have joined together to support science-based policy that protects the marine environment and the North Pacific fishing community.

Before turning to our specific recommendations, we would first like to congratulate the North Pacific Fishery Management Council and NOAA on their careful selection of a PPA Policy Statement that successfully articulates guidance to utilize the best scientific information available, is precautionary and takes into account levels of scientific uncertainty, and meets the requirements of the MSA and other applicable law for meeting conservation goals while balancing numerous social and economic interests.

The PPA represents a significant departure from the status quo FMP. The Council, by choosing the PPA, has charted a course for the future with an increased commitment to

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incorporate an ecosystem-based approach to fishery management. The PPA management objectives cover a full spectrum of management concerns, and consider all aspects of the North Pacific ecosystem including conservation of forage fish, protection for marine mammals and seabirds, and consideration of marine protected areas (MPAs) "as tools to maintain abundance, diversity and productivity." Additionally, in defining objectives to be considered by the Council over the next several years, the PPA gives the highest priority to management actions that seek to avoid overfishing, decrease bycatch and increase protection to vulnerable habitat. While current management has embraced these principles in past actions, the PPA commits to increased emphasis on them as it develops management actions in the future.

The MCA supports the Preliminary Preferred Alternative with some modifications.

After careful review of the PSEIS document, the members of the MCA have developed a position in support of the PPA Policy Statement but with specific recommended modifications. As you will see in the attached documents, the modifications that we are suggesting are relatively minor. *They do not change the intent or scope of the PPA and should not require additional analysis.*

MCA supports the PPA because it captures both the current management policies and goals, and charts a reasonable and precautionary course for the future. For example, in recent years the Council has taken several management actions which have sought to begin rationalization of the fisheries and to embrace recent amendments to the MSA, including the Sustainable Fisheries Act's direction to avoid overfishing, and to reduce bycatch and impacts to habitat when practicable. While both the policy and regulatory mandates of these measures have been incorporated in North Pacific Council actions, these changes are not reflected in the old policy statements that were crafted more than twenty years ago.

The MCA believes that the updated policy statement selected by the Council and NOAA as the PPA Policy Statement, with minor modification of the stated objectives, accurately captures and communicates to the public the Council's intention to ensure continued ecosystem-based decision-making in the future.

The MCA fully supports the Management Approach of the PPA as crafted by the Council. Specifically, we believe it articulates the overarching fisheries management principles upon which future actions will be taken to modify the BSAI and GOA FMPs. Goals and objectives identified in the Policy Statement will be reflected in the development of substantive management actions in the future. For that reason, MCA believes that the objectives should be clearly defined. With that in mind, MCA supports clarification of Objectives #15, #21, #25, #28 and #30. We also support modification of some bookends in order to better capture the intent of the PPA Policy Statement. Our proposed modifications are attached here for your consideration while taking final action on the PSEIS. These modifications were carefully considered and

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developed to better capture and clarify the intent of the PPA Policy Statement and so, in our view, would not require further analysis.

Some of the MCA proposed modifications to the "bookends" seek to combine critical components of Alternative 1 (current management practices) with future guideposts offered in the PPA. Our version of the PPA "bookends" better integrates the current, successful management tools into the management options to be analyzed in the future. These are important management measures currently in place that should receive due consideration on their merit in subsequent analyses, something we believe is required under the National Environmental Policy Act (NEPA). The MCA believes that many of the current, risk-averse management practices are well-designed and flexible enough to deal with future issues. They provide viable future choices for the Council as it deals with specific management matters. Failure to include them as options would diminish the value of the PSEIS as an effective planning document.

MCA believes the PPA Policy Statement and the MCA's modified version of the PPA "objectives" and "bookends" provide the appropriate balance to best protect the marine resource and those dependent on its health. We also believe it best complies with the Magnuson-Stevens Fishery Management and Conservation Act, the Endangered Species Act, the National Environmental Policy Act and other applicable law. Additionally, we have crafted our recommendations to coincide with the ecosystem-based policy approach recommended by the National Research Council and designed to ensure sustainable fishery management.

Please see the attachment to this letter for MCA's proposed specific modifications to the "objectives" and "bookends" section of the PPA and the rationale for each proposed change.

The MCA believes the analytical approach in the PSEIS is appropriate and provides the information for decision makers to make fully informed choices.

At the outset of the development of the PSEIS, one of the main difficulties was establishing an analytical approach that could adequately depict and analyze the existing fishery management regime in the North Pacific while capturing the dynamic and iterative nature of the process whereby Fishery Management Plans (FMP) and subsequent regulations are continually being refined and developed. This difficulty was exacerbated by the complexity and interrelatedness of the issues and the many management measures developed over the years to address those issues. These problems made it extremely difficult for the analysts to portray the issues and choices in the first version of the PSEIS in a manner that adequately informed the public and decision makers. The approach in the current version of the PSEIS addresses these concerns and provides both the public and decision makers with the information necessary to understand the issues at hand, and to make informed choices.

The PSEIS accomplishes the level of analysis necessary for a programmatic level review of the fishery management regime in two significant ways. First, the action of amending the Fishery Management Plan (FMP) goals and objectives was long overdue. Statutory mandates and fishery management programs had evolved extensively over the past 20 or so years. Amending the FMPs in this manner and looking at possible future directions in fishery management provide a programmatic level “big picture” review of existing programs, their cumulative impacts, and the possible alternative approaches to addressing concerns in the future. This is in essence what a programmatic EIS is intended to accomplish.

Second, the bookend approach provides a useful and appropriate context for this review. The Alternatives span a range of possible FMPs that move in both directions from the present management regime, including Alternatives that would increasingly tighten restrictions on fisheries and Alternatives that would relax fishery restrictions from the present regime. This was intended to allow the public and the decision makers to see the effects of the present regime as well as the potential effects of moving in one direction or another in the future.

The analytical bookends were developed in order to provide context and contrast both within an Alternative and between the Alternatives. These are an important analytical tool, allowing analysts to provide information characterizing the range of effects within each Alternative and the differences between the Alternatives. This reflects an important recognition that fishery management is an evolutionary process—a process that must continually adjust to new scientific information, changes in social and economic conditions, and new legal mandates.

Some environmental groups have suggested that the alternatives for consideration in the PSEIS must be alternatives that contain specific, ready-to-implement management measures for every aspect of the FMPs. These commentors suggest that each FMP bookend should be a stand-alone alternative that would be implemented at the same time the Record of Decision is issued. Such an approach fails to recognize the ongoing evolution of fishery management and the need to closely examine specific fishery management measures on an appropriate scale. The programmatic level of review is inappropriate for the development of FMP amendments for specific fishery management measures -- measures best accomplished through development of appropriate National Environmental Policy Act (NEPA) analyses that “tier off” the PSEIS.

The PSEIS will serve as a Useful Reference Document for the Council and the Public.

The PSEIS will serve as a useful reference tool for stakeholders and fishery managers to evaluate the effectiveness of past actions and to use in the development of future management measures. It will also help to maintain sustainable fisheries and healthy fishing communities while facilitating further integration of ecosystem-based management principles into the management system through a fair and transparent decision-making process in which all stakeholders will have an opportunity to participate.

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We agree with the statement in the PSEIS that the proposed federal action is a "...continuing activity: the management of the groundfish fisheries..." and not a simple snapshot of the fishery management regulations in place at any given time. The MCA strongly supports the Council's constantly evolving approach that ensures the most recent data are always used, and competing needs and interests are rebalanced frequently. The MCA supports the PPA as the best representation of the ongoing actions and future direction and intent of the Council.

The PSEIS correctly develops four comprehensive policy alternatives that provide contrast so that decision makers can best understand the environmental impacts and potential tradeoffs of future directions they may undertake regarding endangered species, target and non-target species, habitat, and rationalization. The MCA supports the National Marine Fisheries Service's (NMFS) use of example bookends to illustrate the possible range of management options that might be taken in the future under each of the Alternatives. It also meets the regulatory intent of 40 C.F.R 1502.14, which states the alternatives section of an SEIS "should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining issues and providing a clear basis for choice among options by the decision maker and the public."

The PSEIS Provides the First Tier from Which Future Actions May Be Analyzed.

In testimony in 2001, Drs. Atkinson and Canter, the National Environmental Policy Act (NEPA) experts retained by the Council and NMFS to review and critique the first draft of the document, a Programmatic SEIS is a "policy, planning, and program" development tool. The MCA agrees with that view and supports the conclusions that future management or regulatory actions will be tiered off the PSEIS, but will require the normal Council process of a case-specific Environmental Assessment (EA) or Environmental Impact Statement (EIS) to evaluate and analyze the impacts of the specific proposed action.

Drs. Atkinson and Canter went on to note that NEPA is not "action-forcing"-- at least insofar as the selection of a preferred alternative is concerned. NEPA only requires that an analysis of the comparative environmental impacts of various alternatives be available to the decision-maker so an informed decision may be made at the time a preferred alternative is selected. In other words, NEPA does not require the selection of the "environmentally preferred" alternative - - only that the environmental impacts of the various alternatives be known at the time a preferred alternative is selected. Simply, the policies, goals and purpose of NEPA are largely directed at process. It is the MSA that provides the substantive guidance insofar as the selection of a preferred fishery management alternative is concerned.

The chosen policy and objectives alternative will provide a framework for the Council's future management and regulatory actions, analyzed and implemented through the normal

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Council process. However, given the constantly changing environment in which it must work, it is our understanding that the Council will retain the flexibility to re-evaluate and modify the policy and objectives so long as its decisions are based on adequate information and analysis. In addition, we understand the bookends used to illustrate possible management actions are non-binding examples of the range of approaches under the chosen policy alternative. They will not be included in the Fishery Management Plan (FMP) Amendment that results from the PSEIS.

The Range of Alternatives is Adequate.

In public comment to the Council and agency three years ago, some environmental groups criticized the earlier version of the PSEIS for not including a so-called "ecosystem alternative." Based on their concerns, the Secretary ordered that the PSEIS be revised to include such an alternative. The agency and Council went to great lengths to accommodate those concerns in development of Alternative 4 in the revised PSEIS. The MCA appreciates these efforts by the agency and Council and now better understands the environmental impacts and trade-offs of management options often proposed by some environmental groups.

The four alternatives analyzed in the 2003 PSEIS reflect the full spectrum of reasonable management policies and illustrative measures. These four alternatives and the PPA represent management policies ranging from a very relaxed management regime with aggressive groundfish catch levels and few controls on bycatch and gear (Alt. 2), to the highly precautionary management policy represented by Alt. 4, which is largely based on the comments and criticisms environmental groups submitted in connection with the earlier version of PSEIS. Under Alternative #4, the burden of proof is shifted to the resource managers and users of the resources to demonstrate that no adverse impacts occur before fishing is permitted. Alternative 1 (the current management policy), Alt. 3 and the PPA all lie between the two extremes represented by Alternatives 2 and 4.

Nonetheless, the same collection of environmental groups again claims the current range of alternatives is inadequate because it does not include their "Oceans Alternative." The components of the Oceans Alternative are very similar to those suggested in the organizations' comments on the earlier draft of the PSEIS. It is these same components that were used to craft Alternative 4. As a result, the management measures recommended in connection with the Oceans Alternative are either already reflected in the Alternative 4 FMP bookends, or fall within the range of actions that could be considered under the Alternative 4 policy. We also note that the Council included some of these same components in crafting its PPA. *We urge the Council to recognize that the proposed Oceans Alternative is not a new alternative and that, for all practical purposes, it is indistinguishable from the range of alternatives already defined and analyzed in the 2003 Draft PSEIS.*

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Having reviewed the new range of alternatives, the MCA concurs with NOAA General Counsel (GC) that the present range of alternatives and methodology used to compare and contrast alternatives adequate and fully complies with the court order.

The National Standards and Other Applicable Laws Support Selection of the PPA as the Preferred Alternative

The MSA requires FMPs and other fishery management measures promulgated under the auspices of the MSA be consistent with a number of its own provisions, including ten National Standards (NS), as well as with other applicable laws that govern the federal fisheries management process in the United States. The "other applicable laws" include the NEPA, the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA) and the Administrative Procedures Act (APA).

The PSEIS has determined that each of the proposed Alternatives complies, to a greater or lesser extent, with each of the other "applicable laws" that govern fisheries management in the United States. The document therefore concludes each of those Alternatives meets "the minimum federal statutory requirements applicable to fisheries management" in the federal fisheries of the U.S. (PSEIS, 4.11-1). Thus, for example, although one or more of the Alternatives may provide more protection for a particular endangered species, all of the Alternatives would be in compliance with the minimum requirements of the ESA that federal actions avoid jeopardy and/or adversely modifying the critical habitat of the endangered species in question.

The MCA does not take issue with the PSEIS's findings as to the various Alternatives' compliance with the other applicable laws. In fact, MCA concurs with the findings that the Alternatives, for the most part, meet these requirements. Instead, we will focus on each Alternative's respective compliance with various provisions of the MSA in general and the NS in particular.

The ten national standards represent statutory guidelines that must be followed to develop FMPs or implement management measures. In establishing FMP objectives, Councils are forced to balance a range of human needs, reconcile present and future costs and benefits, address various social and economic issues, and integrate the diversity of public and private interests all in the context of ensuring that stocks are not overfished and conservation goals are met. Whether or not a particular FMP and/or a management measure promulgated there under are consistent with the NS is oftentimes determined by the degree of balance maintained between competing and sometimes conflicting goals and objectives. Some of the Alternatives under consideration in the PSEIS strike such a balance, others do not.

While all of the ten NS are important, eight are especially relevant to the selection of a Preferred Alternative among the Alternatives analyzed in the PSEIS. These are:

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NS #1: Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry;

NS #2: Conservation and management measures shall be based upon the best scientific information available;

NS #5: Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose;

NS #6: Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches;

NS #7: Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication;

NS #8: Conservation and management measures shall, consistent with the conservation requirements of this chapter (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to: a) provide for the sustained participation of such communities; and b) to the extent practicable, minimize adverse economic impacts on such communities;

NS #9: Conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch; and

NS #10: Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

In addition to the NS, the MSA also makes a number of findings and identifies other underlying purposes indicative of the goals and objectives motivating Congress when it adopted the MSA in 1976. Those goals and objectives remain in place today and are particularly relevant to the selection of a final Preferred Alternative in connection with this PSEIS. They include findings that US fish stocks represent "valuable and renewable natural resources" that contribute to the food supply, economy and overall wealth and well-being of the country; that development and utilization of the Alaska groundfish resource is necessary to "assure that our citizens benefit from the employment, food supply and revenue that is generated from such fishery"; and a statement of purpose to the effect that OY determinations should be made in a manner that promotes the development of the bottom fish fishery off Alaska in a non-wasteful manner.

In selecting a Preferred Alternative, the Council and NMFS should choose the alternative that is most consistent with the above-stated goals and objectives of the MSA as well as the NS.

As discussed below, MCA believes that its modified version of the PPA represents the best choice among the alternatives identified in the PSEIS.

Alternative #1-The Status Quo Alternative

Everything else being equal, the MCA favors the selection of a Preferred Alternative that perpetuates the present management process. Given its proven track record, the present system represents a conservative, adaptive management process that has produced one of the most progressive and successful examples of sustainable ecosystem-based fisheries management in the world. Unfortunately, due to the analytical construct of the PSEIS, Alternative #1 is defined as including an antiquated policy statement and a particular suite of management measures implemented or approved for implementation as of June 2002. As such, Alternative #1 represents a frozen-in-time version of what is otherwise a dynamic and adaptive management system, i.e., a static "snapshot" of what that management system looked like at a particular instant in time. Clearly, the Policy Statement and the goals and objectives associated with Alternative #1 are outdated and need to be revised. We must, therefore, shift our focus from the version of Alternative #1 described in the PSEIS to the other alternatives in order to find an option consistent with the NS and the other goals and objectives of the MSA on the one hand, and that moves the system forward on the road to ecosystem-based management on the other.

Alternative #2-- the Least Restrictive Alternative

Alternative #2 reflects a much more aggressive harvest strategy than is presently employed by the NPFMC. It would maximize economic yield from the fishery, at least in the short run, by rolling back a number of the precautionary measures that the Council has, in its wisdom, adopted and that industry has supported over the years.

Although Alternative #2 serves as a useful contrast to the approaches embodied in the other Alternatives, the fundamental approach of Alternative #2 is unacceptable to the MCA. In our view, it represents a step backwards in the evolution of the BSAI and GOA FMPs. As such, it runs counter to the Council's direction in integrating ecosystem-based management measures into groundfish management plans. Despite the PSEIS's findings that this particular alternative is consistent with the NS, the MCA has a number of concerns about the consequences of adopting such an Alternative and its implications for the Council's ability to continue pursuit of ecosystem-based management in the North Pacific.

Alternative #2 would, among other things: abandon the OY cap in the BSAI groundfish fishery; abolish the groundfish observer program; repeal measures to protect habitat important to managed species; reinstitute the "race for fish;" and dismantle rights-based management programs such as the sablefish/halibut Individual Fishery Quota (IFQ) system and the CDQ program. The Alternative would also roll back a number of other precautionary measures the Council and NMFS have implemented over the past 25 years to ensure the stability of fishing

dependent communities and to promote the development of a sustainable ecosystem-based management system.

Simply put, the cumulative impacts of Alternative #2 would, in our opinion, involve unacceptable risks of: overfishing groundfish stocks (a violation of NS #1's first test); destabilizing fishing dependent communities (a violation of NS #8); and otherwise jeopardizing the long-term economic viability of the fishery and its ability to achieve OY on a continuing basis (a violation of NS #1's second test). It would also remove the built-in tools and other incentives that the present system provides to minimize bycatch as required by NS # 3 and to lessen the impacts of fishing on habitat as required by the Essential Fish Habitat (EFH) provisions of the MSA.

In short, it is MCA's view that Alternative #2 fails to strike the appropriate balance between the economic objectives embodied in the NS and the other conservation goals and objectives found in those standards and other provisions of the MSA. We would be surprised and disappointed if the Council or NMFS selected it as their Preferred Alternative.

Alternative #3-the More Precautionary Alternative

The MCA generally supports Alternative #3's Policy Statement, its goals and objectives, and associated bookends with slight modification. In our view, Alternative #3 reflects the type of risk-averse, precautionary management philosophy that resulted in the ecosystem-based management measures already embodied in the present FMPs and would continue that philosophy into the future. It recognizes the benefits of rationalization and the need to stop the race for fish that plagued the North Pacific fisheries in the 1980's and 1990's, and it attempts to address the shortcomings identified with the *status quo* management system reflected in Alternative #1 (e.g., the need for modifications to the observer program, the need to address the risk of overfishing non-target species, the need to accelerate the move to rights-based management, etc).

As indicated above, the MCA believes the present management system would have eventually led us in the same direction, but Alternative #3 fixes that course, identifies specific problems that need to be addressed, and formalizes a commitment to accomplish certain goals and objectives during the next phase of fishery management in Alaska—goals and objectives that are fully consistent with the NS and other provisions of the MSA.

While MCA may take issue with some of the specific management measures cited as examples in the Alternative #3 objectives and bookends, the fundamental policy statement and the goals and objectives specified in connection with this Alternative are consistent with the direction MCA would like to see the fishery management system move over the next five to ten years.

In short, Alternative #3 represents a reasonable approach that would prioritize and facilitate the incorporation of ecosystem-based management measures into the GOA and BSAI fishery management plans. And, it would do so by providing fishermen with the tools and incentives necessary to reduce bycatch, minimize impacts on habitat and otherwise conduct their fishing operations in a more rational and responsible manner--all without jeopardizing their opportunity to conduct viable fishing operations and otherwise achieve OY from the fishery. It would also protect fishing dependent communities and otherwise accomplish the other goals and objectives specified in the MSA and the NS.

The MCA feels Alternative #3 not only passes the NS consistency test, but it also represents a reasonable balance between the need to protect the fishery resource and the associated ecosystem on the one hand with the socio-economic needs of the industry, fishery dependent communities and the nation as a whole on the other. Consequently, Alternative #3 is acceptable to the MCA. For the reasons discussed below, however, a slightly modified version of the PPA (Alt #5) would be even more acceptable and would, in our view, do an even better job of balancing the various competing interests confronting responsible fishery management in the 21st century.

Alternative #4, the Highly Precautionary Alternative

Alternative #4 involves a radically different approach to fishery management. It would impose a strict interpretation of the precautionary principle on the management system by shifting the burden of proof to the users of the resource (fishermen, processors, and fishing dependent communities) and to the NPFMC and NOAA Fisheries to demonstrate the intended use of the groundfish resource would not have a detrimental effect on the environment before any fishing could take place (PSEIS, ES-31).

In our view, while Alternative #4 provides a useful contrast to the measures contained in the other alternatives, its underlying approach represents a threat to one of the primary achievements of the MSA—the development of a biologically sustainable, ecologically responsible, and economically viable bottom fish fishery off Alaska. The Council has long based its OY determinations on the best science available, and taken proactive measures to ensure the fisheries are conducted in a responsible and sustainable manner. As a result, and after 25 years of management under the MSA, not a single species of groundfish is overfished in Alaska. Nevertheless, Alternative #4 would force fishermen to tie their boats to the docks unless and until the Council and the agency could definitively and conclusively prove that fishing operations would have no detrimental effect on the environment.

Relative to the PPA, Alternative #4 would also arbitrarily set aside expansive areas of prime fishing grounds as no-take marine reserves without significant and demonstrable additional conservation benefits to managed species or their habitat, and in total disregard of the balancing of social and economic interests required under the MSA.

Alternative #4's approach turns on its head the MSA's emphasis on the national and community benefits that can be achieved from the development and maintenance of an economically viable and environmentally sustainable groundfish fishery in Alaska. Indeed, the PSEIS concludes, "The extensive Total Allowable Catch (TAC) reductions and area closures under Alternative #4 reduce the viability of fisheries." While some fisheries might survive under this alternative (PSEIS 4.11-18d), others presumably would not. Similarly, the PSEIS recognizes that alternative #4 "could jeopardize the continued viability" of some fishery dependent communities (PSEIS, Table 4.11-2). Particularly vulnerable are Alaska Native communities disproportionately dependent on fishing activities. It is hard, if not impossible, to reconcile such impacts with NS #8's mandate that conservation and management measures "take into account the importance of fishery resources to fishing communities in order to a) provide for the sustained participation of such communities, and b) to the extent practicable, minimize adverse economic impacts on such communities." This is particularly true in the absence of any compelling evidence the present level of fishing activities is adversely affecting the species being caught, the ecosystem, or EFH.

While the MCA supports efforts to minimize environmental impacts "to the extent practicable," the extreme application of the precautionary principle as embodied in Alternative #4 clearly subverts the balance the NS and other provisions of the MSA seek to strike between environmental protections on the one hand and the development and maintenance of a viable groundfish fishery on the other. Alternative #4 simply disregards the attendant benefits that such a fishery generates for fishing communities and the nation.

In sum, strict application of Alternative #4's precautionary principle would, in our view, result in management measures not only inconsistent with the community protection mandates of NS #8, but which are also inconsistent with: NS #1's requirement to achieve OY on a continuing basis; NS #2's requirement to use the best science available; NS #5's requirement to "consider efficiency" in the management of the nation's fisheries; and NS #6's requirements to minimize costs to the industry in the management of the fisheries. Alternative #4's application of the precautionary principle also ignores the "to the extent practicable" qualifier the MSA imposes on its habitat protection and bycatch reduction mandates.

For all of these reasons, MCA opposes the adoption of Alternative #4 as the final Preferred Alternative in the PSEIS. As presented, the Alternative is fundamentally inconsistent with the goals and objectives of the MSA and most, if not all, of the NS against which proposed management measures are judged.

Alternative #5, the "Preliminary Preferred Alternative"

The PPA reflects a hybrid combination of elements found in Alternatives #1, #3, and #4. It represents the Council's best effort to identify and describe a management approach that will accelerate its efforts to employ a precautionary and adaptive approach to ecosystem-based

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management. The PPA also incorporates a set of revised sample bookends that reflect the range of potential management measures the Council is likely to consider as it pursues its goal of ecosystem-based management over the next five to ten years. With slight modifications described in our attachment to this letter, the MCA strongly supports selection of the PPA as the preferred alternative.

The PPA's Management Approach (Policy Statement) would reflect a philosophical and policy-driven roadmap for future management that is risk-averse on the one hand while recognizing the need to balance a variety of competing uses of the groundfish resources on the other. We are particularly pleased with the references to and incorporation of the National Academy of Sciences National Research Council's (NRC) recommendations on Sustainable Fisheries Policy into the PPA's management approach; and the recognition of the need to accelerate the Council's movement towards ecosystem-based management through the use of community and rights-based management systems.

Similarly, the PPA confirms the Council's dedication to a conservative, adaptive management system. It confirms the Council's commitment to prevent overfishing, protect seabirds and marine mammals, reduce bycatch and habitat impacts to the extent practicable, and otherwise incorporate ecosystem-based management principles into a management approach that recognizes the need to both promote sustainable fisheries and protect fishery-dependent communities. Such an approach accommodates the MSA's policy of protecting the jobs, food production and other economic activity associated with a viable commercial fishing industry. We believe this is a realistic and responsible approach to the various goals and objectives of the MSA and a reasonable balance between the competing interests reflected in the NS.

Finally, with regard to the objectives and sample FMP bookend management measures provided in the PPA, the MCA has suggested a few modifications. As modified, those objectives and bookends will carry forward the best elements of the present management regime while identifying the direction and range of potential improvements in other aspects of that system. These reflect the potential "incremental changes in various aspects of fishery management" the NRC recommended as a realistic way of moving towards a "successful ecosystem-based" approach to fisheries management.

The PPA Policy Statement is the "Environmentally Preferable" Alternative When Compared to Alternatives 2 and 4.

After careful review of the PSEIS, and taking into account problems with the habitat analysis, the MCA believes the PPA, actually provides more protection for marine mammals, seabirds, target and non-target species, and habitat than the other Alternatives.

In the case of marine mammals, the PPA and Alternative 1 are preferable for several reasons. First, there is nothing to prevent the present management system from addressing any

additional marine mammal concerns. Indeed, the Council recently formed a Fur Seal Committee to address issues related to a downward trend in the Northern fur seal populations and concerns the decline may somehow be related to fishing activities in and around Pribilof Island rookeries and haulouts. Numerous other examples of Council actions to protect mammals are documented throughout NPFMC records. In addressing such issues, the Council can and routinely does balance all competing interests to insure the final solution is consistent with NS and other applicable law, including the ESA and the MMPA.

Second, Alternative 4, theoretically designed to protect marine mammals, proposes, among other things, large area closures (e.g., all Steller sea lion (SSL) critical habitat) and significant TAC reductions. These proposals are curious in light of findings in the agency's series of Biological Opinions (BiOp) that present harvest levels do not, in and of themselves, jeopardize SSLs or other listed species, and especially in view of new foraging data that seem to obviate the need for sweeping closures as proposed in Alternative 4.

Furthermore, the PSEIS recognizes the cannibalistic nature of pollock and the fact the largest source of mortality for young pollock (fish of the size predominantly eaten by SSLs) is predation by large pollock (the size of fish predominantly taken in the pollock fishery). The PSEIS reports the results of a multispecies model that shows that, due to the cannibalism factor, there would be little change in pollock biomass even if there were no fishing for pollock at all -- there would be more large fish, but fewer small-sized fish. Cessation of pollock fishing would, however, affect SSL populations according to the Ecosystem Simulation (ECOSIM) model referenced in the PSEIS. Under a no pollock-fishing scenario, the ECOSIM model projects SSL populations would decline as a result of increased cannibalism of small fish. Thus, a series of BiOps suggests present harvest levels are not a problem for SSLs or other listed species, and the PSEIS indicates reductions in pollock fishing might actually harm SSLs due to the cannibalism effect.

Under the circumstances, it is hard to imagine the TAC reductions and expanded closures proposed in Alternative 4 could be more beneficial to SSLs than the PPA or Alternative 1. To the extent seabirds prey on juvenile pollock as well, the proposed measures would presumably have similar negative impacts. Because the PPA Policy Statement, with our recommended slight modifications, accurately captures the precautionary approach of the present management regime and commits to its continuation, the MCA supports a slightly modified PPA Policy Statement as the environmentally preferable Alternative to the measures proposed in Alternatives 2 and 4.

The Preliminary Preferred Alternative Policy Statement Represents a Sustainable Ecosystem-Based Management Approach for Fisheries Authorized under the GOA and BSAI Fishery Management Plans.

The PPA presents a well thought out management approach for the fisheries authorized under the GOA and BSAI FMPs. Although the action contemplated by the PPA has been characterized by some interest groups as “merely changing the policy statements of the FMPs,” the MCA believes the PPA represents a viable plan for charting future fishery management decisions. Most importantly, the PPA builds on the already successful conservation record of the Council and commits to working to address future concerns through the robust, science-driven, and transparent process employed by the Council. In doing so, the PPA also strengthens and builds upon the Council’s precautionary approach to fisheries management and accelerates the Council’s commitment to incorporating ecosystem-based management principles into fishery management decisions.

Ecosystem-based management strategies are being adopted in the United States, and in other nations, in response to biodiversity concerns. In theory, ecosystem-based management presents a more holistic approach, focusing more on maintaining system integrity rather than limiting fishery management actions to the effects of fishing on a single target species.

In public testimony on the PSEIS, some other environmental groups successfully advocated for inclusion of Alternative 4 into the suite of management policies. This alternative represents a significant shift of the burden of proof when analyzing and selecting management options. The key policy element that influences impacts under Alternative 4 is the shift of the burden of proof to the user of the resource to demonstrate conclusively that the intended use will have no detrimental effect on the environment. Such a formal policy shift would raise the standard level of justification required for fishery management actions to an impossible standard. The end result of Alternative 4 would be severe economic and social disruption in fishing communities with little or no additional conservation benefit. The call for such an approach also ignores the numerous, progressive measures taken by the Council since the 1970s that have incorporated ecosystem-based management principles into the GOA and BSAI FMPs.

The PSEIS contains a comprehensive description of how the Council has acted to expand its understanding of the ecosystem, develop new management tools and constantly improve the management regime. A careful reading of the PSEIS and even a passing familiarity with the Council’s public process should make it clear that many of the ecosystem objectives described in Alternative 4 are already reflected in present Council policy and that ecosystem considerations have been incorporated into FMP amendment actions and are further described in the PPA Policy Statement. This has been accomplished without sacrificing the MSA’s objective of achieving OY from the fishery.

The National Research Council Report on Sustainable Fisheries

In its 1999 report entitled “Sustaining Marine Fisheries,” the NRC identified a number of policy objectives that it recommended for incorporation into fishery management plans to ensure sustainable, ecosystem-based fisheries. Those policy objectives include:

1. Adoption of conservative harvest levels for single species fisheries;
2. Incorporation of ecosystem considerations into fishery management decisions;
3. Adoption of a precautionary approach to deal with uncertainty;
4. Reduction of excess capacity and assignment of fishing rights;
5. Establishment of marine protected areas as a buffer;
6. Inclusion of bycatch and discard mortality in catch accounting;
7. Increased use of technology to further protect the resource; and
8. Institutionalization of fishery management responsibilities.

All of the policy objectives identified by the NRC are reflected in the present management regime the NPFMC implemented for the BSAI and GOA groundfish fisheries. In adopting the PPA, the Council is reaffirming its commitment to proactively addressing fishery conservation and management issues. The PPA states explicitly that it will continue to be the Council's policy to apply "judicious and responsible fisheries management practices based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future as well as current generations." The objective is to "provide sound conservation of the living marine resources; provide socially and economically viable fisheries and fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions".

The Council also has indicated its intent to "consider and adopt as appropriate measures that accelerate the Council's precautionary, adaptive management approach," and to do so in a manner that "recognizes the need to balance many competing uses of marine resources and different social and economic goals." The Council acknowledges, "adaptive management requires regular and periodic review" and commits to maintaining and improving the open and transparent public process it uses in developing fishery management measures.

The Council also specifically states, "this management approach takes into account the National Academy of Sciences' recommendations on Sustainable Fisheries Policy." Careful review of the PPA policy statement and objectives clearly indicates the PPA meets and, in fact, goes beyond the NAS recommendations and are articulated best in the PPA Policy Statement.

For all the above stated reasons the MCA strongly endorses adoption of a slightly modified version of the Preferred Preliminary Alternative as the Council's PSEIS choice in taking final action at its April meeting.

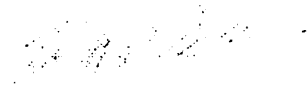
In closing, MCA would like to compliment the agency and the Council in its development of this important document and in the transparent process in which it has been reviewed by the public. Although we may not agree with everything in the PSEIS we appreciate the fact that a great deal of time, effort and hard work went into its preparation. We are also appreciative of the extraordinary efforts of the National Marine Fisheries Service and Council

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staff to fully revise an earlier version of the comprehensive PSEIS analysis as ordered by the Secretary.

Thank you for consideration of our comments. Please find attached our specific recommendations to appropriately modify the PPA.

Sincerely yours,



Ronald G. Clarke
Executive Director

Encl. (3)
cc: Dr. James W. Balsiger

MARINE CONSERVATION ALLIANCE

Proposed Changes to the Programmatic Supplemental Environmental Impact Statement (PSEIS) Preliminary Preferred Alternative (PPA)

The Marine Conservation Alliance (MCA) supports the updated policy statement selected by the North Pacific Fishery Management Council (NPFMC or Council) and NOAA Fisheries as the PPA Policy Statement, with minor modification of the stated objectives and bookends, as it accurately captures and communicates to the public the Council's intention to ensure continued ecosystem-based decision-making in the future.

The MCA fully supports the Management Approach of the PPA as crafted by the Council because it articulates the overarching fisheries management principles upon which future actions will be taken to modify the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Fishery Management Plans (FMP). Since goals and objectives identified in the Policy Statement will be reflected in the development of substantive management actions in the future, the MCA believes the objectives should be clearly defined. With that in mind, the MCA supports clarification of Objectives #15, #21, #25, #28 and #30. We also support modifications of some bookends we believe better capture the intent of the PPA Policy Statement. Our proposed modifications are included here for your consideration while taking final action on the PSEIS. These modifications were carefully considered and developed to better capture and clarify the intent of the PPA Policy Statement and so, in our view, would not require further analysis.

The need for some of these clarifications did not become evident until the Council motion of June 2003 that adopted a PPA. Some of the proposed modifications to the "bookends" seek to combine critical components of Alternative 1 (present management practices) with future guideposts offered in the PPA. Our version of the PPA "bookends" better integrates existing successful management tools into the management options to be analyzed in the future. These are important management measures currently in place that should receive due consideration on their merits in

subsequent analyses, something we believe is required under the National Environmental Policy Act (NEPA). The MCA believes that many of the current, risk averse management practices are well-designed and flexible enough to deal with future issues. They will provide viable future choices to the Council as it deals with specific management measures. Consequently, they should be included in the PPA bookends. Other proposed changes seek to clarify the intent of the objectives and bookends and bring it into better alignment with the stated PPA management approach.

MCA PROPOSED CHANGES TO GOALS AND OBJECTIVES

OBJECTIVE #25:

Probably the most important clarification required is to Objective 25, “*Identify and designate EFH [Essential Fish Habitat] and HAPC [Habitat Areas of Particular Concern].*” The MCA strongly urges clarification of this objective to avoid further confusion on this issue as encountered but subsequently resolved in development of the Council’s EFH Problem Statement and EIS.

Recommendation: The MCA recommends the new language read as follows:
“Identify and designate EFH and HAPC, and mitigate fishery impacts to the extent practicable, if scientific evidence indicates a fishery is adversely impacting the productivity of the managed species.”

Rationale: This language is consistent with the Council’s EFH problem statement and EIS. The intent of the proposed language is to clarify the management approach concerning the mitigation of fishery impacts on habitat and to bring it into compliance with EFH language and national standards contained in the Magnuson-Stevens Fishery Management and Conservation Act (MSA). This is a subject of great interest to many sectors of the public and it is appropriate to clarify this in the stated objectives of the PPA Policy Statement.

This proposed modification to Objective #25 clarifies that before the Council considers mitigation measures, scientific evidence should demonstrate there are, in fact, a fishery impact and, therefore, a need for consideration of mitigation measures. If such evidence of a fishery impact is demonstrated, the Council will examine the scientific evidence to see if the fishery impact is adverse to the productivity of managed species. Then, if the fishery impact is found to be adverse to the productivity of managed species, the Council will examine the proposed mitigation measures for efficacy and practicability. Finally, all management measures will be based on the best scientific evidence available. Simply put, mitigation measures should address real impacts in both a scientific and practical manner. Taken in context with the full suite of existing closures, conservative harvest limits and effort reduction efforts, this proposed EFH/HAPC language is consistent with the precautionary goals of the PPA without shifting the burden of proof to fishery managers and participants as proposed under Alternative 4.

The proposed language is also consistent with National Standard (NS) requirements for fishery management plans, specifically NS # 1 (“...achieving, on a continuing basis, the optimum yield from each fishery...”), and NS # 2 (“...conservation and management measures shall be based on the best scientific information available.”).

The proposed addition is consistent with the sections of the MSA requiring fishery management plans to “...minimize to the extent practicable adverse effects on such habitat caused by fishing...” (MSA 303(a) (7)) while at the same time providing for optimum and sustained yield (MSA 303(a) (3)).

Finally, the proposed clarification of this objective is consistent with the Council’s problem statement on EFH which includes “...the Council intends to take action in compliance with the requirements of MSA to protect the productivity of FMP species by considering additional measures to reduce adverse effects of fishing activities on habitat essential to *managed species*,” and, “consider implementation of additional management measures to mitigate, to the extent practicable, identified adverse impacts of fishing on EFH. The intent of the Council is for those FMP species where data are

available, habitat measures should be applied to minimize the effects of fishing on habitat essential to continued productivity of the *managed species* (emphasis added)."

OBJECTIVE Heading on Bycatch Reduction.

Recommendation: Change the category heading entitled "Manage, Reduce and Avoid Bycatch and Incidental Catch" to "**Manage Incidental Catch and Reduce Bycatch.**"

Rationale: As in Objective #15 (below), it is important to distinguish between "bycatch," which the MSA defines as discarded fish, and "incidental catch," which is fish that is retained but is not the primary target. In many cases, it is not appropriate to mandate reductions in incidental catch. because of the resulting increase in discards. This is consistent with prior Council actions and with recent Council deliberations on the MSA's definition of "bycatch" (See, the Council's letter to Dr. Hogarth of February 18, 2004, in which the Council commented on the draft Alaska Region Bycatch Priority and Implementation Plan and the agency's National Bycatch Strategy. In that letter, the Council discussed and clarified the difference between "bycatch" and "incidental catch" insofar as the MSA's bycatch reduction mandate is concerned). A more detailed explanation can be found in the rationale below for the same recommended change in Objective #15.

OBJECTIVE #15.

Recommendation: In Objective #15, delete the reference to "incidental catch."

The objective presently reads "Develop incentive programs for incidental and bycatch reduction including the development of mechanisms to facilitate the function of bycatch pools, VBAs [Vessel Bycatch Accounting], or other bycatch incentive systems." By deleting the words "incidental and," the amended objective would read: "**Develop incentive programs for bycatch reduction including the development of mechanisms to facilitate the function of bycatch pools, VBAs, or other bycatch incentive systems.**"

Rationale: National Standard # 9 calls for minimization of bycatch, a principle MCA supports. However, incidental catch involves entirely different issues than does bycatch, and the appropriate management responses are often quite different. For example, in some cases, multi-species fisheries that retain incidental catch can have positive benefits such as increased retention/utilization and economic efficiency. In that regard, incidental catch may need to be managed, but not necessarily reduced.

For example, the present Individual Fishery Quota (IFQ) program for halibut and sablefish has allowed fishermen to retain both of these species while longlining, if they have sufficient Quota Shares (QS) for both species. The predominant species in the catch would be the directed target, and the other species would be incidental catch. Allowing retention of incidental catch has greatly reduced discards in these two fisheries, while also allowing increased economic efficiency. Prior to the IFQ system, directed fishing was allowed only for a single species (halibut or sablefish) in distinct seasons with the incidental catch of the other species being discarded. Now, under IFQs, both species can be fished simultaneously, provided the vessel had adequate QS for both species. Clearly, in this case, retention of incidental catch is the preferred solution rather than the reduction of incidental catch.

Another example is BSAI flatfish fisheries, which are, by their nature, multi-species operations harvesting cod, yellowfin sole, rock sole, flathead sole, and other flatfish together. These species are all utilized, which renders the fishery economically viable. It is often difficult to assign a target to a particular catch, but is usually done using the predominant species in that particular haul. By definition, everything other than the target species is considered incidental catch, even though it may, in the aggregate, constitute more than the target itself. Incidental catch is an essential part of a multi-species fishery and should not be confused with bycatch. Incidental catch is valuable, utilized fish; bycatch is discarded fish. In fact, bycatch of non-prohibited species can be reduced by utilizing it, which converts it to incidental catch. There is no

reason to necessarily reduce incidental catch in all cases, but management of the incidental catch is appropriate.

OBJECTIVE #21.

Recommendation: Objective #21 presently reads, “Continue to cooperate with USFWS [U.S. Fish and Wildlife Service] to protect ESA-listed species.” The USFWS is concerned that this objective may be too narrow and recommends it be expanded to include “other seabird species.” The MCA agrees. Research on seabird incidental take clearly demonstrates methods employed to avoid short-tailed albatrosses are effective in avoiding other seabird species. We recommend the new language read as follows: **“Continue to cooperate with USFWS to protect ESA-listed species *and, if appropriate and practicable, other seabird species.*”**

Rationale: Methods employed to avoid short-tailed albatrosses are effective in avoiding other seabird species. To the extent that the MSA provides specific guidance on the issue of bycatch reduction, it deals only with “fish,” not seabirds (NS #9). Even then, it specifically limits its mandate to measures that are “practicable.” To the extent there is concern about seabird incidental take, a similar limitation would be appropriate.

OBJECTIVE #28.

Recommendation: Add the phrase “of managed species.”

The objective presently states, “Develop goals, objectives, and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity. Implement MPAs [Marine Protected Areas] if and where appropriate.”

The amended objective would read: **“Develop goals, objectives, and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take**

marine reserves as tools to maintain abundance, diversity, and productivity of managed species. Implement MPAs if and where appropriate.”

Rationale: The reasoning here is similar to the rationale used in clarifying language regarding mitigation of EFH and HAPC. The MSA calls for the Council to identify and describe EFH as it applies to managed species, underlining the Council’s exclusive role to manage federal fisheries. Additionally, guidelines were provided to the Councils to identify HAPC that are of particular ecological importance to the long-term sustainability of species managed under a FMP. Since the MSA (including NS, EFH, and HAPCs) refers to FMPs and managed species, the suggested addition of the phrase “managed species” provides the same consistency in direction for the development of MPAs and reserves.

OBJECTIVE #30.

Recommendation: Add the phrase “as necessary.”

The objective presently reads: “Maintain LLP program and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.”

The amended objective would then be “**Maintain LLP [License Limitation Program] program *as necessary* and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.**”

Rationale: The word “maintain” implies making no changes to the existing LLP program. While this program has succeeded in decreasing excess fishing capacity, the goal of maintaining the program as it presently exists may conflict with the goal of further rationalization. It should be recognized that rationalization of fisheries might well

extend beyond the present LLP program. For example, the American Fisheries Act (AFA) program added stringent requirements beyond those in the LLP program. Therefore, the phrase “as necessary” is suggested in order to keep the present LLP program in place with vessel size, area, and gear endorsements, while recognizing the program could be modified or superseded by additional future rationalization efforts.

MCA PROPOSED MODIFICATIONS TO BOOKENDS

TAC-SETTING:

Recommendation #1: Under Optimum Yield (OY), PPA.1 and PPA.2 are the same. PPA.2 should be changed to include a scientific and policy review of the GOA and BSAI OY caps. PPA.2 currently reads: “No change from PPA.1.” The MCA recommends PPA.2 be changed to read as follows: “**A scientific and policy review of the OY caps for the GOA and BSAI.**”

Rationale: In their review of F_{40} and other harvest strategies in the North Pacific, Goodman, *et al.*, recommended review of the OY caps. The current OY specifications and several possible modifications constitute key elements of various alternatives considered in the 2003 Draft PSEIS. Chapter 4 and Appendix F-1 analyze likely impacts of these alternatives, however, due consideration of these caps based on the best scientific information available has not been included in the PPA bookends. The OY caps have not been reviewed in twenty years, despite subsequent significant changes in biomass levels. In that context, lack of review in the PPA bookends seems inconsistent with the PPA policy statement. The MCA recognizes that the current OY caps are in place as a policy matter to better protect species from overfishing in the face of uncertain scientific data regarding some species. While information may not be available to justify adjustment of the OY caps in the future, review of more recent data should not be restricted because they have not been captured in the PPA bookends.

Recommendation #2: In TAC-Setting Process: Ecosystem Indicators: FMP PPA.2, revise the existing bookend: “Use F_{60} for rockfish as a proxy for analysis.”

The proposed revised bookend would read: “*Develop appropriate harvest strategies for rockfish. Use F_{60} for rockfish as a proxy for analysis.*”

Rationale: This bookend needs to clarify the intent concerning rockfish harvest strategy development. As presently written, it could be interpreted that F_{60} is the only harvest strategy under consideration for all rockfish. However, an appropriate harvest strategy will not likely be a one-size-fits-all approach for all rockfish, but will vary by species. The appropriate harvest strategy will recognize differences in life history, range, stock structure, productivity, and resiliency of each rockfish species.

However, in order to analyze this bookend, a value must be selected, hence, the inclusion of F_{60} as a proxy for analysis. The range for a rockfish harvest strategy is therefore between the Current Harvest Strategy (CHS) (F_{40}) and F_{60} . The proxy value should not be construed as an endorsement of F_{60} over all other harvest strategies, but rather a value to be used for analysis until appropriate harvest strategies can be developed by species. The appropriate harvest strategy could prove to be the CHS.

The proxy value of F_{60} comes largely from two sources: the review of the NPFMC CHS (F_{40} review or Goodman, *et al.*, 2002); and the lower mortality rates (F_{50-60}) being considered for West Coast rockfish. However, presentations at the NPFMC Science and Statistical Committee (Spring 2003), the Plan Team (September 2003), and the Council (October 2003) suggest harvest strategies for rockfish may well be some other value than F_{60} .

A recent draft paper at the Plan Team (GOA Rockfish Summary, Draft 03, September 2003) stated, “ F_{40} Review: The legitimacy of the F_{40} harvest strategy has recently been called “defensible” for most groundfish stocks, with the exception being primarily the rockfish (Goodman, *et al.*, 2002). Lower fishing mortality rates such as F_{50-60} .”

60 have been suggested for West Coast rockfish in recent literature (Dorn, 2002; Hilborn, *et al.*, 2002; and Ianelli, 2002). We do not feel these papers apply particularly well to GOA rockfish, which likely are more productive and more resilient than West Coast stocks (Dorn 2002). Dorn (2002) suggests that Gulf of Alaska fishers are losing 12% yield because F_{40} is more conservative than MSY [Maximum Sustainable Yield]. Therefore we recommend continuing to harvest at F_{40} unless new information comes to light to suggest otherwise.”

Reviewers of Goodman, *et al.* (2002) noted the overall acceptance of the CHS along with the caveat on rockfish, but reviewers also concluded:

- 1) The report found no evidence of presently overfished rockfish species in the BSAI/GOA;
- 2) The only overfished rockfish species in past history in the BSAI/GOA is Pacific Ocean Perch (POP) and that species has rebuilt under the CHS;
- 3) Most of the studies cited in the report did not include Alaska rockfish species. However, studies on Alaska rockfish species were available; and
- 4) The report may have underestimated the relationships between life history, resiliency, and spawner per recruit (SPR).

The proposed language in this bookend would clarify that appropriate harvest strategies will be developed based on the best scientific information available on a species by species basis. For purposes of analysis, in PPA.2, F_{60} will be used as a proxy; however F_{60} should not necessarily be misconstrued as the ultimate management objective.

MCA PROPOSED REVISIONS TO BYCATCH AND INCIDENTAL CATCH RESTRICTIONS

PPA.1 PSC PROPOSED REVISIONS.

Recommendation #1. Delete “GOA: Identify salmon savings areas and establish PSC limits to manage.” Move to FMP PPA.2 and revise.

Rationale: In FMP PPA.1: PSC Limits, both the left and right bookends represent significant changes from the present management program, particularly regarding establishing a salmon cap in the GOA. It seems appropriate to place the significant change in the right hand bookend rather than both in order to capture an appropriate range of alternatives for future PSC management consideration. Suggested language is offered below under FMP PPA.2.

Recommendation #2: Delete “GOA: Establish PSC limits on salmon (for example, NTE [Not To Exceed] a 25,000 fish cap for chinook and a 20,500 fish cap for other salmon), establish PSC limits on crab and herring based on biomass or other fishery data.” Move to FMP PPA.2 and revise. Suggested language is offered below under FMP PPA.2.

Rationale: Presently, the establishment of a cap is located in both the left hand (PPA.1) and the right hand bookend (PPA.2). We propose deleting the cap and savings issue from PPA.1 but retained, with revisions, in PPA.2. This will provide a range of management actions not presently found in the existing bookends. The establishment of a cap needs to be directly linked to the establishment of a savings area. This linkage is essential in order to have the opportunity and flexibility to manage fisheries (and area) in order to stay under the cap. Otherwise, the cap is the only management mechanism and could possibly result in complete closures of fisheries when a “hot spot” closure may be more appropriate.

The revised language, including establishment of savings areas, is consistent with the “Closures” bookend presently found in PPA.2 (Bycatch and Incidental Catch Restrictions). That PPA.2 bookend states “Develop appropriate inseason closure areas in GOA to address bycatch of halibut, salmon, and/or crab when PSC cap is reached for that species.” The new revised language (GOA salmon cap and savings area) is therefore consistent with this bookend in PPA.2, i.e. establishing inseason closure areas.

Recommendation #3. Delete “For those PSC species where annual populations exist, explore a mortality rate based approach to setting limits.”

Rationale: Presently, this item is found in both the left hand (PPA.1) and right hand (PPA.2) bookends. It is suggested that this item be deleted from the left hand bookend while retaining this item in the right hand bookend with revised wording (suggested language is below under FMP PPA.2

PPA.2: PSC PROPOSED REVISIONS.

Recommendation #1. Revise “GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on chinook and 20,500 fish cap for other salmon), establish PSC limits on crab and herring based on biomass or other fishery data.”

Suggested revised language: “ - **GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on chinook and a 20,500 fish cap for other salmon), *identify and establish salmon savings areas to manage.***”

And a new: “ – **GOA: Establish PSC limits on crab and herring based on biomass or other fishery data that would trigger inseason closure areas.**”

Rationale: This bookend item should be revised in PPA.2 and the establishment of a cap should be linked with a savings area. For clarity, salmon has been separated from crab and herring, as the savings areas applies to salmon. Similarly, for crab and herring, the establishment of PSC caps should also establish inseason closure areas. This is consistent with the “Closure” bookend in PPA.2, which calls for inseason closure areas for crab, salmon, and halibut.

Recommendation #2. Revise the existing item in this bookend: “GOA: consider reducing all PSC by 0-10%.”

Suggested revised language: “ – GOA: Consider reducing *halibut* PSC by 0-10%.”

Rationale: As the limits for salmon are established in this bookend (PPA.2), it is inappropriate to consider reducing those same limits at the same juncture. However, it may be appropriate to consider reduction of the halibut PSC limits in the right hand (PPA.2) bookend, consistent with the approach for halibut PSC in the BSAI.

Recommendation #3. Revise the existing item in this bookend: “BSAI/GOA: For those PSC species where annual population estimates exist, explore a mortality rate-based approach to setting limits. “

Suggested revised language: “ – BSAI/GOA: For those PSC species where annual populations estimates exist, explore a mortality rate-based *and abundance-based* approach to setting limits.”

Rationale: This item is found in both bookends (PPA.1 and PPA.2). The recommendation is to include this in PPA.2 and delete it from PPA.1 to provide a range of actions. The modification in the language clarifies that whatever is meant by a rate-based mortality approach, it also includes an abundance-based approach. Abundance-based approaches have been used successfully in management of BSAI herring and crab floating caps.

SEABIRD MEASURES.

Recommendation #1. The USFWS has voiced concern about the narrowness of the current PPA objectives and bookends, which restrict focus to endangered species, such as the short-tailed albatross. The USFWS recommends expanding the trawl bookends to include all seabirds. The MCA agrees. We recommend revising the PPA.1 Trawl measure to read as follows: “Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take of ESA-listed seabird species.”

We also recommend the PPA.2 trawl measure read as follows:

“Cooperate with USFWS to evaluate and implement scientifically-based fishing methods that reduce incidental take of ESA-listed and, if appropriate and practicable, other seabird species.”

Rationale: As above (Objective #21), scientific research has demonstrated that methods used to avoid short-tailed albatrosses are effective in avoiding other seabird species. NS # 9 requires mitigation measures to reduce bycatch be "practicable." To the extent there is concern about seabird interaction with fishery activities, a similar limitation would be appropriate.

GEAR RESTRICTIONS AND ALLOCATIONS.

Recommendation #1: Gear Restrictions and Allocations: Allocations: FMP PPA.2:
Revise the existing item in this bookend “Evaluate pot fishing in the GOA for sablefish.”

Suggested revised language for PPA.2 **“—BSAI: Sector allocations for non-pollock groundfish. – GOA: Groundfish rationalization program to be developed and implemented”**

Rationale: There are presently four items in the left hand bookend (PPA.1) but only one in the current right hand bookend (PPA.2), which provides insufficient range, particularly in light of actions presently being considered by the NPFMC. These actions include GOA groundfish rationalization and BSAI non-pollock sector allocations (Amendment 80A). Additionally, the consideration of pot gear for sablefish in the GOA was recently (October and December 2003 NPFMC meetings) given low priority in the proposed IFQ amendment package. Therefore, this item was deleted in PPA.2 for this bookend.

OBSERVER PROGRAM.

Recommendation #1: Observer Program: Coverage and Monitoring: FMP PPA.2:

Delete the existing topic: “- Extend to 100% >60’; CDQ & AFA to stay the same as Alt. 1.”

Rationale: This bookend appears to conflict with recommendations from the Observer Oversight Committee (OOC) and the adjacent bookend which states, “Expand/modify observer coverage based on scientific data and compliance needs (applies to all vessels: <60’ and >=60’).”

The suggested deletion eliminates what would seem to predetermine what observer coverage should be prior to determination of scientific data and compliance needs. This bookend also conflicts with the recommendations of the OOC, which has outlined many decision points ahead, including which vessels to include in the program. Priority was given to all groundfish catcher vessels (CV) and catcher-processors (CP) in the GOA (>60’ and <60’). The OOC also recommended two suboptions for consideration: 1) include all BSAI groundfish vessels >60’ in the jig, pot, trawl, and longline fisheries; and 2) include all halibut vessels (GOA and/or BSAI). However, priority was given to increased coverage of GOA groundfish vessels (all sizes: <60’ and >60’).

The present bookend is inconsistent with these options (see “Decision Points and Analytical Outline for Observer Program Restructuring,” March 2003). Our recommendation to delete the first item in PPA.2 allows the coverage levels to be set based on scientific data and compliance needs for all vessels (as presently stated in PPA.2 in Observer Program: Coverage and Monitoring).

Recommendation #2: Observer Program: Fee Structure: FMP PPA.1: Delete the existing topic: “ – Explore: a) Federal contract funding (annual appropriation); use of contract hires vs. Federal employees; b) Research Plan (e.g. fee-based); and c) TAC set-aside.”

Rationale: We recommend deletion because this item is found in both bookends, resulting in no range of options. Additionally, the TAC set-aside has previously been dropped from consideration by the OOC, because it was found to disproportionately assess fees across fisheries. The TAC set-aside is not found in the PPA.2 Observer Program: Fee Structure in the right hand bookend.

DATA AND REPORTING REQUIRMENTS

Recommendation #1: Data and Reporting Requirements: Reporting Requirements; FMP PPA.2: Revise the existing item in this bookend: “ – Explore programs that collect and verify economic data through independent third party (accounting firm/other)” to read: “ – Explore programs that collect and verify economic data through independent third party (accounting firm/other) **while protecting confidential information on an individual/firm basis.**” And delete “ – Collect mandatory economic data reporting by vessels and processors, i.e. earnings, expenditures, and employment data.”

Rationale: The suggested revisions would allow data gathering without compromising proprietary information. A recent experience with Freedom of Information Act (FOIA) requests concerning safety observations from observers highlights this concern. As to the other items in that bookend (PPA.2 Data and Reporting Requirements: Reporting Requirements), we suggest retaining the reference to aggregate information, but deleting the item requiring mandatory data, due to concerns over confidentiality.

CONCLUSION

Thank you for considering our recommended changes to the PPA Objectives and Bookends. The MCA has spent considerable time discussing this new management approach among its many members and hopes its attention to details as described in the

proposed PPA Objectives and Bookends will help the Council in finalizing a PPA that is both consistent with its new policy statement and reasonable in its scope.

MCA Proposed Changes to PSEIS PPA Objectives
#15, 21, 25, 28, & 30

[Note: Modified language is in **bold** in tables.]

1.) Modify Category Heading: Manage, Reduce and Avoid Bycatch and Incidental Catch. Modify Objective #15.

CURRENT HEADING	MODIFIED HEADING
Manage, Reduce and Avoid Bycatch and Incidental Catch	Manage Incidental Catch and Reduce Bycatch
CURRENT OBJECTIVE	MODIFIED OBJECTIVE
Develop incentive programs for incidental catch and bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, VBAs, or other bycatch incentive systems.	Develop incentive programs for bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, VBAs, or other bycatch incentive systems.

Rationale:

- The change in reference to incidental catch is recommended in both these items (heading and objective) because there is a significant difference between bycatch and incidental catch. NS#9 calls for a reduction in bycatch. However, incidental catch can be entirely different than bycatch. In many cases, it may be more appropriate to manage and retain incidental catch rather than an absolute mandate to reduce incidental catch.
- Multi-species fishing with retained incidental catch can have positive benefits such as IRIU, a reduction in discards, and economic efficiency. There is no reason to necessarily reduce incidental catch in all cases, but management of incidental catch is appropriate.

2.) Modify Objective #21.

CURRENT OBJECTIVE	MODIFIED OBJECTIVE
Continue to cooperate with USFWS to protect ESA-listed species.	Continue to cooperate with USFWS to protect ESA-listed species and, if appropriate and practicable, other seabird species.

Rationale:

- Methods employed to avoid short-tailed albatrosses are also effective in avoiding other seabird species. To the extent that MSA provides guidance in the issue of bycatch reduction, it specifically limits the mandate to measures that are “practicable”.

3.) Modify Objective #25.

CURRENT OBJECTIVE	MODIFIED OBJECTIVE
Identify and designate EFH and HAPC.	Identify and designate EFH and HAPC, and mitigate fishery impacts to the extent practicable, if scientific evidence indicates a fishery is adversely impacting the productivity of the managed species.

Rationale:

- The intent of the proposed language is to clarify the management approach concerning the mitigation of fishery impacts on habitat and make it consistent with EFH and National Standards in the MSA. The proposed language will also make the objective consistent with the Council’s EFH problem statement and the EFH EIS.
- The proposed language clarifies that before the Council considers mitigation measures, there should be scientific evidence that: 1.) there is, in fact, a fishery impact, and 2.) the fishery impact is adverse to the productivity of the managed species. The Council will then examine the proposed mitigation measures for efficacy and practicability.

4.) Modify Objective #28.

CURRENT OBJECTIVE	MODIFIED OBJECTIVE
Develop goals, objectives, and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity. Implement marine protected areas if and where appropriate.	Develop goals, objectives, and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity of managed species . Implement marine protected areas if and where appropriate.

Rationale:

- MSA calls for the Council to identify and describe EFH as it applies to managed species. Similarly, guidelines were provided to the Councils to identify HAPC that are of particular ecological importance to the long-term sustainability of species managed under a FMP.
- The addition of “managed species” to the objective will provide consistency in the development of MPAs and marine reserves since the MSA (National Standards, EFH, and HAPC) refer to FMPs and managed species.

5.) Modify Objective #30.

CURRENT OBJECTIVE	MODIFIED OBJECTIVE
Maintain LLP program and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.	Maintain LLP program as necessary and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.

Rationale:

- The intent of the proposed change in the objective is to keep the present LLP program in place while recognizing that the program could be modified or superseded by future rationalization efforts.

MCA Proposed Modifications to PSEIS Bookends

[Note: Modified or deleted language is in **bold** in tables.]

1.) TAC Setting

a.) Optimum Yield

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Optimum Yield	- OY specified as range for BSAI: 1.4–2.0 million MT and OY specified as range for GOA: 116,000–800,000 MT; BSAI OY cap: if the sum of TAC is > 2.0 million MT than TAC will be adjusted down.	- No change from PPA.1
	MODIFIED PPA.1	MODIFIED PPA.2
Optimum Yield	- Same as above (no change).	- Conduct a scientific and policy review of the OY caps for the BSAI and GOA.

Rationale:

- The multi-species OY cap for the BSAI was passed by the Council in 1982 in Amendment 1 and implemented in 1984. The OY cap was set a 2.0 million mt or equal to 85% of the MSY range (at that time estimated to be 1.7 to 2.4 million mt based on the average of 1968-1977 catches). In 2004, the sum of BSAI ABCs was 3.62 million mt and the sum of OFLs was 4.19 million mt. These present day values are considerably above the range of values used in the historic calculation of the BSAI OY cap.
- The multi-species OY range for the GOA was established and implemented in 1987 in Amendment 15. The low end of the range corresponds to the lowest groundfish catch observed between 1965-1985 (1971 was the lowest year). The upper end of the range corresponds to the mean MSY estimate for 1983-1987.
- In the *“Scientific Review of the Harvest Strategy Currently Used in the BSAI and GOA Groundfish Management Plans”*, Goodman et al recommends that the Council should review and revise the OY specifications in order to make more explicit links with present environmental considerations.

b.) Ecosystem Indicators

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Ecosystem Indicators	- Develop ecosystem indicators for future use in TAC-setting.	- Develop and implement, as appropriate, criteria for using key ecosystem indicators in the TAC-setting process. - Use F60 for rockfish as a proxy for analysis
	MODIFIED PPA.1	MODIFIED PPA.2
Ecosystem Indicators	- Same as above (no change)	- Develop and implement, as appropriate, criteria for using key ecosystem indicators in the TAC-setting process. - Develop appropriate harvest strategies for rockfish. Use F60 for rockfish as a proxy for analysis.

Rationale:

- An appropriate harvest strategy will not likely be a “one-size-fits-all” approach for all rockfish but instead should recognize differences in life history, range, stock structure, productivity, and resiliency for each species of rockfish.
- The appropriate harvest strategy could prove to be the Current Harvest Strategy (CHS). The Goodman et al report found no evidence of currently overfished rockfish species in the BSAI/GOA.
- The proposed language is to clarify that the appropriate harvest strategy will be developed based on the best scientific information available on a species by species basis. For purposes of analysis, F60 will be used as a proxy, however F60 should not be misconstrued as the ultimate management objective.

2.) Bycatch and Incidental Catch Restrictions

a.) PSC Limits

ISSUE	CURRENT PPA.1	CURRENT PPA.2
PSC Limits	- Maintain PSC limits for herring, crab, halibut, and salmon in BSAI; maintain PSC limit for halibut in GOA. - Review effectiveness of coop managed PSC reduction.	- BSAI: Reduce PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-20% for analytical purposes). - GOA: Establish PSC limits on salmon (for example, NTE a 25,000

	<ul style="list-style-type: none"> -BSAI: Consider reducing PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-10%) (for purposes of analysis will use 10%). - GOA: Identify salmon savings areas and establish PSC limits to manage. - GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on chinook and 20,500 fish cap on "other salmon"); establish PSC limits on crab and herring based on biomass or other fishery data. - For those PSC species where annual population estimates exist, explore a mortality rate based approach to setting limits. 	<ul style="list-style-type: none"> fish cap for chinook and 20,500 fish cap for "other salmon"); establish PSC limits on crab and herring based on biomass or other fishery data. - GOA: consider reducing all PSC by 0-10%. - BSAI/GOA: For those PSC species where annual population estimates exist, explore a mortality rate-based approach to setting limits.
	MODIFIED PPA.1	MODIFIED PPA.2
PSC Limits	<ul style="list-style-type: none"> - Maintain PSC limits for herring, crab, halibut, and salmon in BSAI; maintain PSC limit for halibut in GOA. - Review effectiveness of coop managed PSC reduction. - BSAI: Consider reducing PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-10%) (for purposes of analysis will use 10%). - [Delete, move/modify to PPA.2] - [Delete, move/modify to PPA.2] - [Delete, move/modify to PPA.2] 	<ul style="list-style-type: none"> - BSAI: Reduce PSC limits for herring, crab, halibut, and salmon to the extent practicable (0-20% for analytical purposes). - GOA: Establish PSC limits on salmon (for example, NTE a 25,000 fish cap on chinook and a 20,500 fish cap on "other salmon"); identify and establish salmon savings areas to manage. - GOA: Establish PSC limits on crab and herring based on biomass or other fishery data that would trigger inseason closure areas. - GOA: Consider reducing halibut PSC by 0-10%. - BSAI/GOA: For those PSC species where population estimates exist, explore a mortality rate-based and abundance based approach to setting limits.

Rationale:

- In the current PPA, many of the left and right hand bookends represent significant changes from the current management program. Most of the proposed changes include the significant management change in the right hand bookend to provide a range of management actions for future management consideration (as opposed to having identical bookends, i.e. no range).
- The establishment of a “hard” salmon cap in the GOA (modified PPA.2) should be directly linked with a savings area in order to provide management flexibility. Otherwise, the cap is the only management tool and could result in closures of the fisheries where a “hot spot” closure may be more appropriate.
- In PPA.2, salmon has been delineated from herring and crab. While PPA.2 establishes a specific salmon cap and associated savings area, there is no specific cap established for herring and crab. However, similar to salmon, when those caps are established (and possibly based on biomass), savings areas should also be established.
- Since the limits for salmon in the GOA are initially established in PPA.2, it did not seem reasonable to reduce those limits at the same juncture. However, it may be appropriate to consider a reduction in halibut PSC in the GOA in PPA.2.
- The proposed modification to include “*and abundance-based*” in PPA.2 is to clarify that whatever is meant by a rate-based mortality approach, that it includes an abundance-based approach.

3.) Seabird Measures

a.) Seabird Avoidance Measures: Trawl Gear

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Seabird Avoidance Measures: Trawl Gear	- Evaluate interactions of endangered seabirds with trawl gear.	- Evaluate avoidance measures for endangered seabirds and implement as necessary.
	MODIFIED PPA.1	MODIFIED PPA.2
Seabird Avoidance Measures: Trawl Gear	- Cooperate with USFWS to develop scientifically-based fishing methods that reduce incidental take of ESA-listed seabird species.	- Cooperate with USFWS to evaluate and implement scientifically-based fishing methods that reduce incidental take of ESA-listed, and if appropriate and practicable, other seabird species.

Rationale:

- These bookends have been modified in recognition that methods employed to avoid short-tailed albatrosses are also effective in avoiding other seabird species. To the extent that MSA provides guidance in the issue of bycatch reduction, it specifically limits the mandate to measures that are “practicable”.

4.) Gear Restrictions and Allocations

a.) Allocations

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Allocations	- Retain existing gear restrictions and allocations. No pot fishing in GOA for sablefish. Sablefish and p-cod allocated by gear in BSAI. Sablefish allocated by gear in GOA.	- Evaluate pot fishing in GOA for sablefish.
	MODIFIED PPA.1	MODIFIED PPA.2
Allocations	Same as above (no change)	- BSAI: Sector allocations for non-pollock groundfish. - GOA: Groundfish rationalization program to be developed and implemented.

Rationale:

- Very little range of future management actions are contained in the current PPA in this bookend, particularly in PPA.2.
- A sector split in the BSAI for non-pollock groundfish is currently being analyzed in Amendment 80A and should be included in the range of future management measures.
- A GOA rationalization program is currently being developed at the NPFMC and should be included in the range of future management measures.
- At recent NPFMC meetings (Oct and Dec 2003), very little interest and priority was given to the use of pot gear for sablefish in the GOA, Therefore, this item has been deleted in the modified PPA.2.

5.) Observer Program

a.) Coverage and Monitoring

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Coverage and Monitoring	<ul style="list-style-type: none"> - Continue existing coverage or modify based on data and compliance needs. - Modification should be scientifically based (e.g. random placement, flexibility, variable rate). 	<ul style="list-style-type: none"> - Extend to 100% >60'; CDQ & AFA to stay the same as Alt. 1. - Expand/modify observer coverage based on scientific data and compliance needs (applies to all vessels: <60' and >=60'). - Improve species identification for non-target species. - Develop uncertainty estimates for target species data.
	MODIFIED PPA.1	MODIFIED PPA.2
Coverage and Monitoring	Same as above (no change)	<ul style="list-style-type: none"> - [Delete] - Expand/modify observer coverage based on scientific data and compliance needs (applies to all vessels: <60' and >=60'). - Improve species identification for non-target species. - Develop uncertainty estimates for target species data.

Rationale:

- The bookend in PPA.2 that is recommended for deletion predetermines what the appropriate level of observer coverage should be. This current bookend element conflicts with the bookend element found immediately below it, that is, observer coverage should be based on scientific data and compliance needs. This concept is more consistent with the recommendations of the Observer Advisory Committee (rather than the bookend recommended for deletion).

b.) Fee Structure

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Fee Structure	- Industry pays for observer deployment related costs.	- Develop and implement alternate funding mechanisms:

	- Explore: a.) Federal contract funding (annual appropriation; use of contract hires vs. federal employees, b.) Research Plan (e.g. fee based), and c.) TAC set aside.	a.) Federal funding, b.) Research Plan
	MODIFIED PPA.1	MODIFIED PPA.2
Fee Structure	- Industry pays for observer deployment related costs. - [Delete]	- Develop and implement alternate funding mechanisms: a.) Federal funding, and b.) Research Plan (e.g. fee based)

Rationale:

- The bookend item recommended for deletion is currently found in both bookends (i.e. no range). Additionally, the Observer Advisory Committee has previously dropped the TAC set-aside from consideration. The TAC set-aside was found to disproportionately assess fees across fisheries.
- The words “fee based” have been added to clarify the intent (but not limit it to) the Research Plan. This language was originally located in PPA.1.

c.) Data and Reporting Requirements

a. Reporting Requirements

ISSUE	CURRENT PPA.1	CURRENT PPA.2
Reporting Requirements	- Maintain current reporting requirements: a.) AFA requirement that all CPs and motherships to weigh all pollock catch on NMFS approved scales, b.) CDQ requirement that all CDQ groundfish catch is to be weighed on NMFS approved scales.	- Explore programs that collect and verify economic through independent third party (accounting firm/other). - Collect mandatory economic data reporting by vessels and processors, i.e. earnings, expenditures, and employment data. - Collect and verify aggregate data through independent third party (e.g. accounting firm).
	MODIFIED PPA.1	MODIFIED PPA.2
Reporting	Same as above (no change).	- Explore programs that collect

Requirements		<p>and verify economic data through independent third party (accounting firm/other) while protecting confidential information on an individual/firm basis.</p> <ul style="list-style-type: none"> - [Delete] - Collect and verify aggregate economic data through independent third party (accounting firm/other).

Rationale:

- The suggested revisions are to allow data gathering without compromising proprietary information.