Public Testimony Sign-Up Sheet
Agenda Item D-5 Staff Tasking

	NAME (PLEASE PRINT)	AFFILIATION
1	John Bruce / Tom Casey	Cod Fishermen
2	Shawn C. Dochtermann	Fish Hemps, Crewman's Assoc, AK
3	Linda Kozak / Chris Heuker	Crab Group / Trawl, Jig Assoc.
4	~~Jon Warrenchuk~~	~~Oceana~~
5	Brent Paine	UCB
6	Michael Lake	AOI
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

AGENDA D-5
February 2007

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver
Executive Director

ESTIMATED TIME
4 HOURS

DATE: January 30, 2007

SUBJECT: Staff Tasking

ACTION REQUIRED

(a) Review tasking and committees and provide direction.
(b) Review progress on AI Fishery Ecosystem Plan.

BACKGROUND

The list of Council committees is attached as Item D-5(a). Item D-5(b) is the three meeting outlook, and Item D-5(c) and Item D-5(d) are the summary of current projects, timelines, and tasking. In December, the Council initiated several new projects (GOA sector splits, GOA LLP latency and sideboards, crab economic data reporting protocols, AI crab custom processing caps) to the tasking list. The Council may wish to discuss tasking priorities to address these projects, as well as potential additions discussed at this meeting, given the resources necessary to complete existing priority projects.

I have attached several letters proposing new Council initiatives. The first is a letter from a person from Wheeler Creek on Admiralty Island seeking changes in the halibut subsistence regulations to allow him to obtain a subsistence halibut permit. The other two letters are from jig fishermen requesting the Council to establish a closure area to pot gear in the vicinity of Dutch Harbor. Because the proposed closure encompasses primarily State waters (see attached figure prepared by staff), the Council may wish to discuss this proposal with the Board of Fisheries during the joint NPFMC/BOF meeting in March.

Progress on AI Fishery Ecosystem Plan

The Council has initiated development of a Fishery Ecosystem Plan (FEP) for the Aleutian Islands, and has created a technical AI Ecosystem Team to assist Council staff in developing the FEP. The Team has begun drafting the FEP, and held a workshop on Jan 10-12, 2007, in Seattle. Item D-5 (e) is the report from this workshop. The Team identified key interactions in the Aleutian Islands ecosystem which will be the focus of the FEP, and paired indicators to these interactions. A list of Team members, and a revised table of contents is included in the workshop report.

The Team intends to provide an initial review draft of the FEP for the April 2007 meeting, with final review scheduled for June 2007. Representatives from the Team will consult with community members within and adjacent to the FEP area prior to the April Council meeting, to solicit input and feedback on the FEP.

The Ecosystem Committee is scheduled to review the Team's progress to date at their meeting on February 6, 2007. Their minutes will be available during the presentation of this agenda item.

NPFMC Committees & Workgroups

(revised January 31, 2007)

Council/Board of Fisheries Joint Protocol Committee

Updated: 7/28/03	Council:	Board:
	Dave Benson	Mel Morris
	Doug Hoedel	Art Nelson
Staff: Jane DiCosimo	Eric Olson	(Vacant)

Council Chairman and Executive Director Committee

Appointed April 2005	**CFMC**: C:Eugenio Pinerio ED: Miguel Rolon	**NPFMC**: C: Stephanie Madsen ED: Chris Oliver
Staff: Chris Oliver	**GMFMC**: C: Robin Riechers ED: Wayne Swingle	**PFMC**: C: Donald Hansen ED: Don McIsaac
	MAFMC: C: W. Peter Jensen ED: Dan Furlong	**SAFMC**: C: George J. Geiger ED: Robert Mahood
	NEFMC: C: John Pappalardo ED: Paul Howard	**WPFMC**: C: Frank McCoy ED: Kitty Simonds

Council Executive Committee

Updated: as needed	Chair: Stephanie Madsen
	Jim Balsiger/Sue Salveson
	Denby Lloyd
	Roy Hyder
Staff: Chris Oliver	Jeff Koenings

Crab Interim Action Committee

[Required under BSAI Crab FMP]

Jim Balsiger, NMFS
Denby Lloyd, ADF&G
Jeff Koenings, WDF

NPFMC Committees & Workgroups

(revised January 31, 2007)

Ecosystem Committee

Updated: January 2005 Status: Active Staff: Chris Oliver/David Witherell/Diana Evans	Chair: Stephanie Madsen Jim Ayers Jim Balsiger/Sue Salveson/Jon Kurland Dave Benton Doug DeMaster Dave Fluharty John Iani

Enforcement Committee

Updated: July 2003 Status: Active Staff: Cathy Coon/Chris Oliver	Chair: Roy Hyder Lisa Ragone, USCG James Cockrell, F&W Protection Bill Karp, NMFS Earl Krygier, ADF&G Lisa Lindeman, NOAA - GC Jeff Passer, NMFS-Enforcement Sue Salveson, NMFS

Finance Committee

Updated: 9/28/05 Status: Meet as necessary Staff: Gail Bendixen/Chris Oliver	Chair: Stephanie Madsen Jim Balsiger/Sue Salveson Denby Lloyd (ADF&G) Dave Hanson Roy Hyder Jeff Koenings (WDF) Gordon Kruse

Fur Seal Committee

Updated: 7/25/03 Status: Active Staff: Bill Wilson	Chair: David Benson Larry Cotter Aquilina Lestenkof Paul MacGregor Anthony Merculief Steve Minor

NPFMC Committees & Workgroups

(revised January 31, 2007)

GOA Groundfish Rationalization Community Committee

Appointed: November 2004	Chair: Hazel Nelson Julie Bonney Duncan Fields Chuck McCallum Patrick Norman Joe Sullivan Chuck Totemoff Ernie Weiss
Staff: Nicole Kimball	

Halibut Charter Stakeholder Committee

Appointed: January 2006	Chair: Dave Hanson Seth Bone Robert Candopoulos Ricky Gease John Goodhand Kathy Hansen	Dan Hull Joe Kyle Larry McQuarrie Rex Murphy Charles "Chaco" Pearman Greg Sutter
Staff: Jane DiCosimo	Kelly Hepler	

IFQ Implementation Committee

Status: Reconstituted as shown (July 2003)	Chair: Jeff Stephan Bob Alverson Cora Crome Tim Henkel	Don Iverson Don Lane Gerry Merrigan Kris Norosz
Staff: Jane DiCosimo	Dennis Hicks	Paul Peyton

Non-Target Species Committee

Updated: 7/31/06 Appointed: 7/26/03	Chair: Dave Benson Julie Bonney Ken Goldman	Michelle Ridgway Janet Smoker Paul Spencer
Staff: Jane DiCosimo, NPFMC/ Sarah Gaichas, NMFS	Karl Haflinger Simon Kinneen Peggy Murphy	Lori Swanson Dave Wood

Observer Advisory Committee

Reconstituted: 1/31/06	Chair: Joe Kyle Bob Alverson	Tracey Mayhew Brent Paine
Status: Active	Jerry Bongen Julie Bonney	Peter Risse Kathy Robinson
Staff: Chris Oliver/ Nicole Kimball	Rocky Caldero Paul MacGregor	Susan Robinson Thorn Smith

NPFMC Committees & Workgroups

(revised January 31, 2007)

Pacific Northwest Crab Industry Advisory Committee

Updated: 6/2/04 Staff: Diana Stram	Chair: Steve Minor Keith Colburn Lance Farr Phil Hanson Kevin Kaldestad Garry Loncon Gary Painter	Rob Rogers Vic Sheibert Clyde Sterling Gary Stewart Tom Suryan Arni Thomson, Secretary (non-voting)

Steller Sea Lion Mitigation Committee

Appointed: 2/10/01 Updated: Jan 2006 [formerly SSL RPA Committee; renamed at Feb 02 meeting] Staff: Bill Wilson	Chair: Larry Cotter Jerry Bongen Julie Bonney Sam Cotten Ed Dersham John Gauvin John Henderschedt Daniel Hennen	Sue Hills Frank Kelty Terry Leitzell Dave Little Steve MacLean Max Malavansky, Jr Art Nelson

VMS Committee

Appointed: 06/02 <u>Status</u>: Idle, pending direction Staff: Cathy Coon	Chair: Earl Krygier Al Burch Lisa Ragone Guy Holt Bob Mikol	Ed Page Lori Swanson

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 1/29/07

February 5, 2007 Portland, Oregon	**March 26, 2007** Anchorage, Alaska	June 4, 2007 Sitka, Alaska
Update on MSA: ***Review and Action as necessary***	Joint meeting with Alaska BOF (T) National Bycatch Report: ***Update***	Receive Draft BiOp: ***Review and Comment***
GOA cod split: ***Review Discussion paper on sector splits and latent licenses***	GOA Sideboards: ***Review Discussion Paper (T)***	
List of Fisheries for 2007: ***SSC review of methodology***		
Review SSLMC Proposal ranking tool ***(SSC only)***	BSAI Crab 18 month review: ***Receive Report***	
Seabird Interactions EA/RIR/IRFA: ***Final Action***		
BS and AI split for Pacific cod: ***Review discussion paper***	BS and AI split for Pacific cod: ***Action as necessary***	
Pacific cod genetics (SSC only)		
Charter Halibut Mgmt: ***Initial review of moratorium***	Charter Halibut Mgmt: ***Final action on moratorium***	Charter Halibut Permanent Solution: ***Action as necessary***
IPHC Report	Charter Halibut State/Fed Mgmt: ***Review discussion paper***	
	Charter Halibut GHL Measures: ***Initial review of analysis***	Charter Halibut GHL Measures: ***Final action***
AFA Coop reports: ***Review***	Charter Halibut Allocation:***Discussion paper/action as necessary***	
AI Crab Custom Processing Caps: ***Discussion Paper***	Comprehensive Socioecon. Data Collection: ***Workgroup report***	
Crab Vessel Use Caps: ***Review Information***	Crab Data Collection Protocols: ***Review (T)***	
VMS Requirements: ***Preliminary Review***	VMS Requirements: ***Initial Review***	VMS Requirements: ***Final Action***
	Cost Recovery: ***Discussion Paper (T)***	Cost Recovery: ***Action as necessary***
	Observer Program: ***Report and action as necessary***	Observer Program: ***Action as necessary***
GOA arrowtooth MRA: ***Review discussion paper***		
Trawl LLP Recency: ***Review results to date***	Trawl LLP Recency: ***Initial review (T)***	Trawl LLP Recency: ***Final Action (T)***
Salmon Bycatch (B-1): ***Discussion Paper/refine alternatives***	Salmon Bycatch (B-1): ***Finalize alternatives (T)***	Salmon Bycatch (B-1): ***Initial Review (T)***
BSAI Am 84: ***Update***	Salmon Bycatch Workshop (SSC)	
	CDQ Am. 71/22: ***Discussion paper on Alternatives and legal opinion (T)***	CDQ Am. 71/22: ***Action as necessary***
		CDQ regulation of harvest: ***Initial Review (T)***
	Arctic management: ***Review discussion paper***	Arctic management: ***Action as necessary***
BS Habitat Conservation: ***Preliminary Review***	BS Habitat Conservation: ***Initial Review (T)***	BS Habitat Conservation: ***Final Action (T)***
	HAPC Priorities and Timing: ***Review/Action as necessary***	
EFH AI Open Area Adjustment: ***Initial Review***	EFH AI Open Area Adjustment: ***Final Action***	
	Other Species: ***Discussion paper***	
Dark rockfish: ***Initial Review***	Dark rockfish: ***Final Action***	
Rockfish Management: ***CIE Review Summary (SSC Only)***	Rockfish Management: ***Action as necessary***	
PSEIS Workplan: ***Review and approve***	Scallop SAFE: Review	
AI FEP: ***Report and Action as necessary***	AI FEP: ***Initial Review***	AI FEP: ***Final Review (T)***
BSAI Crab Overfishing Definition: ***Initial review***	BSAI Crab Overfishing Definition: ***Final Action (T)***	

TAC - Total Allowable Catch
BSAI - Bering Sea and Aleutian Islands
IFQ - Individual Fishing Quota
GHL - Guideline Harvest Level
HAPC - Habitat Areas of Particular Concern
LLP - License Limitation Program
VIP - Vessel Incentive Program
PSC - Prohibited Species Catch

AI - Aleutian Islands
GOA - Gulf of Alaska
SSL - Steller Sea Lion
BOF - Board of Fisheries
FEP - Fishery Ecosystem Plan
CDQ - Community Development Quota
ESA - Endangered Species Act
(T) Tentatively scheduled

Future Meeting Dates and Locations
February 5 - 13, 2007 in Portland
March 26 - April 2, 2007 in Anchorage (note dates)
June 4 - 12, 2007 in Sitka
October 1 - 9, 2007 in Anchorage
December 3 - 11, 2007 in Anchorage

AGENDA D-5(b)
FEBRUARY 2007

Council Project Summary Updated January 29, 2007

Council Projects	Projected Weeks	Council/ NMFS %	Comments
Groundfish Fishery Issues			
GOA Sector Splits	?	70/30	Discuss in Feb (Mark,DianaE,DianaS,Nicole,Elaine,contractors,NMFS)
IR/IU flatfish trailing amendments (Am 80)	3	80/20	Being prepared for Secretarial Review (Jon/Mark/contract)
Break out other species category into TAC groups	10	60/40	Discussio paper in March; analysis in Oct (Jane/NMFS)
Rockfish management	?	60/40	CIE review in February (Jane/NMFS).
Observer Program (fee and deployment mechanism)	0	80/20	Being prepared for Secretarial review (Nicole/Chris)
BSAI Pacific cod Allocations (Am 85)	0	90/10	Secretarial Review (Nicole/NMFS)
VMS Requirements	2	10/90	Initial Review in February (NMFS/Cathy)
BSAI and GOA Dark Rockfish	4	90/10	Initial Review in February (Diana S./NMFS)
GOA Rockfish Demonstration Program	2	10/90	Being Implemented. (Mark/Elaine/NMFS)
Groundfish overfishing definitions	?	10/90	On hold pending EIS for NS 1 (NMFS HQ)
MRA enforcement for non-AFA trawl sector	?	10/90	Being prepared for Secretarial Review (NMFS)
Trawl LLP Recency	8	90/10	Discussion paper in February (Jim/Mark/Elaine/NMFS)
GOA arrowtooth MRA	?	10/90	Discuss in February (NMFS/Diana S.).
Pacific cod BS and AI split	8	90/10	Discussion paper in February (Jon/Nicole/NMFS)
GOA Sideboards	2	90/10	Discussion paper in February (Mark)
BSAI Sablefish (misc.)	1	70/30	Plan Team Workgroup formed December 2006 (Jane/NMFS)
Halibut Fishery Issues			
Halibut Charter Moratorium	14	90/10	Initial review in Feb (Jane/Nicole/NMFS/contractor)
Halibut Charter Allocations/Share Based Solutions	14	90/10	Discussion paper in March (Jane/Nicole/NMFS/contractor)
Halibut Charter GHL Measures	6	90/10	Initial Review in March (Jane/contractor/NMFS)
IFQ Omnibus 5	0	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)
Halibut subsistence III amendment	0	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)

Crab Fishery Issues

Crab Overfishing definition revision	?	50/50	Initial review in February (NMFS/ADF&G/Diana S/Jon)
BSAI Crab Vessel Use Caps	?	90/10	Review data in February (Mark/NMFS)
Crab 18 month review (C shares; arbitration)	6	80/20	Paper in April 2007 (Mark/NMFS)

CDQ Issues

CDQ eligible communities	0	50/50	Integrated into Am. 71/22 (Nicole)
CDQ: After the fact transfers	8	10/90	Reg. am. being prepared for SOC. (Nicole)
CDQ Cost-Recovery	?	10/90	(NMFS/Nicole)
CDQ Amendment 71/22	?	50/50	Discuss alternatives in March (Nicole/NMFS)
CDQ: Regulation of harvest (MSA provision)	8	10/90	Initial Review in June (Nicole/NMFS)

Bycatch Issues

Repeal of VIP	2	0/100	Council action completed (NMFS)
GOA Salmon and Crab Bycatch Controls	12	80/20	Review data at future meeting (Diana S./Cathy/Elaine/ADF&G)
BSAI Salmon Bycatch (Package A)	0	80/20	Being prepared for Secretarial Review (DianaS/NMFS)
BSAI Salmon Bycatch (Package B)	10	70/30	Discuss in February (Diana S./other)
Non-target (other rockfish, other flatfish, o. species) development	?	60/40	Ongoing committee discussions (Jane/NMFS).

Ecosystem Issues

Bering Sea habitat conservation	6	50/50	Prelim Review in February (NMFS/Cathy/David)
AI Habitat Conservation Area adjustment	2	60/40	Initial Review in February (Cathy/NMFS)
Ecosystem-based Management	?	90/10	Alaska Marine Ecosystem Forum established (Diana E)
Aleutian Islands Fishery Ecosystem Plan	6	90/10	Initial Review in March (Diana E.)
Arctic Fishery Management Planning	4	90/10	Review draft paper in March (Bill, Diana E/NOAA GC)
ESA-listed Salmon Consultation on FMPs	2	20/80	completed 1/11/07 (NMFS/Bill/DianaS)
ESA Consultation on FMPs	12	50/50	SSL Mitigation Committee developing changes (NMFS/Bill)
Seabird interactions	2	20/80	Final Review in Feb (NMFS/Bill)

Project timeline and major tasking for council staff. Updated 1/29/07

Analytical Staff	February	March	April	May	June	July	August	September	October
Mark Fina, Sr. Economist									
GOA Sector splits	Discuss								
BSAI crab vessel use caps	Review data								
Crab 18 month review			Review						
Miscellaneous Oversight									
Jon McCracken, Economist									
Crab Overfishing (assist)	Initial Review (T)		Final Action (T)						
P.cod BS and AI split (lead)	Discussion paper								
Misc. economic assistance									
Jim Richardson, Economist									
GOA Sector splits (assist)									
Misc. economic assistance									
BSAI Trawl CV eligibility	Discuss		Initial Review (T)		Final Action (T)				
Elaine Dinneford, Fishery Analyst									
Data Support (all projects)									
AKFIN Liaison									
Jeannie Heltzel, Data Analyst									
Data Support (all projects)									
AKFIN Liaison									
Jane DiCosimo, Sr. Plan Coord									
Rockfish Management	CIE Review								
Other species/non-target			Discussion paper						
Halibut Charter Issues	Initial Review		Final Action (T)						Initial Review (T)
Diana Stram, Plan Coordinator									
Salmon/crab bycatch (Lead)	Discussion paper		Salmon Workshop		Initial Review (T)				Final action (T)
Crab Management	Initial Review (T)		Final Action (T)	PlanTeam 22-24	report			plan team meeting	SAFE report
Scallop Management	PT 2/23-24		Review SAFE						
GOA dark rockfish	Initial Review (T)		Final Action (T)					plan team meeting	
Bill Wilson, Protect Species									
Arctic Mgmt issue			Discussion paper						
Marine Mammal issues									
Seabird Bycatch	Final Action (T)								
FMP Consultation									SSLMC report
Diana Evans, NEPA Specialist									
EAM and AI FEP	Discuss		Initial Review (T)		Final Action (T)				
NEPA assistance									
Cathy Coon, Fishery Analyst									
Salmon/Crab Bycatch (assist)									
AI EFH adjustment	Initial Review (T)		Final Action (T)						
Being Sea EFH (lead)	Prelim Review (T)		Initial Review (T)		Final Action (T)				
Nicole Kimball, Fishery Analyst									
CDQ Projects (lead)			Discussion paper		Initial/Final Action (T)				
Observer Program (lead)			Report						
Halibut Charter (community)	Initial Review (T)		Final Action (T)						
GOA community issues									

1-10-07

To: Whom it May Concern

My name is William Brent. I have lived in alaska for 34 years. In 1975 I bought 16 acers of land on Wheeler Creek, on the North West Side of Admiralty Island. The property was ~~part~~ part of a 1916 homestead.

In the mid 70's me and my family build a log home while we grew garlic, Horse-redish, and leaks to Sell in Juneau, while we subsisted off halbit, Salmon, and Deer.

In 1980 when admiralty island became admiralty island monment Wilderness. At that time "ANILCA" gave us certain rights because we were living on private inholdings inside the Monment. One of these rights, Was the right to subsistence.

I have lived off of, and put up, halbit, Salmon, and Deer on my wheeler creek property for over 30 years. It is who I am.

I have called your office 1888-586-6822 3 different times and was turn down 3 times, because I did not live in a rural communities.

I live on the wheeler creek property now and Vote in anyoon.

I do not received Mail at wheeler creek, that is why I have a Juneau P.O. Box 33143.

Please help me get a halbit Subsistence permit. Enclosed are some papers that might Help Me.

Thanks William Brent

SUBSISTENCE
Forest-wide Standards & Guidelines

Subsistence: SUB

I. Subsistence

A. In accordance with Title VIII of the Alaska National Interest Lands Conservation Act of 1980, it is the policy of the Forest Service that:
   1. Consistent with the purposes for which National Forest System lands in Alaska were established, sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the National Forest System lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence.
   2. Provide for the continuation of the opportunity for subsistence uses by rural Alaskan residents, including both Natives and non-Natives.
   3. Non-wasteful subsistence uses of fish and wildlife shall be the priority consumptive uses of such resources on National Forest System lands in Alaska when it is necessary to restrict the taking of such resources.
   4. Cooperate with adjacent landowners and land managers in managing subsistence activities and in maintaining the continued viability of all wild renewable resources on National Forest System lands.

B. Consult the Southeast Alaska Federal Subsistence Regional Advisory Council for opinions and recommendations on current and proposed management actions, pursuant to ANILCA, Title VIII, Section 805.

C. Locate and manage Forest management activities considering impacts upon rural residents who depend upon subsistence uses of the resources of National Forest System lands. In compliance with ANILCA, Title VIII, Section 810, and the Region 10 Subsistence Handbook, the Forest Service shall:
   1. In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of National Forest System lands, evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of National Forest System lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit or other use, occupancy, or disposition of such lands which may significantly restrict subsistence uses shall be effected until the following actions are accomplished:
      a) Notice is given to the appropriate Federal and State agencies, local committees, recognized Tribal Governments, and the Southeast Federal Subsistence Regional Advisory Council established pursuant to Section 805 of ANILCA;
      b) Notice of a hearing is given and a hearing is held in the vicinity of the area involved;
      c) A determination is made that: 1) such a significant possibility of a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands; 2) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and 3) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.
   2. If required to prepare an environmental impact statement pursuant to the National Environmental Policy Act, the notice and hearing and findings required in 1 above shall be a part of such environmental impact statement.
   3. Regardless of whether or not an EIS is required, in all project scoping, include initial and on-going contact with the appropriate Federal and State agencies, local committees, recognized Tribal Governments, and the Southeast Federal Subsistence Regional Advisory Council.
   4. After compliance with the procedural requirements of Section 810 of ANILCA and other applicable law, the responsible Forest Service official may manage or dispose of public lands

the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

POLICY

§802. It is hereby declared to be the policy of Congress that--

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to Titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.

DEFINITIONS

§803. As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term--

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses--

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

PREFERENCE FOR SUBSISTENCE USE

[redacted]

804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for [redacted] wasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to [redacted] ing of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the [redacted]

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability [redacted] resources.

LOCAL AND REGIONAL PARTICIPATION

§805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish--

(1) at least six Alaska subsistence resource regions which taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region. Each regional advisory council shall be composed of residents of the region and shall have the following duti[redacted]

(A) the review [redacted] valuation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish [redacted] ildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decision making process affecting the taking of fish and wildlife [redacted] public lands within the region for subsistence uses;

(D) the preparation of an annual report to the Secretary which shall contain--

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommen[redacted] for the management of fish and wildlife populations within the region to accommodate such subsisten[redacted]es and needs; and

January 23, 2007

Dear Persons: My name is Greg Moyer, I live in Dutch Harbor Ak. and I own the fishing vessel Northern Light, I bought it in 1996 to do Jig fishing around the Dutch Harbor area. In the years that I have been doing this fishery I have been noticing that the area that I can fish is continually getting smaller. There are places that I used to fish that I can no longer go because of all the snags on the bottom. Most of these snags are caused by cod pots that have lost their buoys from some one running them over. It is not just the 7'x 7' place on the bottom where the pot is lost it is the 50 fathoms of line from where the buoys were cut that is flagging around on the bottom. And wouldn't you know it, in some of the best places to fish.

Ken Christiansen, who owns and operates the Fishin Magician, a jig boat out of Kodiak, came to Dutch Harbor last year to jig for cod. He told me that he lost more jig gear in the area that I am purposing, than in the whole ten years that he has been jig fishing. He fished less than 6 months here!

If this keeps up, The Jig fishery around Dutch Harbor is doomed.

I purpose that some of the area around Dutch Harbor be closed to cod pot fishing.

If that were to happen it would be practical to drag for lost pots in some of the more productive areas and actually clean it up.

The area that I am purposing is: all the area inside of 54 06' 00" and between 166 40' 00" and 166 24' 00". That is a high traffic area, where it is not surprising to lose pot gear. It still leaves productive area open to small cod pot boats to make a living. In this way I think the two fisheries, Jig and cod pot will be able to fish side by side for many years to come.

Thank You

Greg Moyer
PO Box 920474
Dutch Harbor
Ak. 99692

January 23, 2007

We are the owners of F/V Riptide and support the proposal set forth by Greg Moyer of F/V Northern Light. We as small boat owners have suffered gear loss and areas that are inaccessible to us due to lost gear. We request areas closed to small entry level fisheries in the Unalaska Bay in the areas described in the proposal.

Shelly Ludvick
Paul Ludvick

N.P.F.M.C.

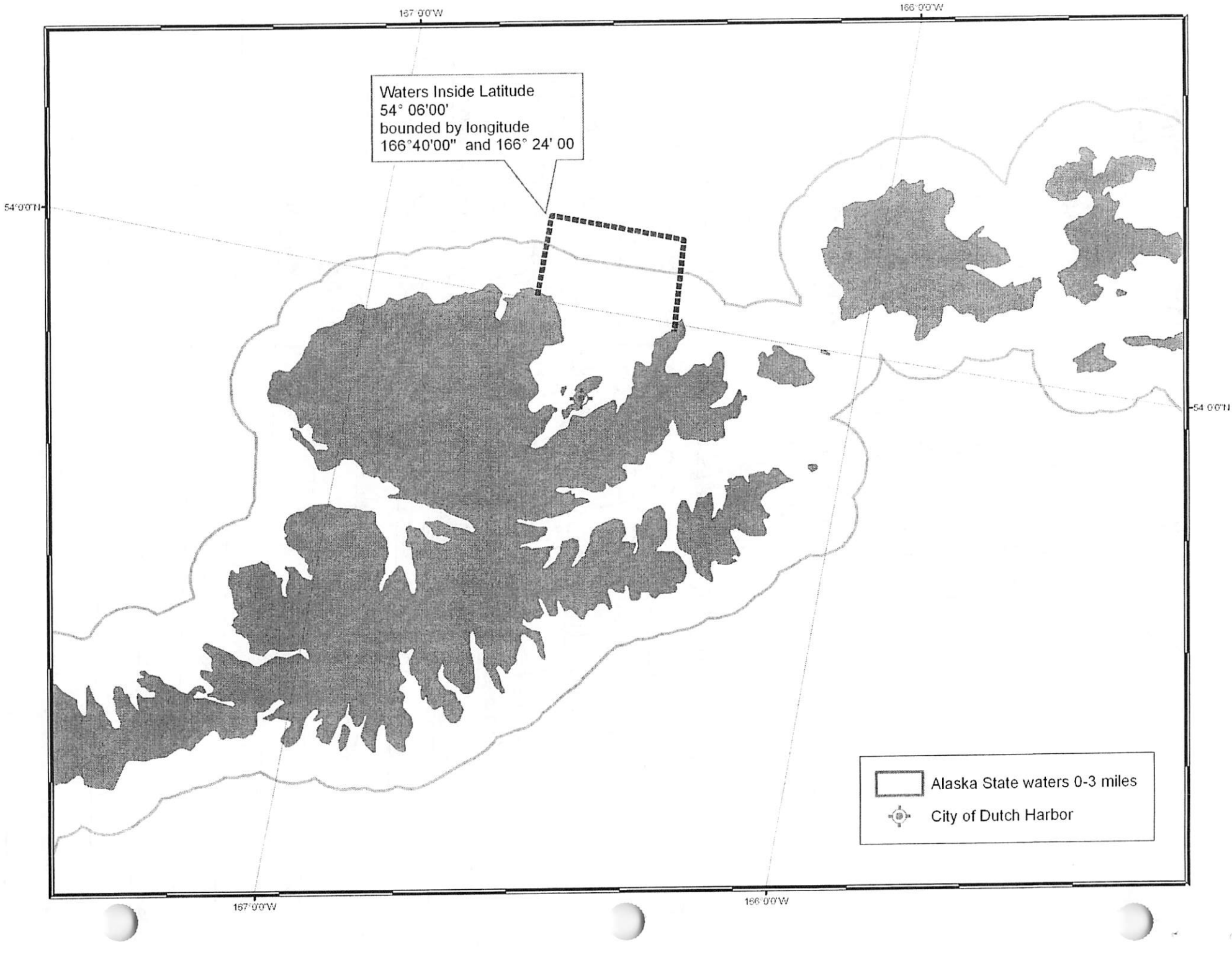
RECEIVED
JAN 2 2007
N.P.F.M.C.

Attn Stephanie Madsen

To whom it may concern

My name is Patrick Davis, residing in Dutch Harbor, AK. I own and operate the fishing vessel Katie Jean I longline and jig in the area. Due to a huge amount of lost cod Pots, alot of very productive area can no longer be fished by jiggers or longliners. There seems to be more and more left on the bottom each year. To keep this area fishable I think it would be a benefit to close a small area inside of 5406.00 and between 16640.00 and 16624.00 Due to boat traffic pots are being run over and cut off leaving a big tangled mess for anybody else fishing that area to get tangled and lose ~~there~~ there gear compounding the problem. I believe there is plenty of room for everyone and this would not impact the pot guys all that much. Thank you for listening.

Your Sincerly
Patrick Davis


167°0'0"W
166°0'0"W
Waters Inside Latitude
54° 06'00'
bounded by longitude
166°40'00" and 166° 24' 00
54°0'0"N
54°0'0"N
167°0'0"W
166°0'0"W
Alaska State waters 0-3 miles
City of Dutch Harbor

Aleutian Islands Ecosystem Team

Workshop Report

January 10-12, 2007
Director's conference room, Building 4, Alaska Fisheries Science Center, Seattle, WA

Team

Kerim Aydin	Diana Evans	John Olson
Steve Barbeaux	Sarah Gaichas	Jennifer Sepez
Forrest Bowers	Carol Ladd	Paul Spencer
Vernon Byrd	Sandra Lowe	Francis Wiese

Others present included: Dave Fraser

The Team's agenda for the three-day workshop was to review the first two chapters of the FEP, and move forward with drafting the remaining sections. Discussions about schedule and community consultation are highlighted in the logistics section of this report, immediately below. Changes were also proposed to the ordering of the FEP, and a revised table of contents is included on pages 2-3. The remainder of the report captures the Team's discussions on FEP content.

LOGISTICS

Schedule – major deadlines

Major deadlines for the completion of the FEP by June 2007 are listed below. The Team decided that the 'glossy' summary should be crafted after the FEP has been approved by the Council in June, rather than prepared conjointly with the main FEP document.

early Feb	Ecosystem Committee, SSC feedback
March 9	initial review draft completed and distributed
March 9-25	community consultation
end March	Ecosystem Committee, SSC, AP, Council feedback
April 5-6	Team workshop
May 18	final action draft completed and distributed
early June	Council final action on FEP document
July-Oct	create 'glossy' summary of FEP

Community consultation

- Adak, Atka, Dutch Harbor, Nikolski – why not Akutan? Ask Ecosystem Committee if oversight.
- Schedule meetings for March 9-25, use initial review draft as basis for discussion, also use consistent powerpoint presentation
- Intent: 1) let people know that FEP is being developed; 2) ask specifically for feedback on this document
- Notes from consultation to be considered by Team at April workshop

Agenda for April workshop

- Consider and address feedback from Council process and community consultation
- Review and augment 'implications for management' chapter
- Write 'priorities' chapter
- Create mock-up of 'glossy'

REVISED TABLE OF CONTENTS

The Team addressed feedback from the October SSC minutes with regard to the ordering of the Table of Contents for the FEP, as well as proposing a number of other changes. These include adding a new chapter 2, and reversing the management objective and ecosystem assessment chapters.

ORIENTATION

- map of AI (show where AI is on globe, focus on AI islands)
- Aleut creation myth

1 Introduction

1.1 Purpose and Need – vision of dynamic ecosystem planning: this is part of a process that started with ecosystem considerations chapter, now evolving; why AI

- Council's purpose statement

1.2 What is a Fishery Ecosystem Plan? – EPAP purpose, scope of FEP broader than FMPs

- graphic of old concept/new concept: circles around FMPs, FEP looks at context of many things that we are already doing

1.3 Role and Implementation of the FEP – Where does FEP information affect the process? SSC, Council, Plan Teams. Role of advisory team? FEP is living process – feedback loops to revise ecosystem goals, indicators based on new information, research priorities/data gaps; timeline for FEP supplements

2 Geography of Aleutian Islands

- physical description of the geographic Aleutian Islands (detailed map of AI, with all place names referenced)
- describe management boundary for the AI FEP

3 Understanding the Aleutian Islands ecosystem processes – what do we know about oceanographic and climate processes in the AI ecosystem area, about species present in the ecosystem and their interactions, and about human interactions with the ecosystem. This section should integrate existing models, and be a summary or inventory of other sources, rather than an encyclopedic listing. Focus on interactions between species, rather than status of individual modules (reference other sources, identify data gaps). Include in each section a discussion of what makes the AI ecosystem different from adjacent systems (EBS, GOA).

3.1 Historical Perspectives

- Weaves together the physical, biological, socioeconomic, and management history
- Primarily figures and graphs; supplemental narrative may be included in Appendix A

3.2 Physical relationships (oceanography, climate, bathymetry, habitat relationships)

- include discussion of oceanographic boundaries

3.3 Biological relationships

- include discussion of biological/species boundaries, stock structures, 'leaky' boundaries

3.4 Socioeconomic relationships (fisheries, other human activities)

3.5 Management Processes

3.5.1 Regulatory boundaries

- map showing the FEP boundary compared to other regulatory boundaries for AI
- table of who is responsible for what in AI (resources/people)

3.5.2 Description of fisheries (commercial, state, recreational, subsistence)

- discussion of scale at which species are managed (e.g., BSAI gfish)

3.6 Interactions

- What are they? Climate/physical changes, predator-prey, endangered species, fishing effects, other socioeconomic activities
- Identify interactions that are: (a) treated separately under current management programs, but are actually connected (e.g., seabirds and juvenile pollock); (b) or managed under same agencies, but connections not always made (e.g. marine mammals and fishery plans, economics with social); (c) or things that are not currently being managed but are important to the system (e.g. myctophids); (d) or things that are treated on a bigger scale than the AI but are critical to AI ecosystem

4 **Ecosystem assessment** – using interactions identified in 3.6, conduct risk assessment to identify which ones have potential to be of concern to managers, and identify ways to monitor interactions

4.1 Risk assessment – qualitative assessment of probability of risk versus scale of impact (average of individual Team rankings)

4.2 Identify indicators to monitor each interaction

- important to talk about why this parameter is important to the Council, what it can indicate, and what the probability is of likely outcomes

5 **Management objectives** – compare existing management goals for the various fisheries, make specific for Aleutians

- define objectives in context of uncertainty
- use as filter for evaluating risk assessment – where does Council want to focus

6 **Implications for human use of ecosystem** – identify areas of uncertainty, identify areas where management strategy evaluations to assess management measures calculated over a realistic range of uncertainty would be helpful. Look at implications to humans, implications to fishery management, implications to managers of other resources.

6.1 Consider tradeoffs and reconcile conflicting goals

- specific tradeoffs between things that we're doing separately, but when you put them together, you can't do both (use cogent examples)

6.2 Assess areas of uncertainty

- where are the data gaps in our understanding of AI ecosystem processes

7 **Priorities** – based on the above, what are priorities for future management analysis (MSEs), research; FMP-specific or more general

7.1 within the next year (e.g., what might we add to the FEP with another year to work on it)

7.2 longer-term (e.g., 2, 5, 20, 50 years – whatever appropriate scales are)

8 **Recommendations for Council**

- table summarizing conclusions/recommendations from chapters 5 and 6

9 **What is the "value added" of this FEP process?**

- what (if anything) are we learning from this pilot FEP that we weren't getting from previous ecosystem analyses (e.g., consideration of risk assessment/uncertainty; tie it back to sustainability and alerting Council to changes); what have we been missing with the single species focus

Appendix A History of Aleutians narrative

Appendix B Indicator data

FEP CONTENT

Review of chapters 1 and 2

The Team drafted various sections of chapters 1 and 2 prior to the workshop. Upon review of the sections, many suggestions were made for improving content. Some of the comments include:

- History section needs to be graphic rather than narrative; move narrative to appendix
  - Also much detail on pre-WWII history, but also need history of modern fisheries
  - Focus on co-evolution, connections
- Focus needs to be on AI ecosystem as one entity separate from EBS/GOA; too much focus on divisions within AI ecosystem (although spatial divisions are important)
  - Emphasize throughout why AI ecosystem is different from EBS/GOA
- Need to reinsert information on current fisheries
- Revise processes chapter: physical – biological – socioeconomic – management, bookend with history and summary of interactions
- Add necessary background to processes chapter to support identified interactions
- Emphasize that the system is constantly in state of change (for management, means need to plan flexibly)
- Illustrate that boundaries are fluid, animals and people impacting ecosystem from elsewhere (important which species are migrating through, but also which ones are permanently resident)
- Need to consider populations at Shemya and Attu (military)

Key species in FEP area

In order to focus in on the key interactions in the FEP ecosystem area, the Team began by identifying the important species in the food web. The FEP will look at the interactions among these species in particular.

- Key species in FEP area by abundance: myctophids, Atka mackerel, squid, grenadier, pollock
- Key species in FEP area by commercial value: Pacific cod, Atka mackerel, king crab, halibut, sablefish, Pacific ocean perch
- Other: SSL (regulatory measures)

Why is the FEP ecosystem different from neighboring EBS and GOA ecosystems

The Team believes that one of the purposes of this FEP is to highlight that the FEP ecosystem area acts differently from its neighboring ecosystems, and that this difference may be important to the Council in managing fisheries in the area. Consequently, the document should highlight these differences. Some examples that were discussed include:

- Global warming, but AI temperatures are cooling
- Everything is much closer together in AI (narrow shelf). Therefore nearshore and offshore have much more ability to impact shelf slope areas. Continental shelf is a minor part of AI ecosystem.

Identification of interactions

The Team identified interactions within the AI ecosystem that could have implications for fishery management. The following list of interactions will be the focus of the FEP.

Climate/physical changes:

- Changes in water temperature resulting from global warming
- Ocean acidification
- Change in nutrient transport though passes and predominant current patterns that drive primary production
- Changing weather patterns (storm intensity, direction, Aleutian Low, etc.)
- Impacts of seismic activity (earthquakes) and volcanism on populations
- Potential for interactions between ecosystems that we would consider separate in other areas, but in AI potential for overlaps and linked is much higher

Predator-prey:

- Direct predation: adults on adults, adults on juveniles
- Competition for same prey base
- Unexploited apex predators

Endangered species:

- Short-tailed albatross, Kittlitz murrelet
- Marine mammals (whales, SSL, etc.)

Fishing effects:

- Total removals from ecosystem
- Impact of one fishery on another through habitat impacts
- Impact of one fishery on another through bycatch impacts
- Need to find out more about pelagic habitat. Huge data gap, complicated in AI because of influence of currents and passes. May have long term impacts on recruitment etc. in future.
- Subsistence vs. commercial
- Limits vs flexibility

Other socioeconomic activities:

- Increase of military personnel
- Stability of communities
- Oil and gas development (e.g., North Aleutian Basin)
- Shipping on great circle route
- Onshore processor at Adak
- Other subsistence activities
- Aleut efforts to develop the community of Adak
- Research activities

Risk Assessment

The Team discussed ways to conduct a risk assessment of the interactions identified in the FEP ecosystem area. The Team decided that useful information for the Council would be to understand the probability of given impact occurring, and the magnitude of the impact should it occur. Given time constraints, it is not possible to conduct any quantitative analysis for this first version of the FEP. Consequently, this assessment will be qualitative in nature. The approach selected is for each Team member to individually rate the interactions identified above on a risk vs impact graph. Results will then be averaged, and presented in the FEP. The magnitude of impact should consider geographic and temporal scale, financial impact, and sociological and ecosystem value.

Each interaction will be subjected to the risk assessment. The Council's management objectives will then be used as a filter to focus specifically on priority interactions.

Discussion of indicators

The Team reviewed indicators specific to the Aleutian Islands in the Ecosystem Considerations chapter in the annual SAFE report. The indicators were cross-referenced with the interactions identified above, and where appropriate, new indicators were suggested. The Team also considered what information would be required for the 'perfect' indicator of a particular interaction. The information below will populate section 4.2 of the FEP. An appendix to the FEP will describe the data trends for each of the indicators listed below (similar to the SAFE report). The Team still needs to write up how the Council might interpret the indicators listed.

The Team believes that some of the listed indicators could be combined into multi-variate indicators, but that this may not be possible by June 2007.

Indicators of success of single species management

INDICATOR from chapter	Useful for us?	Perfect indicator
BSAI groundfish stock status	yes, to extent can for AI stocks	
Crab stock status - BSAI	plot on same index as groundfish	

Indicators of potential shifts in system – anomalies

INDICATOR from chapter	Useful for us?	Perfect indicator
NMFS bottom trawl survey – AI (anomalies)	rephrase as need to examine survey for anomalous catches; presence/absence, frequency of occurrence in tows (then perhaps cross-reference with fishery observer data) - perhaps index would look at some specific species, and then also try to look at anomalies too e.g. jellyfish, myctophids, grenadiers	potential good indicator – satellite data on chlorophyll/sea whip indicator of food base, should be able to get on monthly average perhaps? (also in NPRB RFP)
Non-specified species bycatch	combine with trawl survey data to look at key 3 spp for AI	
Seabird breeding chronology	yes	
Seabird productivity	yes	
Population trends	yes – perhaps choose a few representative species (include examples of resident versus migratory)	
NEW hot spots		distribution of feeding aggregations 'hot spots' of mammals and birds - physical models show where fronts are likely to occur, where hotspots likely to be?
NEW seabird survival rates	time series of survival rates for auklets - also index of die-offs	
NEW new fisheries	if new commercial fish is sold from AI subarea, need to take note	

INDICATOR from chapter	Useful for us?	Perfect indicator
NEW fish disease	measure weight per unit health -- levels of mercury and other toxins -- harmful algal blooms -- deformities	

Climate/physical change interactions:

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
Changes in water temperature resulting from global warming	AI summer bottom temperature	Temperature generally is useful.	Would prefer year-round indicator. Looking for change outside natural variation (?static, trend?)
	Seabird breeding chronology	yes	
Ocean acidification	**NEW** acidification		stick a buoy out there and measure pH
Change in nutrient transport though passes and predominant current patterns that drive primary production	**NEW** nutrient transport	use Amukta moorings for index on transport through the pass -- use Buck Stockhausen model for index of transport	data from moorings in Amukta Pass – would be nice if they have nutrient sensors too -- also nice to have more moorings in AI -- Stockhausen model needs improvement because based on Hermann model; possible area for focus of improvement -- also need better bathymetry – critical for models
Changing weather patterns (storm intensity, direction, Aleutian Low, etc.)	**NEW** change in weather patterns	need annual map showing frequency of storms (perhaps number of days per pixel that have weather considered stormy)	
Impacts of seismic activity (earthquakes) and volcanism on populations	**[NEED]**	**[NEED]**	**[NEED]**
Potential for interactions between ecosystems that we would consider separate in other areas, but in AI potential for overlaps and linkages is much higher	**NEW** otters	use otter surveys in the west to show nearshore predator abundance	
	NEW closer habitat interactions between nearshore and shelf	compare otter, SSL telemetry, seabird indices for foraging connections	

Predator-prey interactions:

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
Direct predation: adults on adults, adults on juveniles	Trophic level catch EBS and AI	yes capture trophic level of what we're fishing and intensity over time (in SAFE chapter now – continue) Tim Essington - survey and fishery trophic level graphs	
	Combined standardized indices of groundfish recruitment	yes – pull out specifically for AI species	
	Combined standardized indices of groundfish survival	yes – pull out specifically for AI species	
Competition for same prey base	Forage biomass indices from AI bottom trawl survey	no. use forage estimates from diets - need to clarify what we mean by forage – one category is Council's forage fish category; also zooplankton category; also juveniles of commercial fish category (AM, cod, pollock) - seabirds and/or mammals as an indicator of forage biomass	- surveys of forage fish species - need diet data over time (only have snapshot right now) - need to coordinate between seabird, fish, mammal food habits databases - need biomass estimates (or index) for each prey species of commercial species
Unexploited apex predators	Alaskan sea lion western stock non-pup counts	yes – but specifically for AI subarea - add index for pup counts in AI - SSL mortality by category (fishing, etc.)	combine into indicator of apex predators (show annual anomalies)
	Seabird breeding chronology **[DUPLICATE]**	yes	
	Seabird productivity **[DUPLICATE]**	yes	
	Population trends **[DUPLICATE]**	yes – perhaps choose a few representative species (include examples of resident versus migratory)	

Endangered species interactions:

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
Short-tailed albatross, Kittlitz murrelet	Seabird bycatch	no – except for measuring ESA species bycatch and sightings	
Marine mammals (whales, SSL, etc.)	Alaskan sea lion western stock non-pup counts **[DUPLICATE]**	yes – but specifically for AI subarea - add index for pup counts in AI - SSL mortality by category (fishing, etc.)	combine into indicator of apex predators (show annual anomalies)

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
	NEW otters: indicator of nearshore predator abundance – use also to determine whether connections between nearshore and shelf **[DUPLICATE]**	use otter surveys in the west to show nearshore predator abundance	

Fishing effect interactions:

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
Total removals from ecosystem	Total groundfish catch AI	sort of. catch relative to biomass, or catch relative to consumption? Use single species catch/biomass by trophic level? Also crab, halibut fisheries	looking for exploitation rate for the ecosystem, maybe catch relative to an ecosystem process more relevant; where is fishery relative to consumption in the ecosystem
	Total biomass EBS/AI	see above	
	Trophic level catch EBS and AI **[DUPLICATE]**	yes capture trophic level of what we're fishing and intensity over time (in SAFE chapter now – continue) Tim Essington - survey and fishery trophic level graphs	
	NEW food web diversity indices		potentially important, but need to think about what do you want diversity index to measure, what is meaningful -- habitat diversity might give us the same answer – if we knew about benthic habitats -- acknowledge spatial gradient of diversity generally in AI (FO volume, Loggerwell article p 93)
Impact of one fishery on another through habitat impacts	Groundfish bottom trawling effort in AI	yes	area swept by gear type over particular habitat type
	Longline effort in AI	yes, also add pot	same as trawl
	HAPC biota bycatch in EBS/AI groundfish fisheries	sort of. Would be better to look at frequency of tows with occurrence of HAPC biota	
	HAPC biota biomass indices in the AI bottom trawl survey	sort of. Would be better to look at frequency of tows with occurrence of HAPC biota	

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
	NEW food web diversity indices **[DUPLICATE]**		potentially important, but need to think about what do you want diversity index to measure, what is meaningful -- habitat diversity might give us the same answer – if we knew about benthic habitats -- acknowledge spatial gradient of diversity generally in AI (FO volume, Loggerwell article p 93)
Impact of one fishery on another through bycatch impacts	NMFS bottom trawl survey – AI (anomalies) **[DUPLICATE]**	rephrase as need to examine survey for anomalous catches; presence/absence, frequency of occurrence in tows (then perhaps cross-reference with fishery observer data) - perhaps index would look at some specific species, and then also try to look at anomalies too e.g. jellyfish, myctophids, grenadiers	potential good indicator – satellite data on chlorophyll/sea whip indicator of food base, should be able to get on monthly average perhaps? (also in NPRB RFP)
	Non-specified species bycatch **[DUPLICATE]**	combine with trawl survey data to look at key 3 spp for AI	
Need to find out more about pelagic habitat. Huge data gap, complicated in AI because of influence of currents and passes. May have long term impacts on recruitment etc. in future.	**[NEED]**	**[NEED]**	**[NEED]**
Subsistence vs. commercial vs recreational	**NEW** commercial fishery: monitor for major changes	volume and value	regional economic model
	NEW recreational: monitor for major changes		work with AMNWR permits to figure out
	NEW subsistence	subsistence halibut permit	regular subsistence survey
Limits vs flexibility	**NEW** limits vs flexibility	description of entry level opportunities	

Interactions from other socioeconomic activities:

Interaction	INDICATOR from chapter	Useful for us?	Perfect indicator
Increase of military personnel	**NEW** military activity		facility placement, use of low and medium sonar, other testing
Stability of communities	population in AI communities	yes (shows population growth/declines)	also include people on Shemya and Attu - also need to talk about seasonal shifts in populations in these areas
Oil and gas development (e.g., North Aleutian Basin)	**NEW** oil and gas	DEC: history of development related spills	
Shipping on great circle route	**NEW** shipping route	port and waterways assessment; possibly information in contingency planning -- find out from DEC history of shipping related spills	count of vessels by type ?and cargo passing through route
Onshore processor at Adak	**NEW** processing jobs: indicator of onshore processing activities and habitat impacts	number of processing jobs	
Aleut efforts to develop the community of Adak	population in AI communities **[DUPLICATE]**	yes (shows population growth/declines)	also include people on Shemya and Attu - also need to talk about seasonal shifts in populations in these areas
Research activities	**NEW** research activities	fish resource permit from ADFG for research in State waters; EFH permits through NMFS	

Follow-on issues for second phase of FEP

The Team identified a number of areas of further work for a future version of the FEP:

- Examine spatial variation within the FEP area
- Consider eastern AI (Fox Islands), straddling BS and GOA – is ecosystem adequately addressed?
- Quantitative risk assessment
- Revise indicators
    - look at multivariate indicators
    - go through rigorous process of vetting indicators and mapping to management objectives

12-12-2007

GROUNDFISH AND
HALIBUT AND SABLEFISH IFQ PROGRAM
AMENDMENT PROPOSAL
North Pacific Fishery Management Council
Fax: (907) 271-2817

Name of Proposer: Ludger W. Dochtermann **Date:** June 1, 2005

RESUBMITTED EVERY MEETING SINCE THEN WITHOUT ANY ACTION BY THE NPFMC.

Address:
P.O. Box 714
Kodiak, Alaska

Telephone:
(907) 486-5450

Brief Statement of Proposal:

Full (100%) Observer Coverage on All GOA Trawl Vessels for the Year 2006, and once in every 5 or 7 years thereafter. By "Year 2006," I mean before any further Rationalization regulations are promulgated, so inherent in this proposal is a halt to further action until the best (adequate) scientific data is made available.

Objectives of Proposal (What is the problem?):

To accurately evaluate the trawl fisheries' entire catch performance regarding the bycatch of non-targeted species and the on-board management conduct of the fishery's prosecution. There is a serious need to have years of full knowledge regarding bycatch for several reasons, not the least of which is for comparison with other years of reduced coverage where the Nation relies upon self-reporting during non-observer hauls.

Need and Justification for Council Action (Why can't the problem be resolved through other channels?):

Due to the nature of the extraordinary value of bycatch – often exceeding the value of targeted species, and due to the nature of massive discards when incidents of 'bad hauls' occur, NOAA Fisheries and the Council need more accurate base data years' statistics. Absent the presence of constant recording cameras and other means of full data collection, and given the need for human confirmation of such 'remote sensing' were it to even be present, the 2006 fishery would be a first start in accurate measurement. Human behavior in the interests of overwhelming economic rewards absent effective comparison data and enforcement commands that NOAA base its decisions on more accurate data, and confirm that behavior is not incorrectly reported when observer coverage is not at 100% levels.

Foreseeable Impacts of Proposal (Who wins, who loses?):

The program would arguably be costly and operationally inconvenient to many vessels, however government could cover much of the costs in return for the knowledge gained. For the cost of not having full and complete knowledge – at least once every 7 years, and at least "once" (in 2006) – before creating any further arbitrary resource allocation

(property rights shifting) regulations (such as "rationalization schemes") may be a grave loss to society and regional economies as heavy-impact, intense methods of fishing – i.e. hard-on-bottom trawling – proceed unabated and unwatched.

The question of "who wins and who loses?" is moot under the logic that the Public resource is an invaluable asset of the Nation, and no one loses when we all know what are the true conditions of the prosecution of such fisheries. Everyone wins when regulations are based on the best data, and when they follow the National Standards in the Magnuson-Stevens and Sustainable Fishery Acts, in their spirit and intent – especially when the regulatory process proceeds on science, not politics and greed.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?:

There is another means of keeping an eye on the prosecution of the fishery, but the cost of having numerous Coast Guard vessels on site, around the clock, along with 'random-boarding' (fair) observer coverage would be much higher than instituting a full-coverage year-stratification program that operates only once every 5 to 7 years.

Supportive Data and Other Information (What data are available and where can they be found?):

This is a complex matter, as NOAA has not had adequate budgets for better research. But the conduct of the trawl fishery and the witnessing of its highly destructive prosecution are well known among NOAA, Alaskan communities and fishing crews. The Council and NOAA might have greater insight on data collection and statistical need, and that could all come out during the evaluation of this proposal were the Council to create an agenda item specifically to task going forward with 100% observer coverage in 2006.

Signature:

Northpoint Fisheries Inc.
Stormbird Inc.
P.O. Box 714
Kodiak, AK 99615
Tel: 907-486-5450

June 1, 2005 (revised 6/10/05)

North Pacific Fisheries Management Council
172d Plenary Session

Testimony of Mr. Ludger Dochtermann; Alaskan fisherman since 1974

RE: Gulf of Alaska (GOA) Rationalization

Mr. Secretary of Commerce, Governor Frank Murkowski (AK), and members of the North Pacific Fisheries Management Council:

I am testifying in opposition to any further rationalization processes in the fisheries under the jurisdiction of the NPFMC.

My name is Ludger Dochtermann. My family lives in Kodiak, Alaska. I am a fisherman and have been since 1974. And unlike many of the proponents of "RATIONALIZATION," I actually fish on board both of my 90-foot long vessels throughout many different seasons of the year. I love to be on the ocean. And I love to catch fish in an environmentally conservative way. I am a fixed gear fisherman who fishes with pots and hook-and-line. I am extremely bycatch conscious.

The real reason, though, that I became a fisherman was not for lust of money or glory or adventure – I like eating crab: my favorite food. So, I came to Kodiak in 1973, for this was where a large sign at the airport proclaimed that it was the "KING CRAB CAPITOL OF THE WORLD."

I arrived with $3.72 in my pocket and started as a crab processor-worker in Alitak. My bonus skiff in 1974, a $650.00 Evinrude outboard, two skates of halibut gear, a fishing licence, and I was embarked on my fishing career. I crewed for salmon and crab, and tendered for seven years.

In 1979, I bought the 30-foot F/V Swallow to fish halibut. Various larger leased boats followed, until for that fishery, in 1983, the trusty 90-foot F/V Bel Air became my mistress – and I her slave.

Now, 21 years later, and after 17 years of Bering Sea crab seasons, which included the sinking of the Bel Air – and our miraculous escape! – we must again fight for the survival of the coastal communities and the fishermen families who are the backbone of this industry.

I recount this brief history only to show you the opportunities that have always existed in Alaska for hard working people to realize the AMERICAN DREAM. This cherished dream will wither and die a mournful death at the collusive hands of foreign and domestic processing corporations, trawl interests and the United States and State of Alaska "Fish Managers" who are

bound and extremely determined to re-shackle ALASKA. This will come to pass if any further rationalization is instituted.

Rationalization is an irrational process that attempts to fix alleged problems in fisheries. But in reality, it is a transparent attempt to privatize a public resource for the enrichment of processing and trawl industries' interests and trawl boat owners, alone. The catch phrases they use to justify their greedy actions are: Safety, Race for Fish, Quality, and Resource Conservation. Phrases only, they are not backed up by any solid facts.

The facts speak for themselves and I have spoken to them in my previous testimony – which all of you have been sent copies of. Let me give you an example of how the first two issues – "SAFETY" and "RACE FOR FISH" – were addressed as driving forces of crab rationalization, and how they have not been fulfilled.

Myth of a Race to Fish:

I was in Seattle last month, where the processor to whom I deliver my crab told me that my King Crab now has to be delivered in a period between October 15 and the end of October, 2005 – a compressed period of two, maybe three weeks. I was further instructed that my Opilio Crab will have to be delivered in a three-week period starting on January 16, 2006. **We will have to continue to fish during the worst weather of the year, just like in the past. Nothing has changed, even though the season will be open for months, as the processors will call the shots and tell us exactly when to fish.**

The RACE FOR FISH has been intensified, not abated, by the "Wise Sages" on the Alaska Board of Fisheries who upped the pot limits to 450 pots - so that the big boats can once again pre-empt the grounds. The rationale for this was the farcical ploy that extended soak times would help Conservation by letting small crabs escape the pots. Yet the footprint that this larger number of pots will leave on the ocean floor is far more ecologically detrimental than any extra alleged 'escape time benefits.'

Furthermore, in 1998, there were 75 trawl vessels fishing, based in Kodiak, while this year there were 26. How does that steep reduction of vessels in this trawl fleet justify the suggestion that it increases the race to fish? There is more fishing time now and the processing plants stay busy longer.

Not only is the "Race to Fish" a myth created to justify quotas, it comes about from large-capacity catchers like trawlers (and squashed fish), not from small capacity (high value per unit) fixed gear participants. Promoting expansion of the fixed gear fleet clearly puts more local fishermen to work – and could even help processing plant employment spread out over an even longer and more profitable timeframe.

Quality & Resource Preservation Myths:

QUALITY is another issue that has not been remedied by Crab Rationalization, either. As we have seen, NO issues were remedied at all. The opposite is true. **The trawl fleet – major proponents of this irrational management system – will never improve the quality of their catch. A squashed fish will always remain so.**

We will now have to establish another bureaucracy to administer the program, which will be funded with the 3% tax on revenues of the crab fleet. And again, we will have to fish in the

worst weather times of the year – just as before 'rationalization.' What has happened to being RATIONAL?

RESOURCE PRESERVATION is another catch phrase bantered about. How would this process of corporate privatization of public resources known as 'rationalization' improve preservation? A bottom trawl is by its very nature a non-selective, wasteful fishing practice. The bycatch caps for Halibut in the GOA are 2,000 metric tons – which equals 4,400,000 pounds – or 10% of the Halibut TAC (total allowable catch). There will be no 'improvements.'

As their solution, the Groundfish Databank – mouthpiece of the trawl fleet – would simply like an increase of the Halibut caps to 8,000 metric tons – 16.8 million pounds – in the GOA, so that they can fish year around on other species: i.e. keep on plundering the bottom zone without being shutdown for excessive bycatch. How will resource conservation be aided by this measure? The logical outcome of increased hard-on-bottom trawling would be millions of pounds more of wasteful bycatch going over the side.

Bycatch:

To improve resource conservation, bycatch caps should be significantly ratcheted down for all species. Canadian trawlers were quite successful when their Department of Fisheries Organization (DFO) threatened them with a complete shutdown. And we can institute successful change here, too. **It's a matter of will, not wider allowances for waste.**

BYCATCH is not something I – as a fixed gear fisherman – have a lot of, as during two recent trips for Halibut in GOA area 3A shows. We caught 82,000 pounds of Halibut and 2,500 pounds of Black Cod, 450 pounds of Rockfish, 8 skates, and 17 Arrowtooth Flounder. Total discards were approximately 400 pounds. If there were markets for that minimal bycatch, we would have brought it in, as well.

Likewise, our Cod and Crab operations are virtually bycatch-free. And what goes back over the side is alive and well.

To show you what a real bycatch problem is, let's look at an example of a recent trip for a Kodiak Trawler fishing for Rock sole. After 5 days of fishing and many tows when $14,500 of product was delivered, well over 75% of the catch went over the side – most of it squashed dead. So much Halibut and Pacific Cod and other future stock-builders were discarded that the fisherman, from whom I got this eyewitness report, said he would not go out on any bottom trawler, ever again, just out of deep personal concern for the havoc of this obviously wanton waste.

Of course, there was no observer on board. Such trawling efforts are not a means to a sustainable ocean fishery, they are a means of hastening its ultimate destruction.

Whether or not the Halibut bycatch was fully logged, we do not know. But if NOAA ENFORCEMENT wishes to investigate, I will be glad to furnish a trip date. And if the NPFMC would like to interview this fisherman, he would be willing and able to testify.

Observer Coverage:

With a 30% level of observer coverage, the true extent of the bycatch of the trawl fleet is only conjecture. In order to obtain realistic, fact-based bycatch data, **I am requesting the Secretary of Commerce and the NPFMC to mandate for the year 2006, a 100% level of observer coverage on all GOA trawlers. This bycatch MUST be 'weighed' and fully assessed by independent witnesses, not estimated.**

No further changes in management plans should occur until "REALISTIC DATA" can be made available for analysis. Afterwards, bycatch caps can be instituted – after proper public input. Foremost, there must be bycatch caps on incidental crab takes by such trawlers.

Since the Magnuson-Stevens Fisheries Act is being REAUTHORIZED, we would like to introduce Amendment(s) that will require 100% observer coverage on bycatch-intensive vessels every 7 years (or every 5 years) with reduced yet strong observation rates during all other years. This is the only way the Act's standard for utilization of best scientific data in fisheries policy-making can be realized.

Transfer Pricing Abuses:

One of the main reasons for Alaskan statehood in 1959 was to throw off the chains of the Federal Government and to spring the yoke of the Seattle-based yet US-owned fish processors. The playing field has changed since then. Now, 46 years later, most of the processors (many still with headquarters in Seattle) are foreign-owned and the profits accrue to them overseas through convoluted accounting by means of Transfer Pricing 'profit laundering' schemes, which defraud the United States and the State of Alaska out of hundreds of millions of dollars, each year, or more. This explains the extreme drop in ex-vessel prices.

It took almost a half-century for greedy corporations to reapply the collar of servitude. This would not have been possible without direct aid by the overbearing, arrogant vehicles of enslavement: the NMFS, NPFMC, and certain State of Alaska bureaucrats.

Magnuson-Stevens Reauthorization should include instituting new means of Accountability and Transparency and this means dealing with Abusive Transfer Pricing (ATP) within this industry segment, Seafoods.

GULF GROUNDFISH RATIONALIZATION is the final link in the chains once again binding our fishing economy in servitude. Once this final link is welded into place – using more of the brazen solder of ATP – the yoke Alaskan fishermen will toil under will become permanent.

Concluding Comments:

The LICENSE LIMITATION PROGRAM that is in effect at this time is quite adequate for federal waters in the GOA. No increase in participants is possible; therefore, there is no need for any form of rationalization. This holds true for the state water fishery as well. Yet, the NPFMC has insisted on "COORDINATED RATIONALIZATION" and worked hand-in-hand with the Board of Fisheries to concoct Senate Bill 113 for matching state water schemes. My earlier comments, which related specifically to SB113, are attached in Addendum A.

In light of the absence of concrete facts underpinning Rationalization, it obviously is not in the best interests of the State of Alaska or the United States. The consequences of these

fundamental socio-economic changes are undermining the Free Market economy of this country. Likewise, the normal price-determining interplay of economic participants in a free market has increasingly been stamped out in our Alaska fisheries, to the increasing detriment of coastal communities dependent upon fair and equitable ex-vessel prices (fish ticket value) as job-creating drivers of the regional fishery-based economy. Kodiak's small businesses keep shuttering their stores, and we have seen the downfall of alleged Crab 'Rationalization' result in the un-promised lay off of as many as 60 crewmen in the past few weeks, alone.

Before any more changes in management regimen are instituted, there MUST BE extensive research by an independent entity, which is not beholden to or influenced by the participating parties. Parameters for the study should include a list of requirements that are generated at the local level, in the coastal communities – such as by the local Fish and Game Advisory Boards, in cooperation with elected (not appointed) officials. Polling of ALL participants – especially the fishing CREWMEMBERS who will bear the greater brunt of these far-reaching changes - is essential. At the June NPFMC meeting, you got a mere sample of the disillusionment of crewmen and their families suffering at the hands of "rationalization" in crab. This pattern only portends further massive job losses were GOA rationalization schemes to be enacted.

Why? Processing, trawler-owner and bureaucratic interests overwhelmingly control the NPFMC. We must curtail the draconian, oligarch-creating dictations brought about by their conflicts-of-interest, for they are contrary to the best interests of ALASKA and ALASKANS. Balance needs to be restored to make this a functioning body that will represent ALL the People involved in fishery commerce – not just a chosen few.

We want NO PROCESSOR QUOTA GRANTS, NO PROCESSOR LINKAGES – COOPS, ASSOCIATIONS, OR OTHER MEANS OF INDENTURED SERVITUDE that clearly violate the 13th Amendment to the Constitution of the United States of America, which appropriately addressed the previous history of enslavement, and forever forbid any further such human domination in this great Nation.

Logic and Facts alone dictate that wiser decisions can be made, and that Greed should not rule over Communities of Free Citizens.

Respectfully,

Ludger Dochtermann; P.O. Box 714; Kodiak, AK 99615; Tel. 907-486-5450.

Attached: Appendix A – May 20, 2005 Comments on Alaska Senate Bill 113.

2-12-2007

APPENDIX A

Ludger Dochtermann on GOA Coordinated Rationalization Schemes

RE: SB113 – A state bill to give authority to the Alaska Board of Fisheries for groundfish management in direct coordination with the North Pacific Fisheries Management Council's federal-level "rationalization" scheme.

State of Alaska Senate and House Committees on Resources and Fisheries

May 20, 2005

To Whom It May Concern:

I am opposed to Senate Bill 113!!!

My name is Ludger Dochtermann. I have lived in Kodiak for 32 years. I am a fixed gear fisherman. I am the owner of two 90' vessels that operate in the Gulf of Alaska and BSAI (Bering Sea, Aleutian Islands), long-lining for Halibut and Groundfish and pot-fishing for Crab and Codfish.

Senate Bill 113 encompasses all state waters and is inclusive of the state water fisheries for codfish, which is prosecuted by only two gear types, pot and jig. During the Federal Groundfish Fisheries trawling and long lining is allowed in state waters. The exclusive state water fishery, which commenced with the 1997 season, was requested by fishermen from Kodiak to allow entry level participation by ENVIRONMENTALLY RESPONSIBLE gear types that are target specific and virtually bycatch free.

The purpose was to take crab predator cod fish out of state waters without harming crab stocks and through these efforts to bring about a resurgence of our crab resources. The crafters of this fishery also deliberately excluded long lining for cod in the state water fishery because of the high bycatch of Halibut.

After initially receiving a 10% allocation of the cod TAC, we were able to request an increase to 25%, which is the present share. A 60-pot limit was instituted for the state water fishery to prevent large boats from unfairly taking a large share. The 25% state water catch was also divided fairly between pot and jig gear type fishing.

There was vociferous opposition from the trawl fleet to any state water fishery, since it took away a quarter of the quota of which they were catching the lion's share.

Around Kodiak, all the bays and other crab sensitive areas are off limits to the trawl fleet for hard-on-bottom trawling.

The positive impact of the state water cod fishery has been that we are seeing a resurgence of the tanner crab stocks, which has allowed a small fishery to be prosecuted during the past 5 years. This has been a needed infusion of dollars into the community.

The other positive result is that it provides an entry-level fishery for the future fishermen of Alaska. These are local people who otherwise would have no starting point into the fishing life. This has been a boon to most coastal communities.

It is clear to everyone in this community that the hard-on-bottom cod trawl fleet could take the entire federal and state water quota in a few days. The federal pot fishery in the GOA is only possible because the TRAWLERS requested a stand down for the first 20 days of January. This year the quota was taken in 4 days once the trawlers entered the fray.

The fishing power of a trawl is awesome. When a trawl is hard on bottom it is also all-inclusive with obscene bycatch of everything that lives in the net's path.

The driving force behind the federal and state groundfish rationalization program is the trawl industry. Their lobby is very powerful. In Kodiak, the non-trawl fishers call the GOA rationalization process "the trawlers' retirement program." Because the trawl sector wants to get a guaranteed share of the groundfish resources, in perpetuity.

Times are changing and we are all becoming more conscious of our environment. The handwriting is on the wall. There will be more and more restrictions once the general public realizes the terrible impact of hard-on-bottom trawling. Can there be a better way of forestalling restrictions on their fishing practices than to privatize the resource and chisel it in stone?

This brief history was necessary for the majority of the Legislators who come from non-fishing communities and who might otherwise be hoodwinked into buying into Senate Bill 113 because of not knowing the facts. I have several thoughts and questions about the Bill's poor design and ill purposes:

SB113 - Page 1, line 6: What are the changes in the significant economic conditions facing the fisheries? There has not been any increase in effort in either the trawl, pot, longline and jig fisheries in the central and westward region of the State's waters.

I include here the data (attached to original version) from the ADF&G (Alaska Department of Fish and Game) that shows the effort for all those fisheries.

Page 1, line 10: The economic health of fishermen will be detrimentally affected because the State wants to charge royalties, which will make it impossible for the job, pot and longline fisherman to operate in an already marginally profitable fishery (where we are increasingly economically downgraded into the role of mere price-takers). This would only benefit the trawl fleet, which has smaller labor and fuel costs than the rest of the industry. They could out-bid the more labor-intensive (yet higher value) fisheries.

Page 1, line 12: Ensure conservation of biological and capital resources.

The NPFMC (North Pacific Fisheries Management Council) sets the quotas in most Alaska fisheries. WE catch what they give us for quotas. How would this new program better conserve the resource? This bill would sanction obscene bycatch in the trawl sector instead of reducing it, and only the latter would help biological conservation.

Page 1, line 13: Capital resources of the fishery.

Since there has been virtually no effort-change in the fishing fleet, how would this bill affect the capital resources of the fishery? The negative impact would be that by having to pay resource fees, marginally profitable (mostly small) operators would be forced out of business. The resulting trickle-down effect on the local businesses who supply goods and services to the local fleet will be devastating.

The resulting consolidation, especially in the trawl sector, will cause shrinkage in the fleet as new 'owner barons' sell their quotas and/or fishing rights and retire to other climes. (Note: this has already happened as a result of recent "crab rationalization" with Kodiak crewmembers suffering massive, often career-ending layoffs as a result).

Page 2, Sec. 5,6,7: This is an old-fashioned money grab. The LLP (Limited License) program already controls access into most fisheries. There is no entry unless you are already qualified. The state water cod fishery is the only one that allows free entry – as the crafters had intended. The statistics prove my point. There is natural fluctuation in numbers of vessels engaged in the fishery, but the effort now is lower than it was at the beginning years of the fishery.

Page 2, Sec. 8: I addressed lines 16, 17 and 18 above. Promoting Safety:

I do not see how this bill promotes safety. When the weather is bad, the local Kodiak and GOA fleets do not go out and fish. The foolish people have either left or are already dead.

The rest of SB113 goes into specifics to establish this new bureaucracy and justify its perpetuation.

If the reason for State Senator Ben Stevens' introduction of this bill is to get more tax money from the fishing industry, then it would be a lot cheaper to just increase the fish tax for which an entire bureaucracy is already in existence. I think that approach would be a lot more palatable to fishermen than to establish more paperwork, more licenses, more laws and regulations like those under which we are already overburdened. The State of Alaska is already bloated with regulatory agencies; and logic would suggest to stop now with this 'nonsense bill.'

If on the other hand, SB 113 is only there to guarantee wealth and retirement benefits for the already wealthy fishing industry vessel owners, then I consider it to be abject irresponsibility on the part of the Legislature were it to pass this bill or even to give it serious consideration.

In order for coastal communities to maintain their economic vibrancy, it is essential that the Federal and State RATIONALIZATION process must be STOPPED!

When all is said and done, and should this bill and Rationalization go through, the carpetbaggers will be gone and leave us with another empty basket.

My suggestion is for an immediate increase of the state water cod fishery to 40% of the TAC and an eventual phase-out of the trawl vessel fishery of directed cod fishing in the GOA. To be generous, I would concede them 25% of the quota so that they can keep their bycatch of cod in their other fisheries.

Respectfully,

Ludger W. Dochtermann – P.O. Box 714; Kodiak, AK 99615; Tel. 907-486-5450.
Owner Operator F/V Stormbird and F/V North Point

[Code of Federal Regulations]
[Title 50, Volume 3, Parts 600 to End]
[Revised as of October 1, 1999]
[CITE: 50CFR600.350]
[Page 41-43]

TITLE 50--WILDLIFE AND FISHERIES
DEPARTMENT OF COMMERCE
PART 600--MAGNUSON-STEVENS ACT PROVISIONS--Table of Contents
Subpart D--National Standards

Sec. 600.350 National Standard 9--Bycatch.

(a) Standard 9. Conservation and management measures shall, to the extent practicable:

(1) Minimize bycatch; and

(2) To the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

(b) General. This national standard requires Councils to consider the bycatch effects of existing and planned conservation and management measures. Bycatch can, in two ways, impede efforts to protect marine ecosystems and achieve sustainable fisheries and the full benefits they can provide to the Nation. First, bycatch can increase substantially the uncertainty concerning total fishing-related mortality, which makes it more difficult to assess the status of stocks, to set the appropriate OY and define overfishing levels, and to ensure that OYs are attained and overfishing levels are not exceeded. Second, bycatch may also preclude other more productive uses of fishery resources.

(c) Definition--Bycatch. The term ``bycatch'' means fish that are harvested in a fishery, but that are not sold or kept for personal use. Bycatch includes the discard of whole fish at sea or elsewhere, including economic discards and regulatory discards, and fishing mortality due to an encounter with fishing gear that does not result in capture of fish (i.e., unobserved fishing mortality). Bycatch does not include any fish that legally are retained in a fishery and kept for personal, tribal, or cultural use, or that enter commerce through sale, barter, or trade. Bycatch does not include fish released alive under a recreational catch-and-release fishery management program. A catch-and-release fishery management program is one in which the retention of a particular species is prohibited. In such a program, those fish released alive would not be considered bycatch. Bycatch also does not include Atlantic highly migratory species harvested in a commercial fishery that are not regulatory discards and that are tagged and released alive under a scientific tag-and-release program established by the Secretary.

(d) Minimizing bycatch and bycatch mortality. The priority under this standard is first to avoid catching bycatch species where practicable. Fish that are bycatch and cannot be avoided must, to the extent practicable, be returned to the sea alive. Any proposed conservation and management measure that does not give priority to avoiding the capture of bycatch species must be supported by appropriate analyses. In their evaluation, the Councils must consider the net benefits to the Nation, which include, but are not limited to: **[[Page 42]]** Negative impacts on affected stocks; incomes accruing to participants in directed fisheries in both the short and long term; incomes accruing to participants in fisheries that target the bycatch species; environmental consequences; non-market values of bycatch species, which

include non-consumptive uses of bycatch species and existence values, as well as recreational values; and impacts on other marine organisms. To evaluate conservation and management measures relative to this and other national standards, as well as to evaluate total fishing mortality, Councils must--

(1) Promote development of a database on bycatch and bycatch mortality in the fishery to the extent practicable. A review and, where necessary, improvement of data collection methods, data sources, and applications of data must be initiated for each fishery to determine the amount, type, disposition, and other characteristics of bycatch and bycatch mortality in each fishery for purposes of this standard and of section 303(a)(11) and (12) of the Magnuson-Stevens Act. Bycatch should be categorized to focus on management responses necessary to minimize bycatch and bycatch mortality to the extent practicable. When appropriate, management measures, such as at-sea monitoring programs, should be developed to meet these information needs.

(2) For each management measure, assess the effects on the amount and type of bycatch and bycatch mortality in the fishery. Most conservation and management measures can affect the amounts of bycatch or bycatch mortality in a fishery, as well as the extent to which further reductions in bycatch are practicable. In analyzing measures, including the status quo, Councils should assess the impacts of minimizing bycatch and bycatch mortality, as well as consistency of the selected measure with other national standards and applicable laws. The benefits of minimizing bycatch to the extent practicable should be identified and an assessment of the impact of the selected measure on bycatch and bycatch mortality provided. Due to limitations on the information available, fishery managers may not be able to generate precise estimates of bycatch and bycatch mortality or other effects for each alternative. In the absence of quantitative estimates of the impacts of each alternative, Councils may use qualitative measures. Information on the amount and type of bycatch should be summarized in the SAFE reports.

(3) Select measures that, to the extent practicable, will minimize bycatch and bycatch mortality. (i) A determination of whether a conservation and management measure minimizes bycatch or bycatch mortality to the extent practicable, consistent with other national standards and maximization of net benefits to the Nation, should consider the following factors:

(A) Population effects for the bycatch species.

(B) Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem).

(C) Changes in the bycatch of other species of fish and the resulting population and ecosystem effects.

(D) Effects on marine mammals and birds.

(E) Changes in fishing, processing, disposal, and marketing costs.

(F) Changes in fishing practices and behavior of fishermen.

(G) Changes in research, administration, and enforcement costs and management effectiveness.

(H) Changes in the economic, social, or cultural value of fishing activities and nonconsumptive uses of fishery resources.

(I) Changes in the distribution of benefits and costs.

(J) Social effects.

(ii) **The Councils should adhere to the precautionary approach found in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries (Article 6.5)**, which is available from the Director, Publications Division, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy, when faced with uncertainty concerning any of the factors listed in this paragraph (d)(3).

(4) Monitor selected management measures. Effects of implemented measures should be evaluated routinely. Monitoring systems should be established prior to fishing under the selected **[[Page 43]]** management measures. Where applicable, plans should be developed and coordinated with industry and other concerned organizations to identify opportunities for cooperative data collection, coordination of data management for cost efficiency, and avoidance of duplicative effort.

(e) Other considerations. Other applicable laws, such as the MMPA, the ESA, and the Migratory Bird Treaty Act, require that Councils consider the impact of conservation and management measures on living marine resources other than fish; i.e., marine mammals and birds.

[63 FR 24235, May 1, 1998]

Formal request for reconsideration of the 2007 BSAI P. Cod TAC
13 February 2007

For the first time in the NPFMC's thirty year history, we have substantial reason to believe that its annual TAC-setting process has been compromised by the SSC, who recently recommended a 2007 BSAI P. Cod TAC of 170,720 tons instead of 203,000 tons for political reasons of its own.

We do not ascribe any blame for this anomaly to the Council, itself, because we believe, as one of your own voting members does, that you were deliberately misled by the SSC as it took revenge on Tom Casey, who not only successfully challenged the accuracy of the SS2 model, using Dr. Mark Maunder's expertise, but also convinced Grant Thompson to correct SS2 before calculating the final range for the 2007 P. Cod TAC, which included 203,000 tons.

Our concern is heightened by two events. First, when former SSC Chairman Keith Criddle openly suggested a 203,000 ton P. Cod TAC for 2007 at the December 2006 meeting, the SSC was unable to discredit his reasoning.

Second, we ask you to note the very high P. Cod CPUE achieved by our longline fleet during the 2007 A-season, which closed ***earlier*** than it did in 2006 despite two fewer CP longliners on the grounds.

NMFS's Andy Smoker's characterization of last B-season's P. Cod CPUE as "on fire" remains accurate in 2007 and cannot be scientifically ignored if the Council is determined to set the 2007 BSAI P. Cod TAC using the "best scientific information available," which one of your own voting members believes did not happen last December.

Consequently, we formally request that you vote before adjourning your February meeting to reconsider the 2007 BSAI P. Cod TAC at your March 2007 meeting, based on the credible possibility of SSC impropriety. You, the NOAA Fisheries Regional Director and the U.S. Secretary of Commerce have sufficient time and motive for a careful investigation of this alleged impropriety because the 2007 P. Cod B-season does not open again until August 15th.

Sincerely,

John Bruce (206) 399-2900

Tom Casey (206) 849-6752

Subject: FW: Statement by John Bruce
From: "Gerry Merrigan" <merrigan@gci.net>
Date: Mon, January 29, 2007 4:19 pm
To: "'Don Iverson'" <iverson@w-link.net>
Priority: Normal
Options: View Full Header | View Printable Version | View Message details

Don

>From my impressions sitting through the SSC, there were a lot of reasons they cited for not using the addenda including:

1.) Process: not going through the Plan Team (Meuter)

2.) Process: bad process resulted in hurried stock assessment. Technical adjustment or process issue (Quinn)

3.) No sensitivity analysis (Farron)

4.) Best available info needs to come in a timely basis (Hollowed)

5.) Small change in trawl selectivity has large change in output (Ianelli)

On the other hand, reasons to accept the addenda were also cited:

1.) Glitch led to a suboptimal conclusion. Re-run of the model ends up at a different solution (Kriddle)

2.) Addenda model converged well (Meuter)

In the end, the SSC went with the 176,000 citing poor and below average recruitment from 2000-04 and the fact that all the models showed a declining biomass over the next 2-3 years. There was no info leading to an alternative trajectory (nothing going up). So it was a case of how much down. So this is the "science" rationale. However, my take is that the cod industry was also being punished (by the ABC recommendation and process recommendations) for Tom Casey's behavior.

(A)

In addition to the 176,000 mt, the SSC added some process language - about model reviews having to be done by April. The Plan Team is looking at changing their public participation process.

Bringing in Dr. Maunder was a good thing. Not keeping Tom Casey in check was not a good thing. This is something that I talked about with you at the Golden Grove meeting and in Dutch Harbor, Instead of bringing in a list of points, Tom goes after individuals using quotes that are out of context. In one case his "quote" was something that somebody else told him Jim Ianelli said. Tom had some grossly invalid points and some very valid points. However the way he made his valid points almost assured that the points would not be considered. I remember you saying Don that Tom tries to hit a home run every time when we really need to get to first base. Tom goes for the instant public splash. Unfortunately, pushing issues through is a lot like fishing - a slow steady grind.

SEE Pg. 8

Maybe some of us do not work in splashy public way - but that doesn't mean we are not working. Several companies have paid Tagart to review the model and to make recommendations for research needs (like a maturity schedule) which I was able to get funded at NPRB. We sent Tagart to the 2005 meeting to review the new Stock Synthesis model. I sent that model review to both you and Tom in October.

I understand John Bruce's loyalty to hiring Tom - but I think the reality is Tom cost cod fishermen fish this year.

B

Hopefully we all learn a lesson from this exercise. Bringing in Dr. Maunder was a good thing. However, that was undone by the scientific community's reaction to Tom's antics. The science community closed ranks and sent industry a message - Attack our science but do not personally attack us.

C

Gerry

(3)

North Pacific Council Recommendations for BSAI Groundfish Specifications for the 2007-2008 Fisheries (mt)

Species	Area	2006				2007			2008		
		OFL	ABC	TAC	Catch***	OFL	ABC	TAC	OFL	ABC	TAC
Pollock*	EBS	2,090,000	1,930,000	1,478,500	1,486,004	1,640,000	1,394,000	1,394,000	1,431,000	1,318,000	1,318,000
	AI	39,100	29,400	19,000	1,742	54,500	44,500	19,000	50,300	41,000	19,000
	Bogoslof	50,600	38,000	10	0	48,000	5,220	10	48,000	5,220	10
Pacific cod**	BSAI	230,000	194,000	188,180	186,882	207,000	176,000	170,720	154,000	131,000	127,070
Sablefish	BS	3,680	3,060	2,440	1,027	3,520	2,980	2,980	3,290	2,970	2,970
	AI	3,740	3,100	2,620	1,033	3,320	2,810	2,810	3,100	2,800	2,800
Yellowfin sole	BSAI	144,000	121,000	90,686	97,648	240,000	225,000	136,000	261,000	245,000	150,000
Greenland turbot	Total	14,200	2,740	3,500	1,935	15,600	2,440	2,440	16,000	2,490	2,490
	BS		1,890	2,700	1,433		1,680	1,680		1,720	1,720
	AI		850	800	502		760	760		770	770
Arrowtooth flounder	BSAI	166,000	136,000	12,000	12,794	193,000	158,000	20,000	208,000	171,000	30,000
Northern rock sole	BSAI	150,000	126,000	41,500	36,430	200,000	198,000	55,000	271,000	268,000	75,000
Flathead sole	BSAI	71,800	59,800	19,500	17,871	95,300	79,200	30,000	92,800	77,200	45,000
Alaska plaice	BSAI	237,000	188,000	8,000	17,263	241,000	190,000	25,000	252,000	199,000	60,000
Other flatfish	BSAI	24,200	18,100	3,500	3,155	28,500	21,400	10,000	28,500	21,400	21,400
Pacific Ocean perch	BSAI	17,600	14,800	12,600	12,784	26,100	21,900	19,900	25,600	21,600	21,600
	BS		2,960	1,400	1,036		4,160	2,160		4,080	4,080
	AI total		11,840	11,200	11,748		17,740	17,740		17,520	17,520
	WAI		5,372	5,085	5,495		7,720	7,720		7,620	7,620
	CAI		3,212	3,035	3,184		5,050	5,050		5,000	5,000
	EAI		3,256	3,080	3,069		4,970	4,970		4,900	4,900
Northern rockfish	BSAI	10,100	8,530	5,000	3,761	9,750	8,190	8,190	9,700	8,150	8,150
Shortraker	BSAI	774	580	596	202	564	424	424	564	424	424
Rougheye	BSAI	299	224	223	202	269	202	202	269	202	202
Other rockfish	BSAI	1,870	1,400	1,050	570	1,330	999	999	1,330	999	999
	BS		810	460	153		414	414		414	414
	AI		590	590	417		585	585		585	585
Atka mackerel	Total	130,000	110,000	63,000	61,117	86,900	74,000	63,000	64,200	54,900	54,900
	WAI		41,360	20,000	14,563		20,600	9,600		15,300	15,300
	CAI		46,860	35,500	39,230		29,600	29,600		22,000	22,000
	EAI/BS		21,780	7,500	7,324		23,800	23,800		17,600	17,600
Squid	BSAI	2,620	1,970	1,275	1,414	2,620	1,970	1,970	2,620	1,970	1,970
Other species	BSAI	93,800	70,400	29,000	26,469	91,700	68,800	37,355	91,700	68,800	58,015
Total	BSAI	3,481,383	3,057,104	1,982,180	1,970,303	3,188,973	2,676,035	2,000,000	3,014,973	2,642,125	2,000,000

*pollock TAC respecified by 17,003 mt AI rollover

**cod TAC reduced 3% mt and respecified by 1,588 mt from state water rollover ***catch thru

***catch thru 11/4/06 (includes CDQ).

Janet Smoker

"Hook-and-line catcher/processors
For 2007, 36 catcher/processor are fishing compared to 38 C/ps in 2006. The 2007 A season allocation under the final harvest specifications will be 38,419 mt. As of 2/3, 80% of the A season allocation has been caught. At the rate of 850 mt/day a closure date calculates as February 12. In January 2006, the H&L CPs took 24,524 mt with a daily rate of about 876 mt. The highest week of catch in the 2006 A season was February 4 at 7,400 mt. In 2006 this fishery closed February 18 and in 2005 it closed February 22.

2007	mt	2006	mt
1/6/2007	5,864	1/7/06	6,957
1/13/2007	6,812	1/14/06	6,594
1/20/2007	5,401	1/21/06	5,099
1/27/2007	5,713	1/28/06	5,875
2/3/2007	6,935	2/4/06	7,405
Total	30,724		31,929 "

2/8/2007

Information Bulletin 07-15
Sustainable Fisheries Division
907-586-7228

February 9, 2007
10:45 a.m.

NMFS Closes Directed Fishing for Pacific Cod by Catcher Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands

The National Marine Fisheries Service (NMFS) is prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI), effective 12 noon, Alaska local time, February 12, 2007, according to Robert D. Mecum, Acting Administrator, Alaska Region, NMFS.

This action is necessary to prevent exceeding the A season allowance of the 2007 Pacific cod total allowable catch specified for catcher processor vessels using hook-and-line gear in the BSAI and is issued pursuant to 50 CFR 679.20(d)(1)(iii).

After the effective date of this closure the maximum retainable amounts at 50 CFR 679.20(e) and (f) apply at any time during a trip.

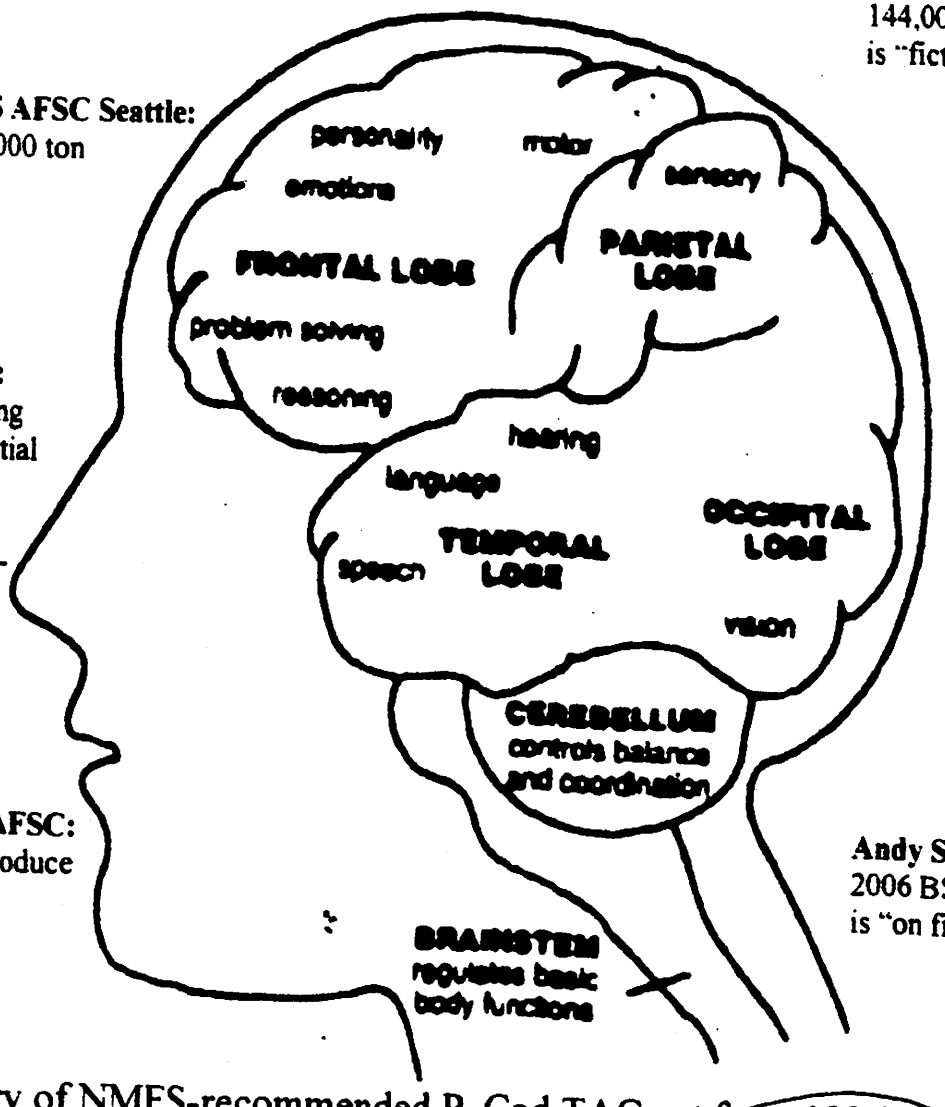
This information bulletin only provides notice of a regulatory change. For the purposes of complying with the regulatory change, you are advised to see the actual text in the Code of Federal Regulations.

(6)

Internal NMFS 2007 BSAI P. Cod TAC Estimation Conflicts

Jim Ianelli, NMFS AFSC Seattle:
144,000 ton 2007 BSAI P. Cod TAC is "fictional."

Grant Thompson, NMFS AFSC Seattle:
"We're sticking with 144,000 ton P. Cod TAC for 2007."



Bob Lauch NMFS AFSC:
Dan Nichols' P. Cod tagging study suggests that substantial numbers (50%?) of P. Cod may be located above the NMFS survey trawl's head-rope during the annual NMFS BSAI groundfish trawl survey.

DAN NICHOLS AFSC:
"IN THE ABSENCE OF ANY BEHAVIORAL RESPONSES TO AN APPROACHING TRAWL, WE WOULD EXPECT 50% AVAILABILITY FOR THE eastern Bering Sea Survey"

Doug DeMaster, NMFS AFSC:
"We are working hard to produce the best possible P. Cod assessment."

Andy Smoker, NMFS Juneau
2006 BSAI P. Cod B-season CPUE is "on fire!"

Cost to Industry of NMFS-recommended P. Cod TAC cut from 189,000 tons in 2006 to144,000 tons in 2007 exceeds ***$90,000,000***

Tom Casey tcasey *a* att.net **(206) 849-6752**

From: Don Iverson <iverson@w-link.net>
Subject: **Fwd: Acquisition of cod survey data**
Date: September 17, 2006 11:59:30 AM PDT
To: tcasey@att.net

Begin forwarded message:

From: Ray Hilborn <rayh@u.washington.edu>
Date: September 17, 2006 9:41:45 AM PDT
To: iverson@w-link.net
Cc: mmaunder@iattc.org
Subject: Re: Acquisition of cod survey data

Don:

From what Jim said it seems like you pretty well need to go to Grant - he thought the influence of Rick Methot in the lower 48 is what caused Grant to use SS2. He also said that the low 2007 PCOD TAC in the table was "fictional" in that it was just a guess and not necessarily what the TAC would be. He said the pollock ABC is going to come down a lot which should bring the pcod TAC closer to the ABC.

I don't think you need to be too worried about keeping a low profile, and you might as well come forward and say that the industry is naturally interested in what is millions of dollars in ABC change and wants to get a 2nd opinion.

Ray

For the Record

I, Don Iverson of Jubilee Fisheries, Inc., attended the entire P. Cod discussion at the November 2006 BSAI Groundfish Plan Team meeting at the Alaska Fishery Science Center.

I witnessed no abusive or disruptive behavior, let alone any threatening of anyone at the meeting.

I am glad that my representatives were able to help correct the GPT's mis-calculation of the 2007 BSAI P. Cod TAC so that their final P. cod TAC better reflected the best scientific information available as the Magnuson-Stevens Act requires.

Many Seattle and Alaska Cod families would have shared an unnecessary $65-million loss to their 2007 incomes, otherwise. Catch rates were outstanding on our boats during the 2006 P. Cod season in the Bering Sea.

Scientists and fishermen alike would benefit from better P. cod surveying in the Bering Sea and Jubilee Fisheries will certainly contribute its share to financing better, annual, Bering Sea P. cod abundance surveys in cooperation with NMFS biologists.

Signed,

12/19/06

Don Iverson
Jubilee Fisheries, Inc.
(206) 784-2592
iversonDon@w-link.net

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Day 1 of BSAI GPT meeting**
Date: September 20, 2006 10:30:08 AM PDT
To: Don Iverson <iverson@w-link.net>
Cc: sleipness@comcast.net

A

1. Grant Thompson's SS3 P. Cod Assessment Model (which could have reduced our 2007 P. Cod TAC down to 70-90 kmt from 198 kmt in 2006) is dead for now. The moment I entered the GPT meeting room, Grant announced that "Anyone who has come here on the assumption that we'll be using SS3 to determine the 2007 P. Cod TAC can turn around and go home because we won't be." Big victory for us. But don't relax yet.

B

I then asked him if he'll be sticking with the 148 kmt TAC for P. cod in 2007 which was adopted by the NPFMC last December. He acknowledged that he would be. Plus Jim Ianelli (who ran the meeting for Low) reminded me that the 148 kmt was published in the Federal Register in March 2006, making it the 2007 P. Cod TAC of record subject to tweaking at the NPFMC's December 2006 TAC setting meeting for 2007 fisheries.

Remember, our experts have characterized the process by which Grant determined the 148 kmt TAC for 2007 as "fictional." Ianelli and Thompson treated it as Gospel. So we still have substantial work ahead of us to assure the preservation of that the 198 kmt P. Cod TAC for 2006 prevails in 2007.

C

2. NMFS' Bob Lauch (who actually runs the BSAI survey) told us that one of his colleagues, Dan Nichols, will publish a peer reviewed paper in November claiming that half of the BSAI P. Cod that NMFS tries to survey with their on-bottom trawl are off bottom somewhere up in the water column where thee trawl could not possibly reach them. You could have heard a pin drop in that room of forty people for the next 2- minutes. Bottomline: BSAI P. Cod abundance may be 100% greater than NMFS thought it was and the declining abundance trend may well be a myth.

3. NMFS Mark Wilkes admitted that a dedicated P. Cod survey would do a "much better job" of assessing the actual P. Cod abundance in BSAI.

4. Russ Nelson, who took over when Gary Stauffer retired, warned that the 2007 BSAI survey budget may well shrink by 40% in 2007. Low Lee Low issued a call to arms from the industry to prevent that disaster by lobbying key Senators. I reminded people that all Robin had to do was squeal in the Old Man's D.C. office for ten minutes (on behalf of the CDQs) and the lost financing would be restored overnight. I don't think one of the scientists believed me.

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Your way versus AFSC's**
Date: November 15, 2006 3:29:29 AM PST
To: Bill Hogarth <Bill.Hogarth@noaa.gov>
Cc: Jim Balsiger <Jim.Balsiger@noaa.gov>

Bill,

I attended my first meeting of the Soviet Academy of Sciences yesterday hosted by the Alaska Fisheries Science Center in Seattle.

You can imagine, how surprised I was to find them back in session 17-years after the collapse of the Soviet Union, itself. But I assure you, they were.

For two hours and forty-five minutes, we were monologued by an employee of yours named Grant Thompson who categorically refused to accept any questions or comments during his prepared slide show.

I tried once, after thirty minutes of monologue to ask a question and another employee of yours, jim Iannelli, turned me down cold. A

One hour later, after your employee Grant Thompson, made a statement directly contradicted by the NOAA record, I asked your employee Doug DeMaster, whom Jim Balsiger encouraged me to work through, for a moment to ask a question of Grant, and again I was turned down. B

This is peculiar, Bill, because just five days ago at an industry sponsored technical seminar we paid for in Seattle, Jim Iannelli twice interrupted our speaker, Dr. Mark Maunder, to question Maunder's statements about P. cod abundance modeling and NONE of us silenced him. In fact, throughout our three hour seminar, no one was prevented from questioning the speaker because we have been taught all our lives that real science is an open, deliberative process where the best substantiated ideas prevail. So why fear debate?

That's the opposite of what I experienced yesterday at your Alaska Fisheries Science Center and I need to know if Iannelli's, Thompson's and DeMaster's Soviet Academy of Sciences approach to industry input is also yours,which I cannot believe.

The ghost of Trofim Lysenko haunted that meeting all afternoon, Bill, and stifled any rational, timely debate or discussion until the bitter end.

We take seriously what you tell us at Fish Expo each year, that open, rational, timely discussion about NOAA's fisheries management process and policy at public meetings is what you stand by and encourage us to participate in.

Your employees broke that promise yesterday by imposing a double standard on us less than a week after we indulged them. They got to question our expert on November 8th at our industry-sponsored seminar any time they wanted to do so but, yesterday, we were denied that same privilege at the AFSC.

I'm sure your employees have some convenient cover story. We just wonder if you buy it? Jim Balsiger never once in thirty years treated us like your AFSC guys did yesterday on NOAA property.

Makes us wonder what the real NOAA Fisheries modus operandi really is: public debate not wanted here! To us, that just doesn't feel like the American way.

Sincerely,
Tom Casey

P.S. I hope you'll have two minutes to talk with us at Fish Expo this week in Seattle.

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Fwd: Your way versus AFSC's**
Date: December 13, 2006 10:13:11 PM PST
To: wesley Loy <wloy@adn.com>

Wes,
I think this is the "intimidation" they're talking about.
TC

Begin forwarded message:

From: Tom Casey <tcasey@worldnet.att.net>
Date: November 15, 2006 12:55:24 PM PST
To: Jim Balsiger <Jim.Balsiger@noaa.gov>
Subject: Re: Your way versus AFSC's

Jim,

You've always been our #1 problem solver and you have earned that distinction over and over again.

At your convenience and in private I'd be gla-d to have you judge my grievance from yesterday's GPT meeting.

It bothers me that Grant started the meeting by saying we were all encouraged to disagree with him, criticize him and even suggest alternate methods of doing the same job, then he hides behind a 2 hour 45 minute filibuster and then another hour delay before we can ask him a single question..AND iannelli and DeMaster enforce the NO TIMELY PUBLIC INPUT policy.

So when Grant mercifully finished, I went up to him at the break and challenged him to a one-on-one public debate on mutually agreeable neutral ground for two hours to debate the pluses and minuses of the new SS@ model version.

Immediately, Iannelli grabs me from behind to pulls me away from Grant and says," No debates. No debates."

Remember, Jim, I'm used to those tactics from my days in Kodiak and Dutch Harbor. But I didn't react instinctively yesterday the way I would have 30-years ago. Instead, I bit my tongue and got out of there thinking DeMaster would make things right later, which he did not!

Jim you've never excluded us like DeMaster, Iannelli and Thompson did yesterday. How comes these guys can get away with those dismissive tactics on NOAA property?

I've done exactly what you recommended I do a month ago and it has gotten me less access and input than I had in September.

I just wanted to ask Bill personally if the AFSC tactics were his tactics for dealing with stake-holders trying understand the complexities of BSAI stock assessment modeling. I'm not accustomed to anything but openness from Bill since Day 1.

So why did I get hosed yesterday on NOAA owned property by so-called "NOAA scientists?"

B

Especially after Iannelli and others were allowed to interrupt Mark Maunder twice on November 8th (after Ray Hilborn asked everyone not to do so) and I get nothing but the cold shoulder from Iannelli and DeMaster yesterday?

$96-million is a hellacious amount of money for us to lose on one man's call. Especially after two previous false alarms.

Regards,
TC
(206) 849-6752

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Your veiled warning today**
Date: November 21, 2006 7:32:10 PM PST
To: Douglas Demaster <Douglas.Demaster@noaa.gov>
Cc: Jim Balsiger <Jim.Balsiger@noaa.gov>, Bill Hogarth <Bill.Hogarth@noaa.gov>, Sue Salveson <sue.salveson@noaa.gov>, Chris Oliver <chris.oliver@noaa.gov>, David Witherell <david.witherell@noaa.gov>, Mayor@ci.unalaska.ak.us

Doug,

As I told you on the phone when you called me late this afternoon, I do not mind being excluded from future GPT meetings at AFSC because two GPT members told you in writing that I "intimidated them."

During the first day of the meeting, as I promised Jim Balsiger, I raised my hand and was recognized by Jim Ianelli before each of the three times I asked a question.

The second day when we discussed P. Cod, as you recall, I asked Jim Ianelli for a tim-out during Grant's 2-hour and 45-minute monologue and I was denied, at which time I sat back down and shut up.

Ninety minutes later, when Grant directly contradicted what Dan Nichols told ICES, I walked across the room and I asked you to intervene so I could ask a question and you refused me cold with a smile.

Remember Grant's 20-minute opening speech, Doug? He encouraged us to question him, disagree with him and even contest his findings and conclusions. What was that, a ruse?

Only at the end of the entire session did I comment for less than three minutes. For someone representing the legitimate interests of BSAI P. Cod fishery stake holders, you folks treated me like dirt. It really made me wonder what you, Grant and the GPT are afraid of.

So if that's enough to get me a warning or friendly reprimand from you on the phone today, I welcome it.

You folks are required by MSA's Natonal Standard One to calculate an annual OY "for the United States fishing industry."

I can think of 90-million reasons ($'s) which are critical to many families in Dutch Harbor and Seattle why I would gladly accept your exclusion from future GPT meetings.

So I ask you to be more open to industry input during future GPT meetings and ~~not make us wait nearly four hours to ask a single brief question about very complex issues for us. We're not Ph.D's like you guys are.~~ But we've got much more at stake personally than any of you do. A

Mistakes you guys make could easily cost us our homes and businesses, while your salaries and benefit packages would not suffer a dime's loss.

I don't appreciate your casually veiled threats. But I'm getting used to them. B

Regards,
TC

P. S. If you want to 86 me from future GPT meetings for representing my clients and conducting myself within the GPT's rules of order, you go right ahead. I didn't ask for this job, I was recruited by my clients to attend your GPT meetings because they had an impossible time understanding Grant's SS2 model and the glaring contradiction between their exceptional, 2006 P. Cod catch rates (which your Andy Smoker called "on fire") and SS2's 24% TAC cut for 2007. Especially since the last two times the model predicted P. Cod TAC declines, none occurred.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

AN ACT

To provide for the conservation and management of the fisheries, and for other purposes.

J.Feder version (12/19/96)

TITLE III -- NATIONAL FISHERY MANAGEMENT PROGRAM

Part 1
Part 2

SEC. 301. NATIONAL STANDARDS FOR FISHERY 16 U.S.C. 1851

CONSERVATION AND MANAGEMENT

(a) IN GENERAL.--Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

98-623

AFTER PUNISHING TOM CASEY

Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available, MINUS THE TOM CASEY FACTOR.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

EXCEPT TOM CASEY

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

104-297

(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.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Track Record of Previously Forecast BSAI P. Cod Recruitment Failures with Recommendations for More Accurate Assessments

by

Tom Casey

(206) 849-6752 tcasey@att.net

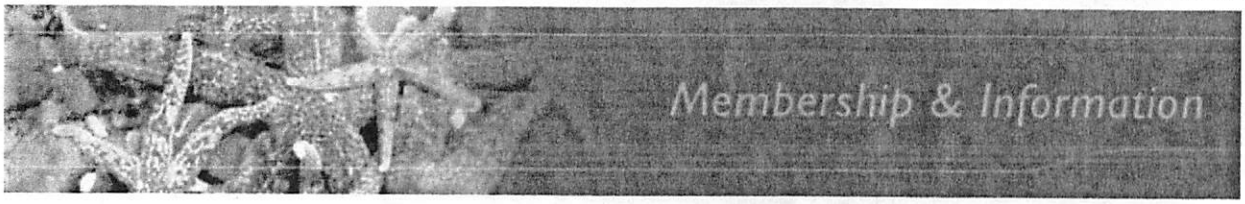
Thomas Bayes

lived from 1702 to 1761

Bayes set out his theory of probability in 1764. His conclusions were accepted by Laplace in 1781, rediscovered by Condorcet, and remained unchallenged until Boole questioned them. Since then Bayes' techniques have been subject to controversy.

Find out more at:
http://www-history.mcs.st-andrews.ac.uk/history/Mathematicians/Bayes.html

(A)



- Council
- Advisory Panel
- Scientific & Statistical Committee
- Staff
- Plan Teams
- Committees

Search our site and NOAA Fisheries

Search

Plan Teams for BSAI and GOA Groundfish and BSAI Crab

Groundfish Plan Team Meetings. The meeting will be held September 19-22, 2006 at the AFSC in Seattle DRAFT Agenda

September Plan Team Report 10/05

The *Guidelines for Fishery Management Plans (602 Guidelines)* published by the National Marine Fisheries Service (NMFS) require that a stock assessment and fishery evaluation (SAFE) report be prepared and reviewed annually for each fishery management plan (FMP). Stock Assessment and Fishery Evaluation Reports

The Stock Assessment and Fishery Evaluation (SAFE) reports for the groundfish fisheries managed by the North Pacific Fishery Management Council (NPFMC) are compiled by the respective Plan Teams from chapters contributed by scientists at NMFS' Alaska Fisheries Science Center & and the Alaska Department of Fish and Game (ADF&G). These SAFE reports include separate stock assessment and fishery evaluation sections. The stock assessment section includes recommended acceptable biological catch (ABC) levels for each stock and stock complex managed under the FMP. The ABC recommendations, together with social and economic factors, are considered by the Council in determining total allowable catches (TACs) and other management strategies for the fisheries.

Current Membership of the Fishery Management Plan Teams

Scallop	GOA Groundfish	BSAI Groundfish	BSAI Crab
• Jeff Barnhart, Chair (ADF&G) • Gretchen Harrington (NMFS) • Gregg Rosenkrantz (ADF&G) • Herman Savikko (ADF&G) • Jie Zheng (ADF&G) • Diana Stram (NPFMC) • Scott Miller (NMFS)	• Jim Ianelli, Co-Chair (AFSC) • Diana Stram, Co-Chair (NPFMC) • Theresa Tsou (WDFW) • Robert Foy (UAF) • Jeff Fujioka (AFSC/AB) • Sarah Gaichas (AFSC) • Jon Heifetz (AFSC/AB) • Kathy Kuletz (USF&W) • Sandra Lowe (AFSC) • Tory O'Connell (ADF&G) • Thomas Pearson (NMFS/Kodiak) • Nick Sagalkin (ADFG) • Bill Clark (IPHC) • Ward Testa (ASFC MML) • Ken Goldman (ADF&G)	• ~~Loh-lee Low~~, Chair (AFSC) • Mike Sigler, Vice-Chair (AFSC/AB) • Kerim Aydin (AFSC) • David Carlile (ADF&G) • Bill Clark (IPHC) • Theresa Tsou (WDFW) • Jane DiCosimo (NPFMC) • Lowell Fritz (AFSC) • Kathy Kuletz (USF&W) • Dan Lew (AFSC) • Brenda Norcross (UAF) • Andy Smoker (NMFS/RO) • Grant Thompson (AFSC) • Ivan Vining (ADF&G)	• Forrest Bowers (ADF&G/Dutch Harbor) Chairman • Gretchen Harrington (NMFS/RO) • Doug Pengilly, (ADF&G/ Kodiak) • Jack Turnock (AFSC/Seattle) • Ginny Eckert (UAF) • Joshua Greenberg (UAF) • Wayne Donaldson (ADF&G/Kodiak) • Diana Stram (NPFMC) • Shareef Siddeek (ADF&G/Juneau) • Herman Savikko (ADF&G/Juneau) • Lou Rugolo (AFSC/Kodiak)

Thomas Bayes' 300-year old theory in the hands and computers of Dr. Grant Thompson of the NPFMC's Groundfish Plan Team will cost BSAI P.cod fishermen and processors $90-million in 2007.

2006 P. Cod TAC	198,000 tons
2007 P. Cod TAC	144,000 tons
Reduction	54,000 tons
Tonnage @2,000#	108,000,000 pounds
Recovery @ 46%	50,000,000 pounds
Wholesale price @ $1.80	$90,000,000

Given the prevailing real world P. Cod CPUE's in the Bering Sea trawl, pot and longline fisheries, why not ground truth Grant's SS2 P. Cod assessment model before feeding Bering Sea sand fleas 108-million pounds next year of succulent, luscious and expensive white fish fillets for which global demand is currently "sky high"?

T. Curry -

Estimating Off-Bottom Distance from Depth-Only Archival Tag Data: Preliminary Evaluation of a Hierarchical Bayesian Methodology

Grant G. Thompson and Daniel G. Nichol

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
U.S. National Marine Fisheries Service
Alaska Fisheries Science Center
7600 Sand Point Way NE., Seattle, WA 98115-6349

Abstract

A Some types of archival tag provide estimates of fish depth but not fish location in latitude-longitude space. This makes it difficult to estimate the distance between the fish and the sea floor. A possible method for resolving this difficulty is presented here. The method uses the Kalman filter to compute a likelihood function, and applies a hierarchical Bayesian approach to stabilize parameter estimates and exploit the full information content of the data. The method is evaluated by applying it to a simulated data set, where the true parameter values are known. Median distributions of fish depth and 95% confidence intervals are estimated and shown to be close to the true values. The next step is to apply the method to existing data for Pacific cod.

B The resulting estimates may prove useful in helping to remove, or at least quantify objectively, some of the uncertainty surrounding survey catchability of Pacific cod.

From: **Tom Casey <tcasey@worldnet.att.net>**
Subject: **Day 1 of BSAI GPT meeting**
Date: **September 20, 2006 10:30:08 AM PDT**
To: **Don Iverson <iverson@w-link.net>**
Cc: **sleipness@comcast.net**

1. Grant Thompson's SS3 P. Cod Assessment Model (which could have reduced our 2007 P. Cod TAC down to 70-90 kmt from 198 kmt in 2006) is dead for now. The moment I entered the GPT meeting room, Grant announced that "Anyone who has come here on the assumption that we'll be using SS3 to determine the 2007 P. Cod TAC can turn around and go home because we won't be." Big victory for us. But don't relax yet.

I then asked him if he'll be sticking with the 148 kmt TAC for P. cod in 2007 which was adopted by the NPFMC last December. He acknowledged that he would be. Plus, Jim Ianelli (who ran the meeting for Low) reminded me that the 148 kmt was published in the Federal Register in March 2006, making it the 2007 P. Cod TAC of record subject to tweaking at the NPFMC's December 2006 TAC setting meeting for 2007 fisheries.

Remember, our experts have characterized the process by which Grant determined the 148 kmt TAC for 2007 as "fictional." Ianelli and Thompson treated it as Gospel. So we still have substantial work ahead of us to assure the preservation of that the 198 kmt P. Cod TAC for 2006 prevails in 2007.

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3. NMFS Mark Wilkes admitted that a dedicated P. Cod survey would do a "much better job" of assessing the actual P. Cod abundance in BSAI.

4. Russ Nelson, who took over when Gary Stauffer retired, warned that the 2007 BSAI survey budget may well shrink by 40% in 2007. Low Lee Low issued a call to arms from the industry to prevent that disaster by lobbying key Senators. I reminded people that all Robin had to do was squeal in the Old Man's D.C. office for ten minutes (on behalf of the CDQs) and the lost financing would be restored overnight. I don't think one of the scientists believed me.

E

ESSR Program researcher Dr. Alan Haynie conducted a survey of NMFS economists and other social scientists about their opinions on priority topics for fisheries management. The survey found that NMFS economists have encountered a wide range of topics where marine policy makers have expressed confusion. The survey produced a range of responses, but several common themes emerged:

- Biological and economic planning should happen jointly. A biologically well-managed fishery alone will not generate substantial wealth.
- Opportunity costs matter. Just because we don't pay for something doesn't mean that it is "free" to society.
- Confusion about the nature of community and national economic benefits and impacts is common.

Alan presented this research at the San Francisco NOAA Fisheries Social Scientists Meeting and at the International Symposium on Society and Resource Management (ISSRM) in Vancouver, British Columbia in June. Since Alan's initial survey, Alan has been working with NMFS headquarters economists on a new initiative to promote economic awareness throughout the agency.

By Alan Haynie

Regional Economic Models Review Paper Published

Regional or community economic analysis of proposed fishery management policies is required by the Magnuson-Stevens Fishery Conservation and Management Act, National Environmental Policy Act, and Executive Order 12866, among others. To satisfy these mandates and inform policymakers and the public of the likely regional economic impacts associated with fishery management policies, economists need appropriate economic models. There are many regional economic models available for use in analysis of fishery management. A number of studies have assessed the community economic impacts of fishery management policies in the United States using some of these models. However, there has been no comprehensive review of the regional economic studies of U.S. fisheries in the literature. Recently the paper "A Review of Regional Economic Models for Fisheries Management in the U.S." reviewing these models and studies was published in *Marine Resource Economics*. By first providing a short theoretical overview of the types of regional economic models and then offering a review of the studies that have been conducted for various fisheries throughout the U.S., this paper provides guidance on appropriate model choice in certain instances, and points out which shortcomings, especially data deficiencies, are most crucial to overcome in developing future modeling applications. One of the important conclusions in this paper is that, without reliable data obtained through a comprehensive and mandatory data collection program, it will continue to be very difficult to develop viable regional economic models for U.S. fisheries.

By Ron Felthoven

STATUS OF STOCKS & MULTISPECIES ASSESSMENT PROGRAM

National Stock Assessment Workshop

Martin Dorn and Grant Thompson of the Status of Stocks and Multispecies Assessment (SSMA) Program attended the NMFS National Stock Assessment Workshop in San Francisco, held mid-April 2006. Abstracts from their presentations follow.

POLLOCK IS GREEN! ADVENTURES IN MSC CERTIFICATION OF WALLEYE POLLOCK

In April 2005, Gulf of Alaska walleye pollock became the first federally managed fishery to be certified to meet the Marine Stewardship Council's (MSC) environmental standard for a well managed and sustainable fishery. While certification programs are relatively recent in fisheries, similar programs are well established in forestry and organic farming. The MSC's certification program has expanded rapidly since its inception in 1999, and other federally managed fisheries are likely to enter into MSC assessment in the future. The paper gave an overview of the MSC certification program and discussed some of the issues that proved contentious with the walleye pollock certification. It is hoped that the experience gained will be beneficial as other fisheries undergo the MSC certification process.

For the extended abstract and further information, please contact Martin Dorn at martin.dorn@noaa.gov.

By Martin Dorn

A DECISION-THEORETIC APPROACH TO ECOSYSTEM-BASED FISHERY MANAGEMENT

Our study concerned "ecosystem-based fishery management" in the sense that it included consideration of: 1) both target and nontarget species; 2) both consumptive and nonconsumptive values; 3) both systematic and stochastic (process error) interactions between species; and 4) both biomass estimation and parameter estimation error.

The study was conducted in four stages. Stage 1 assumed purely deterministic dynamics and known true values for all parameters and variables. The level of risk aversion did not affect the optimal fishing mortality rate, because no uncertainty existed. Stages 2 and 3 added process error and biomass estimation error (in the "management strategy evaluation" sense). The objective function was obtained in closed form. The optimal fishing mortality rate varied inversely with the level of risk aversion (the optimal fishing mortality rate for the risk-neutral case was identical to the Stage 1 optimum). Except for the risk-neutral case, the optimal fishing mortality rate was shown to depend not only on the means and variances of state variables (as has previously been shown for single-species applications) but also on covariances between state variables. Stage 4 added parameter estimation error. Parameter values and covariances were estimated via the Kalman filter. Here, it was no longer possible to obtain the objective function in closed form. The results for Stage 4 were not always straightforwardly related to those of the other stages, because parameter estimates differed from the true values.

For the extended abstract and further information, please contact Grant Thompson at grant.thompson@noaa.gov.

By Grant Thompson

Section 7 Consultation

Scientists from the REFM Division responded to a request for assistance on an Endangered Species Act (ESA) Section 7 consultation. In October 2005, the North Pacific Fishery Management Council (Council) recommended that NMFS reinitiate consultation under Section 7 of the ESA. The consultation is on the possible effects of authorizing fisheries pursuant to the Bering Sea-Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fishery management plans on ESA listed species, such as Steller sea lions, and their critical habitat under jurisdiction of NMFS. In a 29 November 2005 letter to the Council, NMFS agreed with the recommendation and described the process NMFS would follow for the consultation. NMFS plans to provide a draft Biological Opinion (Opinion) on the proposed action by mid-August 2006 and a final Opinion by late 2007.

In preparation for writing the Opinion, a consultation group was formed, consisting of representatives from Sustainable Fisheries Division (Melanie Brown), the Council (Bill Wilson), the Protected Resources Division (Shane Capron) and the AFSC (Lowell Fritz and Libby Logerwell). The consultation group developed a list of important issues related to ESA-listed Steller sea lions and their designated critical habitat and held a workshop in Seattle in February 2006 to refine those issues into a series of requests for information. A memorandum listing these requests for information was sent to AFSC Science and Research Director Doug DeMaster in mid-March 2006. REFM scientists conducted the necessary analyses and syntheses of existing information and prepared detailed responses to all of the requests for information. The responses were completed and sent to DeMaster for review in mid-May and forwarded to Protected Resources personnel responsible for drafting the Opinion.

By Elizabeth Logerwell

Bering Sea Crab Working Group Progress Report

King and Tanner crab stocks of the eastern Bering Sea (EBS) are managed under the aegis of the Bering Sea/Aleutian Islands (BSAI) King and Tanner Crab Fishery Management Plan (FMP) of the North Pacific Fishery Management Council (NPFMC). The plan provides the framework for cooperative management of these stocks between the ADF&G and NMFS. Under this framework, certain management controls such as setting of annual catch quotas and fishery restrictions are deferred to the ADF&G, while NMFS is responsible for making the two annual status determination criteria of overfishing and overfished and for insuring overall plan compliance with the provisions of the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA) and the National Standard Guidelines (NSGs).

Since 1998, four of the ecologically important and economically valuable crab stocks of the EBS have been declared overfished, and fisheries for

Historical BSAI P. Cod Recruitment Failures of Record

1. 1985-87
2. 1993-94

(2)

Table 2.4—History of Pacific cod ABC, TAC, total BSAI catch, and type of stock assessment model used to recommend ABC. Catch for 2005 is current through early October. "SS1" refers to Stock Synthesis 1. Each cell in the "Stock Assessment Model" column lists the type of model used to recommend the ABC in the corresponding row, meaning that the model was produced in the year previous to the one listed in the corresponding row.

Year	ABC	TAC	Catch	Stock assessment model (from previous year)
1980	148,000	70,700	45,947	projection of 1979 survey numbers at age
1981	160,000	78,700	63,941	projection of 1979 survey numbers at age
1982	168,000	78,700	69,501	projection of 1979 survey numbers at age
1983	298,200	120,000	103,231	projection of 1979 survey numbers at age
1984	291,300	210,000	133,084	projection of 1979 survey numbers at age
1985	347,400	220,000	150,384	projection of 1979-1985 survey numbers at age
1986	249,300	229,000	142,511	separable age-structured model
1987	400,000	280,000	163,110	separable age-structured model
1988	385,300	200,000	208,236	separable age-structured model
1989	370,600	230,681	182,865	separable age-structured model
1990	417,000	227,000	179,608	separable age-structured model
1991	229,000	229,000	219,266	separable age-structured model
1992	182,000	182,000	208,046	SS1 model (age-based data)
1993	164,500	164,500	167,389	SS1 model (length-based data)
1994	191,000	191,000	193,802	SS1 model (length-based data)
1995	328,000	250,000	245,029	SS1 model (length-based data)
1996	305,000	270,000	240,673	SS1 model (length-based data)
1997	306,000	270,000	257,762	SS1 model (length-based data)
1998	210,000	210,000	193,253	SS1 model (length-based data)
1999	177,000	177,000	173,995	SS1 model (length-based data)
2000	193,000	193,000	191,056	SS1 model (length-based data)
2001	188,000	188,000	176,659	SS1 model (length-based data)
2002	223,000	200,000	197,352	SS1 model (length-based data)
2003	223,000	207,500	209,114	SS1 model (length-based data)
2004	223,000	215,500	213,810	SS1 model (length-based data)
2005	206,000	206,000	164,404	SS1 model (length- and age-based data)

Table 2.3b—Summary of 1981-2005 catches (t) of Pacific cod in the combined Eastern Bering Sea and Aleutian Islands region by fleet sector and gear type. All catches include discards. LLine = longline, Subt. = sector subtotal. Catches for 2005 are through early October.

Eastern Bering Sea and Aleutian Islands region combined:

	Foreign			Joint Venture		Domestic Annual Processing					
Year	Trawl	LLine	Subt.	Trawl	Subt.	Trawl	LLine	Pot	Other	Subt.	Total
1981	33027	6086	39113	9159	9159	15628	27	0	14	15669	63941
1982	24557	3618	28175	13592	13592	26014	5	0	1715	27734	69501
1983	34659	6847	41506	14362	14362	46769	4	21	569	47363	103231
1984	31065	27446	58511	30772	30772	43588	8	0	205	43801	133084
1985	19606	37571	57177	41272	41272	51885	50	0	0	51935	150384
1986	13297	26563	39860	63942	63942	38430	49	63	167	38709	142511
1987	7718	47028	54746	58157	58157	48701	1417	89	0	50207	163110
1988	0	0	0	109892	109892	95404	2611	329	0	98344	208236
1989	0	0	0	44618	44618	123864	14219	164	0	138247	182865
1990	0	0	0	8078	8078	122425	47716	1389	0	171530	179608
1991	0	0	0	0	0	132806	79937	6523	0	219266	219266
1992	0	0	0	0	0	91818	102282	13829	117	208046	208046
1993	0	0	0	0	0	99102	66155	2098	35	167389	167389
1994	0	0	0	0	0	99313	85575	8184	730	193802	193802
1995	0	0	0	0	0	121530	102600	20299	599	245029	245029
1996	0	0	0	0	0	113089	94701	32617	267	240673	240673
1997	0	0	0	0	0	111273	124159	22068	262	257762	257762
1998	0	0	0	0	0	81310	98094	13657	192	193253	193253
1999	0	0	0	0	0	68339	89337	16150	169	173995	173995
2000	0	0	0	0	0	74177	97823	18956	101	191056	191056
2001	0	0	0	0	0	51482	108177	16929	71	176659	176659
2002	0	0	0	0	0	78994	103134	15058	166	197352	197352
2003	0	0	0	0	0	79059	107941	21959	156	209114	209114
2004	0	0	0	0	0	83550	112790	17239	231	213810	213810
2005	0	0	0	0	0	71078	79609	13600	116	164404	164404

436,005

606,920

↑ 33%

where's the recruitment failure?

4

Table 2.4—History of Pacific cod ABC, TAC, total BSAI catch, and type of stock assessment model used to recommend ABC. Catch for 2005 is current through early October. "SS1" refers to Stock Synthesis 1. Each cell in the "Stock Assessment Model" column lists the type of model used to recommend the ABC in the corresponding row, meaning that the model was produced in the year previous to the one listed in the corresponding row.

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1984	31065	27446	58511	30772	30772	43588	8	0	205	43801	133084
1985	19606	37571	57177	41272	41272	51885	50	0	0	51935	150384
1986	13297	26563	39860	63942	63942	38430	49	63	167	38709	142511
1987	7718	47028	54746	58157	58157	48701	1417	89	0	50207	163110
1988	0	0	0	109892	109892	95404	2611	329	0	98344	208236
1989	0	0	0	44618	44618	123864	14219	164	0	138247	182865
1990	0	0	0	8078	8078	122425	47716	1389	0	171530	179608
1991	0	0	0	0	0	132806	79937	6523	0	219266	219266
1992	0	0	0	0	0	91818	102282	13829	117	208046	208046
1993	0	0	0	0	0	99102	66155	2098	35	167389	167389
1994	0	0	0	0	0	99313	85575	8184	730	193802	193802
1995	0	0	0	0	0	121530	102600	20299	599	245029	245029
1996	0	0	0	0	0	113089	94701	32617	267	240673	240673
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1998	0	0	0	0	0	81310	98094	13657	192	193253	193253
1999	0	0	0	0	0	68339	89337	16150	169	173995	173995
2000	0	0	0	0	0	74177	97823	18956	101	191056	191056
2001	0	0	0	0	0	51482	108177	16929	71	176659	176659
2002	0	0	0	0	0	78994	103134	15058	166	197352	197352
2003	0	0	0	0	0	79059	107941	21959	156	209114	209114
2004	0	0	0	0	0	83550	112790	17239	231	213810	213810
2005	0	0	0	0	0	71078	79609	13600	116	164404	164404

361,191

↑ 1%

where's the recruitment failure?

Outlook

In anticipation of another "perceived" P. Cod recruitment failure in 2001, 2002 and 2003, the NPFMC and the SOC had published in the Federal Register last March a projected 2007 P. Cod TAC of 148,000 mt, down 25% from the 2006 TAC.

At its December 2006 meeting, the NPFMC will recommend a 2008 P. Cod TAC not much above 100,000 mt, which will constitute an approximately 45% drop from 2006. Most likely the SOC will adopt that recommendation and publish it in the Federal Register during March 2007.

Reality Check

Yet the real world CPUE for lomgliners, pot boats and trawlers in the BSAI P. Cod fishery has shown no sign of declining abundance or catchability. In fact, the Discovery Channel recently documented a late winter 2006 P. Cod trip made by Sig Hansen's FV Northwestern during which they caught and delivered into Akutan approximately 100,000 pounds of round P. Cod from Unimak Island grounds in just 72-hours.

Catch rates of P. Cod in April, especially, from Unimak Pass grounds were even better.

Moral of the Story

1. Who are you going to believe, the "evolving" SS2 model or your lying eyes?

2. He who lives by hypothetical simulation, dies by it.

3. Forego regular, "empirical" reality checks at your own peril and your local economy's expense.

Recommendations

1. Stop or immediately supplement the federal defunding of the annual NMFS BSAI summer trawl survey, projected to take as much as a 40% hit in 2007.

2. Survey BSAI groundfish abundance as densely as the IPHC surveys halibut abundance: four samples, not just one, per 400 square miles.

3. Fast track Dan Nichols' P. Cod pressure tag recovery research so that the GPT can use Dan's results at its November 2006 meeting and so that the peer-reviewed results can be incorporated into the NPFMC's TAC-setting process for 2007.

   Why? Because Dan's preliminary results suggest that 50% of the P. Cod stock is located in the water column above the headrope when NMFS conducts its summer BSAI groundfish survey.

federal register

Friday
May 1, 1998

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 600

Magnuson-Stevens Act Provisions; National Standard Guidelines; Final Rule

to a Council request, may implement interim measures to reduce overfishing under section 305(c) of the Magnuson-Stevens Act, until such measures can be replaced by an FMP, FMP amendment, or regulations taking remedial action.

(i) These measures may remain in effect for no more than 180 days, but may be extended for an additional 180 days if the public has had an opportunity to comment on the measures and, in the case of Council-recommended measures, the Council is actively preparing an FMP, FMP amendment, or proposed regulations to address overfishing on a permanent basis. Such measures, if otherwise in compliance with the provisions of the Magnuson-Stevens Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.

(ii) If interim measures are made effective without prior notice and opportunity for comment, they should be reserved for exceptional situations, because they affect fishermen without providing the usual procedural safeguards. A Council recommendation for interim measures without notice-and-comment rulemaking will be considered favorably if the short-term benefits of the measures in reducing overfishing outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants in the fishery.

(f) *OY*—(1) *Definitions.* (i) The term "optimum," with respect to the yield from a fishery, means the amount of fish that 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; that is prescribed on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery.

(ii) In national standard 1, use of the phrase "achieving, on a continuing basis, the OY from each fishery" means producing, from each fishery, a long-term series of catches such that the average catch is equal to the average OY and such that status determination criteria are met.

(2) *Values in determination.* In determining the greatest benefit to the Nation, these values that should be weighed are food production, recreational opportunities, and protection afforded to marine ecosystems. They should receive serious attention when considering the economic, social, or ecological factors used in reducing MSY to obtain OY.

(i) The benefits of food production are derived from providing seafood to consumers, maintaining an economically viable fishery together with its attendant contributions to the national, regional, and local economies, and utilizing the capacity of the Nation's fishery resources to meet nutritional needs.

(ii) The benefits of recreational opportunities reflect the quality of both the recreational fishing experience and non-consumptive fishery uses such as ecotourism, fish watching, and recreational diving, and the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(iii) The benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining evolutionary and ecological processes (e.g., disturbance regimes, hydrological processes, nutrient cycles), maintaining the evolutionary potential of species and ecosystems, and accommodating human use.

(3) *Factors relevant to OY.* Because fisheries have finite capacities, any attempt to maximize the measures of benefit described in paragraph (f)(2) of this section will inevitably encounter practical constraints. One of these is MSY. Moreover, various factors can constrain the optimum level of catch to a value less than MSY. The Magnuson-Stevens Act's definition of OY identifies three categories of such factors: Social, economic, and ecological. Not every factor will be relevant in every fishery. For some fisheries, insufficient information may be available with respect to some factors to provide a basis for corresponding reductions in MSY.

(i) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery. Other factors that may be considered include the cultural place of subsistence fishing, obligations under Indian treaties, and worldwide nutritional needs.

(ii) *Economic factors.* Examples are prudent consideration of the risk of overharvesting when a stock's size or productive capacity is uncertain, satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S.-harvested fish. Other factors that may be considered include the value of fisheries, the level of capitalization, the decrease in cost per unit of catch afforded by an increase in stock size, and the attendant increase in catch per unit of effort, alternate employment opportunities, and economies of coastal areas.

(iii) *Ecological factors.* Examples are stock size and age composition, the vulnerability of incidental or unregulated stocks in a mixed-stock fishery, predator-prey or competitive interactions, and dependence of marine mammals and birds or endangered species on a stock of fish. Also important are ecological or environmental conditions that stress marine organisms, such as natural and manmade changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(4) *Specification.* (i) The amount of fish that constitutes the OY should be expressed in terms of numbers or weight of fish. However, OY may be expressed as a formula that converts periodic stock assessments into target harvest levels; in terms of an annual harvest of fish or shellfish having a minimum weight, length, or other measurement; or as an amount of fish taken only in certain areas, in certain seasons, with particular gear, or by a specified amount of fishing effort.

(ii) Either a range or a single value may be specified for OY. Specification of a numerical, fixed-value OY does not preclude use of annual target harvest levels that vary with stock size. Such target harvest levels may be prescribed on the basis of an OY control rule similar to the MSY control rule described in paragraph (c)(1)(ii) of this section, but designed to achieve OY on average, rather than MSY. The annual harvest level obtained under an OY control rule must always be less than or equal to the harvest level that would be obtained under the MSY control rule.

(iii) All fishing mortality must be counted against OY, including that resulting from bycatch, scientific research, and any other fishing activities.

(iv) The OY specification should be translatable into an annual numerical estimate for the purposes of establishing any TALFF and analyzing impacts of the management regime. There should be a mechanism in the FMP for periodic reassessment of the OY specification, so that it is responsive to changing circumstances in the fishery.

(v) The determination of OY requires a specification of MSY, which may not always be possible or meaningful. However, even where sufficient scientific data as to the biological characteristics of the stock do not exist,

not an excuse for not taking action. Uncertainty concerning the desirable and undesirable effects of minimizing bycatch and bycatch mortality should be dealt with similarly. (See also the response to comment 35 under national standard 9).

Comment 33. One commenter stated that there are no criteria or methods for establishing criteria for determining how much bycatch is too much.

Response. NMFS disagrees. Section 600.350(d)(3) provides a list of criteria for evaluating the impacts of bycatch. Each Council must determine how much bycatch is too much by balancing the various factors that will maximize the net benefits to the Nation (see also the response to comment 24 under national standard 9). Language that includes the maximization of net benefits to the Nation has been added to § 600.350(d)(3). The legislative history of the SFA includes the following floor statement by Congressman Young: "'Practicable' requires an analysis of the cost of imposing a management action; the Congress does not intend to ...impose costs on fishermen and processors that cannot be reasonably met."

Comment 34. Several commenters stated that Councils should prioritize their actions to address those fisheries that have not only the greatest bycatch rate, but also the greatest amount of bycatch.

Response. NMFS agrees that the Councils will need to prioritize their actions to address those fisheries where actions to reduce bycatch can have the greatest impact. Each Council will have to determine the basis for setting its priorities.

Comment 35. One commenter stated that the final rule must clearly reflect that Councils are not constrained from acting when faced with uncertainty surrounding one or several items included in § 600.350(d)(3).

Response. NMFS agrees. The Councils must take action to ensure the sustainability of the Nation's marine fishery resources. National standard 2 specifically requires that conservation and management measures be based on the best scientific information available. Where there is uncertainty surrounding any of the items in § 600.350(d)(3), Councils should adhere to the precautionary approach stated in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries (Article 6.5). The Code specifically states, "The absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species and non-target species and their environment." Language to that effect has been added to § 600.350(d)(3).

Comment 36. Several commenters noted that requirements to implement monitoring programs in FMPs may prevent approval. Such requirements could be an administrative burden for the Councils and be very costly to implement.

Response. NMFS disagrees. Section 303(a)(11) of the Magnuson-Stevens Act specifically requires the Councils to establish, for each fishery, a "standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery." The statute makes no allowance for the financial or administrative burden of establishing such reporting programs. It is clear that, in order to be able to assess the amount and type of bycatch occurring in various fisheries, monitoring programs must be established.

Comment 37. One commenter stated that data collection from all fishermen must be made a high priority.

Response. NMFS agrees and notes that the uncertainty surrounding estimates of the types and amounts of bycatch cannot be reduced without the cooperation and involvement of all components of the fisheries.

National Standard 10

Nine commenters commented specifically on national standard 10. All were positive and most substantive comments were directed at making the standard more restrictive. Several commenters gave unqualified support to the standard. One commenter urged that NMFS work aggressively with the Councils "to ensure that safety is constantly considered in fishery management."

Comment 1: One commenter noted that no criteria were provided for the phrase "to the extent practicable" in national standard 10, as were provided for national standard 9.

Response: NMFS disagrees. Section 600.355(b)(2) directly addresses these concerns.

Comment 2: One commenter noted "while it is stated clearly in the opening paragraph of the regulatory text (§ 600.355(b)(1)) that this standard [is] not meant to 'give preference to one method of managing a fishery over another,' the suggested mitigation management measures are replete with inappropriate implicit endorsement of ITQs (individual transferrable quotas) that directly undermine that provision." These references include "limiting the number of participants in the fishery," "spreading effort over time and area," and "implementing management measures that reduce the race for fish."

Response: The mitigation measures do not necessarily endorse ITQs. While ITQs may be one way to solve some problems with safety of life at sea and reduce the "race for fish," they are not the only way. Vessel/license limitation systems have been and are being adopted without ITQs, such as in the Alaska crab and groundfish fisheries. In New England, the use of "days at sea" has spread effort over time and area without creating a "race for fish." The term "race for fish" was used in the discussion of the bill that became the SFA, to describe the intensive fisheries that have developed at the expense of safety. As a primary reason for the establishment of this national standard, NMFS believes the term captures the intent of Congress and the legislation.

Comment 3: One commenter recommended that the national standard 10 guidelines require that Councils establish mandatory, standardized, accurate, and complete injury reporting requirements.

Response: NMFS agrees in part. Domestic fishing vessels are already required to report this information to the U.S. Coast Guard (USCG) under provisions at 46 CFR parts 4 and 28. This information can be made available through the USCG, and reports compared against vessels participating in the fisheries. Guidance on contents of SAFE reports at § 600.315(e)(1)(ii) has been revised to include consideration of safety issues.

Comment 4: One commenter recommended that the statement "This standard is not meant to give preference to one method of managing a fishery over another," should be deleted or replaced by, "While this standard is not meant to give preference to one method of managing a fishery over another, it should be considered a significant factor in allocation and other management decisions and the Council should provide rational justification why the safest method is not being used." Common sense would dictate that the safer management regime be used.

Response: NMFS disagrees and believes the guidance, as proposed, is accurate.

Comment 5: One commenter recommended that the term "safety of human life at sea" should be modified to read "safety of human life and limb at sea" to emphasis reduction in injuries as well as loss of life.

Response: NMFS considers the term "safety of human life at sea" to include not only safety of life, but safety of limb and the general operating environment, as well, to the extent that fishery

a given stock size is associated with a given level of fishing mortality and a given level of potential harvest, where the long-term average of these potential harvests provides an estimate of MSY.

(ii) Any MSY values used in determining OY will necessarily be estimates, and these will typically be associated with some level of uncertainty. Such estimates must be based on the best scientific information available (see § 600.315) and must incorporate appropriate consideration of risk (see § 600.335). Beyond these requirements, however, Councils have a reasonable degree of latitude in determining which estimates to use and how these estimates are to be expressed. For example, a point estimate of MSY may be expressed by itself or together with a confidence interval around that estimate.

(iii) In the case of a mixed-stock fishery, MSY should be specified on a stock-by-stock basis. However, where MSY cannot be specified for each stock, then MSY may be specified on the basis of one or more species as an indicator for the mixed stock as a whole or for the fishery as a whole.

(iv) Because MSY is a long-term average, it need not be estimated annually, but it must be based on the best scientific information available, and should be re-estimated as required by changes in environmental or ecological conditions or new scientific information.

(3) *Alternatives to specifying MSY.* When data are insufficient to estimate MSY directly, Councils should adopt other measures of productive capacity that can serve as reasonable proxies for MSY, to the extent possible. Examples include various reference points defined in terms of relative spawning per recruit. For instance, the fishing mortality rate that reduces the long-term average level of spawning per recruit to 30–40 percent of the long-term average that would be expected in the absence of fishing may be a reasonable proxy for the MSY fishing mortality rate. The long-term average stock size obtained by fishing year after year at this rate under average recruitment may be a reasonable proxy for the MSY stock size, and the long-term average catch so obtained may be a reasonable proxy for MSY. The natural mortality rate may also be a reasonable proxy for the MSY fishing mortality rate. If a reliable estimate of pristine stock size (i.e., the long-term average stock size that would be expected in the absence of fishing) is available, a stock size approximately 40 percent of this value may be a reasonable proxy for the MSY stock size, and the product of this stock size and the natural mortality rate may be a reasonable proxy for MSY.

(d) *Overfishing*—(1) *Definitions.* (i) "To overfish" means to fish at a rate or level that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis.

(ii) "Overfishing" occurs whenever a stock or stock complex is subjected to a rate or level of fishing mortality that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis.

(iii) In the Magnuson-Stevens Act, the term "overfished" is used in two senses: First, to describe any stock or stock complex that is subjected to a rate or level of fishing mortality meeting the criterion in paragraph (d)(1)(i) of this section, and second, to describe any stock or stock complex whose size is sufficiently small that a change in management practices is required in order to achieve an appropriate level and rate of rebuilding. To avoid confusion, this section uses "overfished" in the second sense only.

(2) *Specification of status determination criteria.* Each FMP must specify, to the extent possible, objective and measurable status determination criteria for each stock or stock complex covered by that FMP and provide an analysis of how the status determination criteria were chosen and how they relate to reproductive potential. Status determination criteria must be expressed in a way that enables the Council and the Secretary to monitor the stock or stock complex and determine annually whether overfishing is occurring and whether the stock or stock complex is overfished. In all cases, status determination criteria must specify both of the following:

(i) *A maximum fishing mortality threshold or reasonable proxy thereof.* The fishing mortality threshold may be expressed either as a single number or as a function of spawning biomass or other measure of productive capacity. The fishing mortality threshold must not exceed the fishing mortality rate or level associated with the relevant MSY control rule. Exceeding the fishing mortality threshold for a period of 1 year or more constitutes overfishing.

(ii) *A minimum stock size threshold or reasonable proxy thereof.* The stock size threshold should be expressed in terms of spawning biomass or other measure of productive capacity. To the extent possible, the stock size threshold should equal whichever of the following is greater: One-half the MSY stock size, or the minimum stock size at which rebuilding to the MSY level would be expected to occur within 10 years if the stock or stock complex were exploited at the maximum fishing mortality threshold specified under paragraph (d)(2)(i) of this section. Should the actual size of the stock or stock complex in a given year fall below this threshold, the stock or stock complex is considered overfished.

(3) *Relationship of status determination criteria to other national standards*—(i) *National standard 2.* Status determination criteria must be based on the best scientific information available (see § 600.315). When data are insufficient to estimate MSY, Councils should base status determination criteria on reasonable proxies thereof to the extent possible (also see paragraph (c)(3) of this section). In cases where scientific data are severely limited, effort should also be directed to identifying and gathering the needed data.

(ii) *National standard 3.* The requirement to manage interrelated stocks of fish as a unit or in close coordination notwithstanding (see § 600.320), status determination criteria should generally be specified in terms of the level of stock aggregation for which the best scientific information is available (also see paragraph (c)(2)(iii) of this section).

(iii) *National standard 6.* Councils must build into the status determination criteria appropriate consideration of risk, taking into account uncertainties in estimating harvest, stock conditions, life history parameters, or the effects of environmental factors (see § 600.335).

(4) *Relationship of status determination criteria to environmental change.* Some short-term environmental changes can alter the current size of a stock or stock complex without affecting the long-term productive capacity of the stock or stock complex. Other environmental changes affect both the current size of the stock or stock complex and the long-term productive capacity of the stock or stock complex.

(i) If environmental changes cause a stock or stock complex to fall below the minimum stock size threshold without affecting the long-term productive capacity of the stock or stock complex, fishing mortality must be constrained sufficiently to allow rebuilding within an acceptable time frame (also see paragraph (c)(4)(ii) of this section). Status determination criteria need not be respecified.

(ii) If environmental changes affect the long-term productive capacity of the stock or stock complex, one or more components of the status determination criteria must be respecified. Once status determination criteria have been respecified, fishing mortality may or may not have to be reduced, depending

or where the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size diminish the meaningfulness of the MSY concept, the OY must still be based on the best scientific information available. When data are insufficient to estimate MSY directly, Councils should adopt other measures of productive capacity that can serve as reasonable proxies for MSY to the extent possible (also see paragraph (c)(3) of this section).

(vi) In a mixed-stock fishery, specification of a fishery-wide OY may be accompanied by management measures establishing separate annual target harvest levels for the individual stocks. In such cases, the sum of the individual target levels should not exceed OY.

(5) *OY and the precautionary approach.* In general, Councils should adopt a precautionary approach to specification of OY. A precautionary approach is characterized by three features:

(i) Target reference points, such as OY, should be set safely below limit reference points, such as the catch level associated with the fishing mortality rate or level defined by the status determination criteria. Because it is a target reference point, OY does not constitute an absolute ceiling, but rather a desired result. An FMP must contain conservation and management measures to achieve OY, and provisions for information collection that are designed to determine the degree to which OY is achieved on a continuing basis—that is, to result in a long-term average catch equal to the long-term average OY, while meeting the status determination criteria. These measures should allow for practical and effective implementation and enforcement of the management regime, so that the harvest is allowed to reach OY, but not to exceed OY by a substantial amount. The Secretary has an obligation to implement and enforce the FMP so that OY is achieved. If management measures prove unenforceable—or too restrictive, or not rigorous enough to realize OY—they should be modified; an alternative is to reexamine the adequacy of the OY specification. Exceeding OY does not necessarily constitute overfishing. However, even if no overfishing resulted from exceeding OY, continual harvest at a level above OY would violate national standard 1, because OY was not achieved on a continuing basis.

(ii) A stock or stock complex that is below the size that would produce MSY should be harvested at a lower rate or level of fishing mortality than if the stock or stock complex were above the size that would produce MSY.

(iii) Criteria used to set target catch levels should be explicitly risk averse, so that greater uncertainty regarding the status or productive capacity of a stock or stock complex corresponds to greater caution in setting target catch levels. Part of the OY may be held as a reserve to allow for factors such as uncertainties in estimates of stock size and DAH. If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to domestic or foreign fishermen, if necessary.

(6) *Analysis.* An FMP must contain an assessment of how its OY specification was determined (section 303(a)(3) of the Magnuson-Stevens Act). It should relate the explanation of overfishing in paragraph (d) of this section to conditions in the particular fishery and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. A Council must identify those economic, social, and ecological factors relevant to management of a particular fishery, then evaluate them to determine the amount, if any, by which MSY exceeds OY. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation. If overfishing is permitted under paragraph (d)(6) of this section, the assessment must contain a justification in terms of overall benefits, including a comparison of benefits under alternative management measures, and an analysis of the risk of any species or ecologically significant unit thereof reaching a threatened or endangered status, as well as the risk of any stock or stock complex falling below its minimum stock size threshold.

(7) *OY and foreign fishing.* Section 201(d) of the Magnuson-Stevens Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States.

(i) *DAH.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(ii) *DAP.* Each FMP must assess the capacity of U.S. processors. It must also assess the amount of DAP, which is the sum of two estimates: The estimated amount of U.S. harvest that domestic processors will process, which may be based on historical performance or on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and the estimated amount of fish that will be harvested by domestic vessels, but not processed (e.g., marketed as fresh whole fish, used for private consumption, or used for bait).

(iii) *JVP.* When DAH exceeds DAP, the surplus is available for JVP. JVP is derived from DAH.

5. In § 600.315, paragraphs (e)(3) and (e)(4) are redesignated as paragraphs (e)(4) and (e)(5), respectively; new paragraph (e)(3) is added; and paragraphs (c)(2), (c)(3), (e)(1) introductory text, (e)(1)(ii), and newly redesignated (e)(4) are revised to read as follows:

§ 600.315 National Standard 2—Scientific information.

* * * * *

(c) * * *

(2) An FMP should identify scientific information needed from other sources to improve understanding and management of the resource, marine ecosystem, and the fishery (including fishing communities).

(3) The information submitted by various data suppliers should be comparable and compatible, to the maximum extent possible.

* * * * *

(e) * * *

(1) The SAFE report is a document or set of documents that provides Councils with a summary of information concerning the most recent biological condition of stocks and the marine ecosystems in the FMU and the social and economic condition of the recreational and commercial fishing interests, fishing communities, and the fish processing industries. It summarizes, on a periodic basis, the best available scientific information concerning the past, present, and possible future condition of the stocks, marine ecosystems, and fisheries being managed under Federal regulation.

* * * * *

(ii) The SAFE report provides information to the Councils for determining annual harvest levels from each stock, documenting significant trends or changes in the resource, marine ecosystems, and fishery over time, and assessing the relative success of existing state and Federal fishery management programs. Information on bycatch and safety for each fishery should also be summarized. In addition, the SAFE report may be used to update or expand previous environmental and regulatory impact documents, and ecosystem and habitat descriptions.

* * * * *

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Please revise the 2007 BSAI P. Cod TAC to reflect Dan Nichols' research**
Date: September 22, 2006 5:19:08 AM PDT
To: Jim Balsiger <Jim.Balsiger@noaa.gov>
Cc: Chris Oliver <chris.oliver@noaa.gov>, suesalveson@noaa.gov, David Witherell <david.witherell@noaa.gov>

Jim,

As you know, P. Cod prices are record high in Dutch Harbor and Akutan now, $.56/lb. Some of our guys have earned as much or more from pot-caught P. Cod as they have from Opis this year.

At this week's BSAI Groundfish Plan Team Meeting here in Seattle, NMFS' Bob Lauch and Grant Thompson revealed to us that Dan Nichols' research on P. Cod pressure-sensitive tagging shows that 50-percent of the Cod stock is located in the water column above the survey trawl's headrope during the survey process.

In other words, Q in SS2 should be changed from less than 1.0 to at least 1.8, thereby doubling the 2007 P. Cod ABC and TAC.

Yesterday Grant told us that Dan Nichols has completed decoding 11 of the 252 available pressure-sensitive tags. We request your intervention to assure that Dan has the resources to decode as many more as possible during the next 30-days so that the data can be used by the GPT and SSC to set a "realistic BSAI P. Cod TAC for 2007" based on the best scientific information available.

For the record, Jim, during the first day of the GPT meeting, when I asked how concerned any of the scientists were about the inherent 32,000 to 1 extrapolation process of the annual NMFS survey's area swept abundance estimation process, one of them told me "Look Gallop only surveys a hundred voters in fifty states for his work," implying consensus statistical validity to that huge ration.

So why wouldn't you, Bill, NMFS and the NPFMC consider Dan Nichols' work to be hundreds of times more statistically valid at today's 11 to 252 ratio? And how much more valid could it be made during the next 30-days with direction from NMFS leadership?

We need your help, Jim. For more than 25-years when the chips were down, you saved our asses. We really need your intervention on this one, young man. We sense that "the best scientific information available" is about to be swept under the rug at a huge expense to Alaska, Washington and Oregon families that need it bad.

Regards,
TC

From: Tom Casey <tcasey@worldnet.att.net>
Subject: **Correction for Q if Dan Nichols is right**
Date: September 25, 2006 2:50:42 PM PDT
To: Jim Balsiger <Jim.Balsiger@noaa.gov>
Cc: suesalveson@noaa.gov, Chris Oliver <chris.oliver@noaa.gov>, David Witherell <david.witherell@noaa.gov>

Jim,

If Dan Nichols pressure sensitive tagging estimate that one-half of all BSAI P. Cod are located in the water column above the headrope of the BSAI survey trawl, the corrected value of Q should be half of what it currently is assumes to be, not double, as a mistakenly suggested yesterday. Q = .5, not 1.8.

Regards,
TC

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From: iverson@w-link.net
Subject: **[Fwd: RE: [Fwd: Day 1 of BSAI GPT meeting]]**
Date: September 25, 2006 2:46:12 PM PDT
To: tcasey@att.net

---------- Original Message ----------
Subject: RE: [Fwd: Day 1 of BSAI GPT meeting]
From: "Mark Maunder" <mmaunder@iattc.org>
Date: Mon, September 25, 2006 2:20 pm
To: iverson@w-link.net

Don,

Sorry that it took me a while to write this, but I was interpreted half way through.

A

If the catchability of the trawl survey is halved, the estimate of the biomass will approximately double. Since the fishing mortality rate is approximately equal to the catch divided by the abundance and the catch is fixed, the current fishing mortality rate will approximately halve. However, the TAC is basically the product of the abundance and the fishing mortality rate used in the harvest rule. The fishing mortality rate used in the harvest rule is a function of many model parameters including the natural mortality and the age-specific selectivity of the fishing gear. Many of these parameters are estimated by the stock assessment model. The stock assessment model estimates these parameters by fitting to the data (making the model predictions closest to the data). The survey abundance estimates are one type of data the model is fit to. Therefore, if the survey abundance estimates change, the estimates of the fishing mortality rate used in the harvest rule may also change. Because the assessment model is complicated, it is often not possible to guess which way this fishing mortality will change without re-running the assessment model. Therefore, a doubling of the abundance may not necessarily result in a doubling of the TAC.

B

BUT IT SURE AS HELL SHOULDN'T EITHER!

C

If the 11 original archival tags and the additional 32 additional archival tags are a random sample from the total 252 archival tags (i.e. they all had the same chance of being selected for analysis) then results from the 42 tags should be reasonable and unbiased. The main concern is if 42 tags are enough to get enough certainty in the results. The confidence intervals from their paper are 0.37 to 0.81, more tags would reduce this. A problem would occur if the tags were not selected at random (i.e. they have characteristics in common e.g. they all came for one area) and they all had higher or lower depts.

AFSC
GOAL: ANALYZE MAXIMUM NUMBER OF NICHOLS' TAGS BEFORE NOVEMBER GPT MEETING

I would have to take a closer look at the paper to provide more details.

Regards,

Mark

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Groundfish Plan Team Meetings

September 19th-21st, 2005

Joint GOA/BSAI Groundfish Plan Team

Introduction

The Bering Sea/Aleutian Island Groundfish Plan Team and the Gulf of Alaska Groundfish Plan Team met jointly on September 19-21, 2005 to review a number of management initiatives, survey results, and new stock assessment models.

Jim Ianelli noted that despite these efforts, the overall level of review for critical assessments for North Pacific groundfish has declined over the past several years due to increasing numbers (and size) of stock assessments and management analyses. The Plan Teams and SSC should continue to strive to improve the level of review for these documents.

pg. 2

BSAI Pacific cod model. Grant Thompson summarized the new Pacific cod model using stock synthesis 2 (SS2). To focus attention on differences between models, no new data were used in the analysis, except for an updated estimate of the maturity schedule (Stark, in review). Overall the model was seen to be an improvement over earlier versions and despite some technical difficulties with implementing SS2 in the long run the conversion will provide a number of benefits for the analyst and reviewers.

The Teams suggested using the longline survey data in the model. Grant noted that he would consider using those data in the future (possibly next year) and has tried to do so in the past, but without much success. The new model framework will facilitate adding these types of data.

pg. 7

So, did he or not?

Chapter 2: Assessment of the Pacific Cod Stock in the Eastern Bering Sea and Aleutian Islands Area

Grant G. Thompson and Martin W. Dorn

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Alaska Fisheries Science Center
7600 Sand Point Way NE., Seattle, WA 98115-6349

check 2006 version to see if Grant included actual longline data as requested.

EXECUTIVE SUMMARY

Summary of Major Changes

Relative to the November edition of last year's BSAI SAFE report, the following substantive changes have been made in the Pacific cod stock assessment.

Changes in the Input Data

1) Catch data for 1964-1977 were incorporated, catch data for 2004 were updated, and preliminary catch data for 2005 were incorporated.
2) Size composition data from the 1974-1977 commercial fisheries were incorporated, size composition data from the 2004 commercial fisheries were updated, and preliminary size composition data from the 2005 commercial fisheries were incorporated.
3) Size composition data from the 2005 EBS shelf bottom trawl survey were incorporated.
4) The biomass estimate from the 2005 EBS shelf bottom trawl survey was incorporated (the 2005 estimate of 603,788 t was up about 1% from the 2004 estimate).
5) Age composition data from the 1996-1997 EBS shelf bottom trawl surveys were incorporated.
6) Length-at-age data from the 1996-1997 EBS shelf bottom trawl surveys were incorporated.
7) A new maturity-at-length schedule was incorporated.
8) Average bottom temperatures from the 1982-2005 shelf surveys were incorporated.

Changes in the Assessment Model

Three alternative models are presented. Model 1 is identical to last year's model, which was developed using the Stock Synthesis 1 assessment software that has formed the basis of the EBS Pacific cod model since 1993. Models 2 and 3 were developed under the new Stock Synthesis 2 assessment software, which uses automatic differentiation (via the ADMB programming language) to minimize the objective function rather than the finite-difference algorithm used in Stock Synthesis 1. In addition, Stock Synthesis 1 and Stock Synthesis 2 differ with respect to several technical details which are described in the main text of this chapter. The primary difference between Model 2 and Model 3 is that Model 2 fixes the natural mortality rate M and the EBS shelf bottom trawl survey catchability coefficient Q at values of 0.37 and 1.00, respectively (identical to the values assumed in Model 1), whereas Model 3 allows the values of these two parameters to be estimated internally.

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Presented by
Brent Paine for
Mr. Tippett

Area 610 testimony February 2007

Madame Chair, members of the Council. My name is Ken Tippett, I work for Wards Cove packing as fleet manager for Alaska Boat Co. Alaska Boat manages several AFA qualified vessels that fish in the Bering Sea. All of these vessels used to fish in the Western Gulf area 610 for Pollock, but with the imposition of stricter Stellar Sea Lion rules in 2000 it became impossible for these vessels to continue fishing in the Western Gulf. I have never figured out how not allowing a vessel to fish Pollock in both the Bering Sea and Western GOA within the same 6 month period is supposed to save sea lions. The vacuum created by not allowing the Bering Sea Pollock fleet to fish the Western GOA as they had traditionally done was quickly filled by new entrants in the Western GOA Pollock fishery. The graph I passed around shows the historic harvest of Pollock in the area 610 by AFA vessels. The AFA fleet used to harvest around 61% of the area 610 pollock, but since the imposition of the SSL regulations they dropped to harvesting only 20 to 23 percent. However even though the AFA fleet harvest only a fraction of their historical amount in Area 610 that fishery is measured in hours not days.

On page 13 of the AFA Interco-operative report shows in area 610 that of the 17,674 MT sideboard the AFA fleet only harvested 4,725 tons in 2006. We often lose sight of the fact that the sideboards are not a quota for the AFA fleet but a restriction we cannot exceed. It is still an open access fishery with a race for fish. With a small TAC and a large efficient fleet that Area 610 now has the TAC will be caught quickly posing problems for in season management. The 2006 B season is a prime example. The TAC was 4500 tons. In the matter of 3 days the fleet caught 7500 tons. Bag transfers are blamed for this overage but it is not so. Our co-op caught less than 1000 tons for this opening. The vessels fishing would have probably been able to have caught 600 tons and delivered that to the plant on their own. This tendering operation increased their catch by less than 400 tons at the most. That is a far cry less than the 3000 tons the 2006 B season TAC was exceeded.

There too many vessels pursuing too few fish. Aside from rationalizing this fishery the only hope to slow this fishery down is to restrict the ability for the vessels to offload. If the fish is required to be delivered to the plant that will process the fish this fishery would slow way down. This not only means no bag transfers and no tendering but also no transporting of fish from one plant to be processed by a more efficient plant outside the area. By delivering to a shoreside plant, weighing the fish and then immediately putting that fish on a "transporter" the 600,000 pound tender regulation can be circumvented. I would whole heartedly support a 150 ton per 24 hour catch limit that required the vessel to deliver to the plant that will process the fish. Eliminate all tenders. And this has to include the transporting of the Pollock from one processing plant to another.

Thanks you for your time.

Ken Tippett

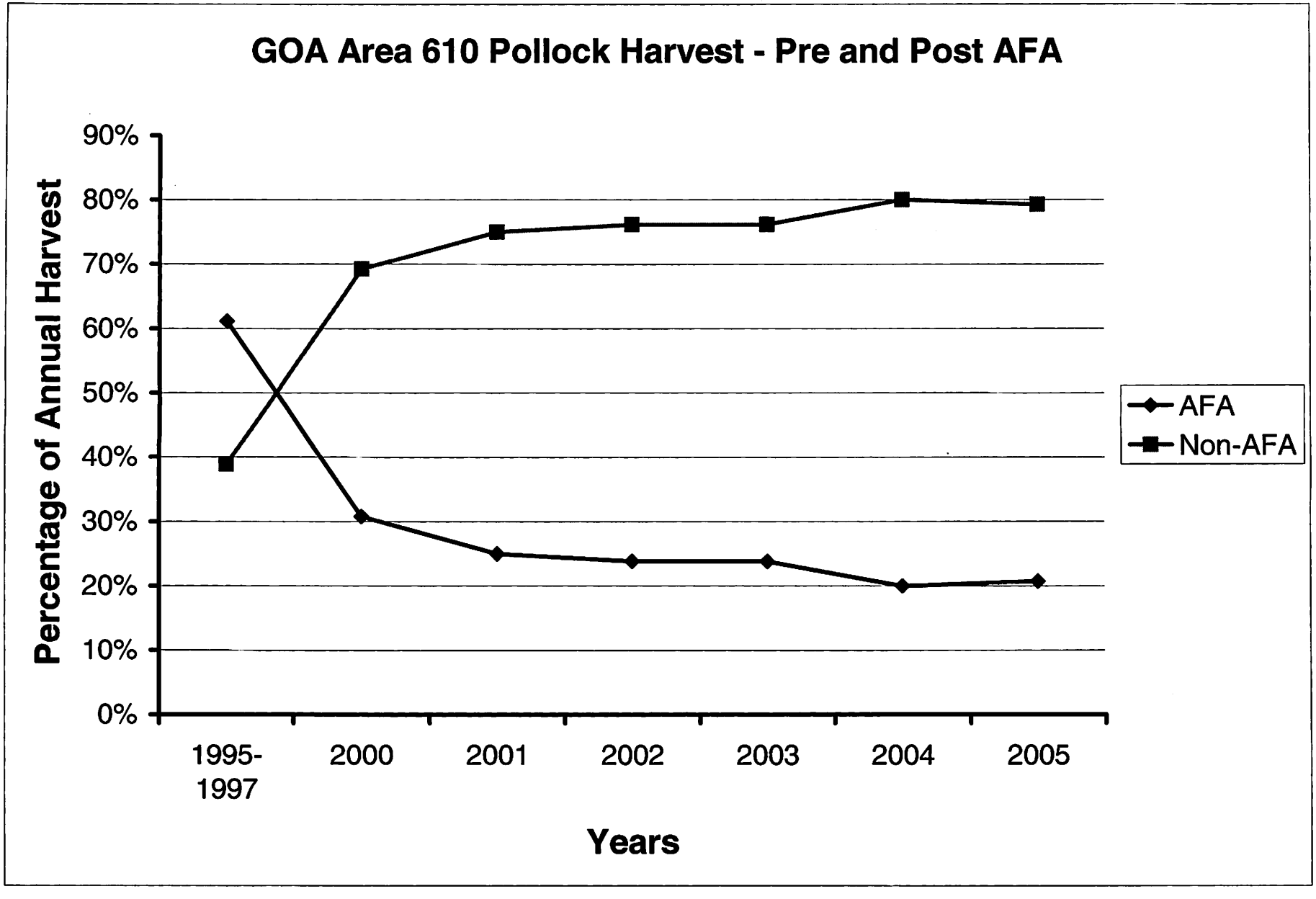
GOA Area 610 Pollock Harvest - Pre and Post AFA
Percentage of Annual Harvest
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
1995-1997
2000
2001
2002
2003
2004
2005
Years
AFA
Non-AFA

Table 3.1b Harvest data supplied by Annual Coop Reports & Sea State, Inc.

2006 GOA AFA CATCHER VESSEL AGGREGATE GROUNDFISH SIDEBOARD CATCH

Species	Fishery	Sideboard Limit	Aggregate Catch, Directed & Bycatch	Over / (Under) Sideboard Limit
Pollock	WYK	627	0	(627)
	SEO	2,154	0	(2,154)
	610 A,B,C,&D	17,674	4,725	(12,949)
	620 A,B,C,&D	4,350	1,902	(2,448)
	630 A,B,C,&D	4,498	316	(4,182)
Pacific Cod	WGOA Inshore A&B	2,580	7	(2,573)
	WGOA Offshore A&B	207	0	(207)
	CGAO Inshore A&B	1,845	147	(1,698)
	CGOA Offshore A&B	205	0	(205)
	EGOA Inshore (annual)	26	0	(26)
	EGOA Offshore (annual)	3	0	(3)
Deep-water Flatfish	WGOA	0	0	0
	CGOA	277	0	(277)
	EGOA	70	0	(70)
Rex Sole	WGOA	1	2	1
	CGOA	221	0	(221)
	EGOA	39	0	(39)
Flathead Sole	WGOA	7	3	(4)
	CGOA	131	0	(131)
	EGOA	10	0	(10)
Shallow-water Flatfish	WGOA	70	0	(70)
	CGOA	777	4	(773)
	EGOA	31	0	(31)
Arrowtooth Flounder	WGOA	17	9	(8)
	CGOA	773	202	(571)
	EGOA	10	0	(10)
Sablefish	WGOA Trawl	534	0	(534)
	CGOA Trawl	1,294	0	(1,294)
	EGOA Trawl	290	0	(290)
POP	WGOA	259	12	(247)
	CGOA	642	229	(413)
	EGOA	125	0	(125)
Shortraker	WGOA	0	0	0
	CGOA	8	0	(8)
	EGOA	4	0	(4)
Rougheye	WGOA	0	0	0
	CGOA	14	0	(14)
	EGOA	3	0	(3)
Other Rockfish	WGOA	2	0	(2)
	CGOA	80	0	(80)
	EGOA	0	0	0