


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: January 23, 2009

SUBJECT: Bering Sea Salmon Bycatch

ESTIMATED TIME 4 HOURS

ACTION REQUIRED

Review ICA proposals and Bycatch Committee report.

BACKGROUND

In June of 2008, the Council took initial review of the Chinook Salmon Bycatch Management Measures EIS/RIR/IRFA and selected a preliminary preferred alternative (PPA). The Council's PPA includes a specified cap level of 68,392 Chinook salmon (Annual scenario 1) "if an ICA is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years". The hard cap in the absence of such an approved ICA (Annual scenario 2) would be 47,591 Chinook salmon. The motion from the June 2008 meeting is attached as Item C-3(a).

The Council requested that the pollock industry develop the specifics of an ICA that meets the requirements of the PPA and present information about their progress to the Council at this meeting. Representatives from the pollock industry will provide these progress reports under this agenda item. The Council also requested that the Salmon Bycatch Workgroup meet prior to this meeting to likewise review industry progress on these incentive programs. The workgroup met on January 20th, 2009 in Anchorage, AK. The report from that meeting is attached as Item C-3(b). An overview of the committee meeting and comments will be provided by staff.

Given the schedule for the draft EIS and the fact that the Council's PPA does not include detailed requirements for elements of an ICA, no specific incentive program under the ICA is analyzed in the draft EIS(DEIS)/RIR/IRFA. The analysis includes a description of the general requirements in the Council's PPA and the process for reviewing and approving the proposed ICA. However, only the impacts of the different cap levels in the PPA are analyzed in detail in the draft EIS/RIR/IRFA.

In advance of final action in April 2009, the Council may clarify some aspects of the PPA as currently conceived. Two items for clarification include whether or not multiple ICAs could be submitted annually to meet the PPA intent, and the criteria by which these ICAs will be annually evaluated and by whom. The specific criteria for approval or disapproval by NMFS of the ICA under the PPA is specified in the Council motion. Analysts current interpretation of the Council's intent about the ICA is described in section 2.4.3.1 of the DEIS (intent regarding one ICA) and 2.5.4.1 of the DEIS (intent regarding criteria for approval or disapproval by NMFS). These sections of the DEIS are attached as Item C-3(c). However, it is not clear that this description accurately captures Council intent with regard to multiple ICAs. Under this PPA, the Council would select either Annual scenario 1 (68,392 chinook salmon) or Annual scenario 2 (47,591 chinook salmon) based upon information received by the industry of their

proposed programs and the extent to which they appear to meet the Council's intent as specified in the motion. Should the Council select Annual scenario 1 and confer a cap of 68,392, following implementation of this cap level, an annual report would be prepared by industry detailing their efforts to reduce bycatch as proposed in their incentive programs. The Council would not be in a position to approve or disapprove annual ICAs based on this report however, only NMFS would have that authority and would use the criteria as specified in the motion (and afterwards in regulation) to meet the approval process. If the Council is dissatisfied with the progress towards bycatch reduction, it would need to initiate an analysis (i.e. an FMP amendment) to modify its selected program.

The draft EIS/RIR/IRFA was released on December 3rd, 2008. The comment period for the DEIS has been extended until February 23rd, 2009. Final action on the Chinook DEIS will occur at the April 2009 Council meeting. At that time the Council will receive several reports on the action as well as public comment prior to selecting its final preferred alternative. The reports for the April meeting will include: a staff report on the analysis (including analysis of the PPA); a report on the comments received during the Council's outreach efforts for this analysis; a summary of the comments received during the public comment period; and final reports from the industry on their proposed incentive- based bycatch reduction programs.