

North Pacific Fishery Management Council

Eric A. Olson, Chair
Chris Oliver, Executive Director

Telephone (907) 271-2809



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

APPROVED: _____

DATE: June 3, 2009

FINAL MINUTES

192nd Plenary Session
North Pacific Fishery Management Council
April 1-7, 2009
Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met April 1-7, 2009 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met March 30-April 1, and the Advisory Panel met March 30-April 4 at the same location. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair
Dave Benson, Vice Chair
Greg Balogh
Sam Cotten
Ed Dersham
Duncan Fields
Dave Hanson
John Henderschedt

Roy Hyder
Denby Lloyd/Dave Bedford
Doug Mecum/Sue Salveson
Gerry Merrigan
Bill Tweit for Phil Anderson
RADM Brooks/LCDR Lisa Ragone
Nicole Ricci

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Jeannie Heltzel
Nicole Kimball
Peggy Kircher

Jon McCracken
Chris Oliver
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Troy Buell
Robert Clark
Keith Criddle, Vice Chair
Anne Hollowed
George Hunt
Gordon Kruse

Franz Mueter
Lew Queirolo*
Terry Quinn II
Farron Wallace
Ray Webster
Doug Woodby

*participated by teleconference

Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
Becca Robins Gisclair
Tom Enlow
Tim Evers
Jeff Farvour
Jan Jacobs
Bob Jacobson

Simon Kinneen
Chuck McCallum
Mike Martin
Matt Moir
Rex Murphy
Theresa Peterson
Ed Poulsen
Beth Stewart
Lori Swanson

Appendix I contains the public sign-in register and a tape log of Council proceedings, including those providing reports and public comment during the meeting.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:00 a.m. on Wednesday, April 1, 2009.

[Sue Salvesson and David Bedford participated in this portion of the meeting for Doug Mecum and Denby Lloyd, respectively.]

Agenda. The agenda was approved as published.

Minutes. The minutes of the February 9, 2009 NPFMC meeting were approved with the addition of clarifying language under the Arctic Fishery Management Plan portion of the minutes, pages 7-8.

[NOTE: Mr. Tweit participated in the entire meeting in place of Phil Anderson, Acting WDF Director.]

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1); NMFS Management Report (B-2); ADF&G Report (B-3); USCG Report (B-4); USF&W Report (B-5), and Protected Species Report (B-6).

FINAL MINUTES
NPFMC MEETING
APRIL 2009

Executive Director's Report

Chris Oliver, Executive Director, reviewed his written report, including a recap of the recent Council Coordination Committee meeting which included discussion of the status of key MSA reauthorization issues, budget discussions and the Marine Protected Area nomination process. Additionally, he noted that the proposed rule on Councils' Statement of Organization, Practices, and Procedures has been published, with a July 6 deadline for comments. Mr. Oliver suggested the Council schedule this for discussion at the June meeting.

NMFS Management Report

The Council received a report on current amendments and inseason management from Sue Salveson (NMFS-AKR staff). In particular, Ms. Salveson noted that the agency is considering withdrawing the proposed action to revise the MRA accounting period for non-AFA catcher processors for selected groundfish species in the BSAI. The approval of Amendment 80 suggests this action is no longer needed and the participants in that industry sector have indicated that they agree. The Council discussed this issue under staff tasking. It was unclear whether the Council could take action to recommend the amendment be withdrawn because the subject was not specifically put on this meeting's agenda. Ms. Lindeman (NOAA General Counsel) suggested that if the Council chooses to make any recommendation the issue would need to be put on a future Council agenda. Council members discussed the fact that not commenting on the agency's plans to withdraw the amendment could, in fact, suggest that the Council has no objection to that action.

The Council also received a brief report on current litigation from Lauren Smoker (NOAA General Counsel).

Dr. Gordon Kruse, University of Alaska, provided an overview of twenty research projects funded by the Pollock Conservation Cooperative Research Center.

ADF&G Report

Herman Savikko provided a review of fisheries of interest to the Council. Additionally, he reviewed proposals before the Board of Fisheries that may be of Council interest, noting that the Board will hold a teleconference on April 28 to reconsider action taken in February on bag limits for sports-caught sablefish in Southeast Alaska.

USCG Report

RADM Brooks advised the Council of current Coast Guard activities, including the finalization of the High Seas Driftnet enforcement agenda and coordination plan for the 2009 season. The CG will be devoting over 100 days to the effort to patrol the high-threat area, working with the countries of Canada, Japan, and possibly Russia and China. Admiral Brooks also noted the Coast Guard will continue Arctic operations, changing some efforts based on experience gained last year with regard to equipment--larger helicopters and lighter vessels that will be more efficient in that area. LCDR Lisa Ragone provided the Council with an overview of Coast Guard activities off Alaska for the period December 1, 2008 through March 31, 2009.

FINAL MINUTES
NPFMC MEETING
APRIL 2009

U.S. Fish & Wildlife Report

Greg Balogh provided a review of current activities involving spectacled eiders, northern sea otters, short-tailed albatross and the yellow-billed loon. Mr. Balogh advised that the agency remains concern about salmon bycatch in the groundfish fisheries because of the difficulty of meeting agency responsibilities under Title VIII of ANILCA. He stressed the need to do whatever is necessary to allow for adequate in-river escapement, subsistence harvest, and Canadian border passage while also providing for limited in-river commercial fishing opportunities.

Protected Species Report

Bill Wilson (NPFMC staff) noted that the Council was tentatively scheduled for an update from the NMFS Protected Resources Division and Sustainable Fisheries Division on the schedule for preparation and release of the draft status quo Biological Opinion (BiOp). Mr. Wilson also pointed out that the Council has received a letter from the Marine Conservation Alliance requesting 2009 Steller sea lion pup and partial non-pup surveys and new Sea Life Center natality studies be incorporated into the BiOp before its completion.

Mr. Wilson also updated the Council on a petition filed with the Alaska Department of Fish and Game to list the Kittlitz's murrelet as an endangered species under the State of Alaska endangered species law. The State has not yet provided comments on the petition.

With regard to an update on the status quo BiOp, Ms. Salveson (NMFS-AKR) advised that the inclusion of the additional information requested by the Marine Conservation Alliance would definitely delay the completion significantly, possibly into late 2010. If the Council requests the Agency to delay the BiOp so that this information could be included, NMFS would take that under advisement. However, the intent at this time is to continue to prepare the draft BiOp for CIE review and Council discussion in August 2009.

Gerry Merrigan moved to send a letter to NMFS asking that it consider incorporating the new information outlined in the MCA letter into the draft BiOp and provide the Council with an assessment of additional time requirements for release of the BiOp. The motion was seconded and carried, 8 to 3, with Cotten, Tweit, and Salveson voting against. Mr. Merrigan also suggested appending the MCA letter to the Council's letter. He noted that the intent would be that the Council would like NMFS to consider incorporating the additional information, but would like to have an idea of the timing.

Update of State Department Activities

Nicole Ricci provided the Council with a brief recap of international activities within the State Department that relate to the North Pacific region, including keeping other nations apprised of the Council's actions with regard to the Arctic Fishery Management Plan.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

Each agenda item will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide an "historical" background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will not be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 GOA Fixed Gear Recency

ACTION REQUIRED

Final action

BACKGROUND

In December 2008, the Council made an initial review of the draft EA/RIR/IRFA for the proposed action to add Pacific cod endorsements to Western and Central GOA fixed gear LLP licenses. The action would require fixed gear licenses to carry a gear-specific Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in the Western and Central GOA. Long-term participants in the GOA Pacific cod fisheries have expressed concern that competition in the fisheries has intensified in recent years. Given the large number of fixed gear licenses that have not participated in the fisheries in recent years, long-term participants are concerned about the potential for these latent licenses to re-enter the fisheries. The proposed amendment would address this concern by limiting entry to the GOA Pacific cod fisheries to fixed gear licenses that have participated in recent years and qualify for a Pacific cod endorsement.

At the December 2008 meeting, the Council made several additions and refinements to the motion, and released the document for public review. The Council is scheduled to take final action at this meeting.

New information contained in the April 2009 public review draft includes:

- Background information on the Western and Central GOA Pacific cod fisheries, including: season lengths, the number of vessels and licenses participating annually, and annual catch and revenues to fixed gear licenses from the Pacific cod fisheries.
- The number of additional licenses that qualify for a Pacific cod endorsement when catch during the period from Jan 1, 2007 to December 8, 2008 is credited to licenses. Previously, the qualifying periods included 2000 to 2006, 2002 to 2006, 2000 to June 4, 2008, and 2002 to June 4, 2008. There is an option to make any Pacific cod endorsement granted to a license nontransferable if the license qualifies only when catch during 2007 to June 4, 2008 or 2007 to Dec 8, 2008 is included. The endorsement would be extinguished upon transfer of the license to another vessel or person.
- Discussion of an option to exempt vessels using fixed gear from the Pacific cod endorsement requirement during the Western GOA B season; a suboption would exempt pot gear only.
- Discussion of a proposed exemption from the landings thresholds for licenses held by hook-and-line CPs that voluntarily stood down from the GOA Pacific cod fisheries as part of an informal halibut PSC cooperative; and information on the number of Western and

Central GOA CP licenses that would qualify for a hook-and-line Pacific cod endorsement under this exemption.

- **Discussion of a proposed exemption from the landings thresholds for licenses held by residents of CQE communities; and information on the number of Western and Central GOA licenses that would qualify for a pot or hook-and-line endorsement under this exemption.**

The full document was mailed to you on March 4, 2009. The Executive Summary is attached as Item C-1(a), and supplementary tables and figures will be handed out at the meeting as Item C-1(b).

The Scientific and Statistical Committee did not address this agenda item at this meeting.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt Alternative 2 and provided recommended options under the various components. Please see the Advisory Panel minutes, Appendix II to these minutes, for the entire set of recommendations.

Report of the Enforcement Committee

Roy Hyder provided comments of the Enforcement Committee with regard to the issue of vessel capacity restrictions. While the Committee agreed with the technical aspects provided in the Vessel Capacity Limits discussion paper, the Committee noted that enforcing depth and breadth measurements for purposes of vessel capacity limitations would be an extremely difficult and complex process. Please see the Committee's entire report in Appendix III to these minutes.

COUNCIL DISCUSSION/ACTION

[NOTE: Sue Salvesson participated in this discussion for Doug Mecum.]

Jeannie Heltzel (NPFMC) provided a staff report on the proposed action. Glenn Merrill (NMFS) presented the vessel capacity discussion paper. The Council also received reports from the Advisory Panel and Enforcement Committee and oral public comment on this issue.

Denby Lloyd moved the following:

The Council adopts the AP recommendations for final action with changes as noted. Additions are underlined and deletions are shown with strikethrough:

Alternative 2. Add non-severable gear-specific Pacific cod endorsements to fixed gear licenses. Pacific cod endorsements would limit entry into the directed Pacific cod fisheries in Federal waters in the Western and Central GOA.

Component 1 – Area included

Western GOA

Central GOA (current LLP endorsement includes West Yakutat)

- **Different options may be applied to each management area.**

Component 2 – Identify and define sectors

The sector definitions for awarding Pacific cod endorsements may be different from those used for the GOA Pacific cod sector split action. The purpose of sector definition in this action is to allow the Council to select different catch thresholds for the different gear types, operational types and vessel lengths. Individual

FINAL MINUTES
NPFMC MEETING
APRIL 2009

licenses may qualify for any combination of a jig, hook-and-line, and a pot endorsement if the license meets the respective threshold(s) for the appropriate gear type, operational type and vessel length.

- Hook-and-line CP
- Hook-and-line CV
~~Option: Hook-and-line CV \geq 60~~
~~Hook-and-line CV $<$ 60~~
- Pot CP
- Pot CV
~~Option: Pot CV \geq 60~~
~~Pot CV $<$ 60~~
- Jig (LLPs that received jig gear Pacific cod endorsements are exempted from jig gear restrictions.)
Exempt vessels using jig gear from the LLP requirement (including Pacific cod endorsement requirement) that using a maximum of 5 jigging machines, 5 lines, and 30 hooks per line ~~or one continuous line of 150 hooks.~~

Option: Exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

Suboption: Exempt vessels using pot gear only.

- For pot CV LLPs that qualify for a pot endorsement with an MLOA of <50 ; will be increased to 50' MLOA.

Component 3 – Qualifying years

Option 2: 2002 – 2006

Option 3: Add the qualifying period January 1, 2007 through:

~~Suboption 1: June 4, 2008~~

~~Suboption 2: December 8, 2008~~

~~Suboption 3: If an LLP license qualifies only when the supplemental range of years in Suboption 1 or Suboption 2 is included, any Pacific cod endorsements granted to licenses under this suboption would be extinguished upon transfer of the LLP license to another person or designate another vessel after March 31, 2009. A vessel may be replaced if a person submits clear and unambiguous written documentation that the vessel can no longer be used in the fishery due to actual total loss or constructive total loss. If an LLP license would have qualified for an endorsement under this suboption but is not assigned to a vessel as of March 31, 2009 it would not receive an endorsement.~~

- If a GOA hook-and-line catcher processor LLP license holder was a voluntary non-participant in the Freezer Longliner Coalition informal PSC co-op efforts of 2006, 2007, or 2008, the LLP would receive a Pacific cod endorsement. If gear-specific Pcod endorsements are a result of this action, the licenses would receive a H&L Pcod endorsement, but would only be allowed to participate in the offshore Pacific cod fishery.

Component 4 – Catch thresholds

Thresholds shall be based on legally retained catch in the aggregate during all of the qualifying years in the Federal and parallel fisheries (excluding IFQ catch). Separate and distinct thresholds may be determined for each defined sector.

Option 1: All directed Pacific cod

All CVs and Jig = 1 landing (resulting in a Pacific cod endorsement)

Option 2: All directed Pacific cod

~~Hook-and-line CV $<$ 60 feet and Pot CV $<$ 60 feet 10 MT (resulting in a Pacific cod endorsement)~~

~~Hook-and-line CP and Pot CP, Hook-and-line CV \geq 60 feet and Pot CV \geq 60 feet = 50MT (resulting in a Pacific cod endorsement)~~

Jig=5 MT (resulting in a Pacific cod endorsement)

~~For licenses with a MLOA \geq 60 feet but assigned to vessels with a LOA of $<$ 60 feet, those licenses that do not meet the higher threshold (i.e. \geq 60 ft) can qualify at the lower catch threshold, however the MLOA of the license will be changed to match the LOA of the vessel. The LLP license must have been used on a vessel under 60 feet LOA during the entire qualifying period. The recipient would need to certify the LPA of the vessel as of the effective date of the rule.~~

Directed Pacific cod catch is defined as landings made when the directed Pacific cod fisheries are open. For purposes of catch accounting, licenses are credited with deliveries or processing activity recorded up to 7 days after the directed season closes.

Component 5 – Stacked license provisions

Where there are multiple LLPs registered to a single vessel, also known as ‘stacking’ of LLPs, groundfish harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations.

Component 6 – Capacity/efficiency limits to CV and CP fixed gear LLPS

Add a width restriction (efficiency restriction) on each CV and CP fixed gear LLP license that is eligible to access Pacific cod under this action. The width restriction would be 1 foot of width for each 3 feet of length, based on the MLOA of license. If the width of the vessel to which the LLP is assigned exceeds the 1-to-3 calculation based on MLOA, then the width endorsement will be set equal to their actual width. For vessels under construction on at the time of Council final action, the width restriction for the license shall be equal to the vessel width upon completion. Vessels seeking an endorsement based on actual vessel length would be required to report the width measurement to NMFS-RAM and provide supporting documentation. Licenses not assigned to a vessel at the time of final action would receive a width endorsement based on MLOA.

Component 7 – COE community resident exemption

Qualified Community Quota Entities (COEs) in the Central and Western Gulf of Alaska shall be eligible to request non-transferrable fixed gear groundfish licenses with a Pacific cod endorsement for the management area in which the community is located. Each qualified COE may request up to either two or the number of non-qualifying LLPs held by residents at the time of final Council action, whichever is greater. These licenses shall have an MLOA of 60 ft and gear designations will be assigned as follows:

- Western GOA LLPs will be endorsed for pot gear
- Central GOA LLPs will be split 50% pot gear and 50% hook-and-line; if there is an odd number then the additional LLP will be given a pot designation.

The LLP is issued to the COE and the COE designates the vessel to which the LLP license is assigned. Prior to requesting a LLP, the COE shall provide NMFS with a detailed plan for soliciting and determining recipients of the COE permit (similar to the plan requirements of Amendment 66). The COE shall determine who may use the LLP license and provide them with a letter of authorization. The COE will attest to NMFS-RAM that the authorized person meets residency requirements as under Amendment 66. The LLP license issued cannot designate more than one vessel per LLP per calendar year.

Purpose and Needs Statement:

Western GOA and Central GOA Pacific cod fisheries are subject to intense competition, particularly during the A season, when fish are aggregated and of highest value. Competition among fixed gear participants in the Western GOA and Central GOA Pacific cod fisheries has increased for a variety of reasons, including increased market value of Pacific cod products, a declining ABC/TAC, increased participation by harvesters displaced from other fisheries and introduction of capital that has been accrued from participation in rationalized fisheries. Additionally, fishery policies have created incentives that encourage non-traditional efficiency improvements for the less than 60 ft LOA vessel class. The possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders that have exhibited

FINAL MINUTES
NPFMC MEETING
APRIL 2009

participation in, and dependence on, the fixed gear Pacific cod fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on the Western GOA and Central GOA Pacific cod resources. These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the Pacific cod fisheries. At the same time, retaining Federal waters opportunities for small community quota eligible (CQE) communities dependent on access to a range of fishery resources and expanding entry-level opportunities in Federal waters for small capacity jig operations is valued to promote community protections at a level that imposes minimal impact on historic catch shares of recent participants.

The intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish fishing capacity that has not been utilized in recent years into the Pacific cod fisheries. This requires prompt action to promote stability in the fixed gear sectors of the GOA Pacific cod fisheries, and is expected to be implemented concurrently with the division of GOA Pacific cod among sectors which is currently under consideration. However, this action cannot address continued growth in the waters managed by the State of Alaska.

The motion was seconded by Ed Dersham.

When reviewing his motion, Mr. Lloyd noted that in terms of defining sectors his motion would remove the length qualifications because the qualifying criteria specified in the motion were not specified separately by length. Additionally, Mr. Lloyd noted that his motion differs from the AP recommendation by changing the end of the qualifying period to December 8, 2008, as well as modifying transferable options.

Ms. Sue Salveson expressed concern with Component 6 relating imposing a width restriction on CV and CP fixed gear LLP licenses eligible to access Pacific cod under this amendment.

The following amendments to the motion were offered:

Component 6

Sue Salveson moved to delete Component 6--Capacity/efficiency limits. The motion was seconded by John Henderschedt and carried without objection.

During discussion, Ms. Salveson stressed that the specifics and possible ramification of the proposed action under Component 6 have not been thoroughly studied, specifically the proposed 1:3 ratio. She suggested the Council could consider the aspects of a vessel capacity amendment in a follow-up discussion paper.

Problem Statement

Sue Salveson moved to amend the Purpose and Needs Statement as follows:

Delete the following statement:

Additionally, fishery policies have created incentives that encourage non-traditional efficiency improvements for the less than 60 ft LOA vessel class.

Amend the following sentence as follows: The possible future entry of latent effort and ~~disproportionate vessel efficiency~~ would have detrimental effects on LLP holders . . . [remainder of sentence unchanged].

The motion was seconded and carried without objection.

Vessel Capacity Discussion Paper

Sue Salveson moved the following: Given Council concern about the potential increase in vessel capacity, the Council should follow up on those concerns through a discussion paper focused on the language just struck from the purpose and needs statement. Additionally because the issue of capacity is not specific to the fixed gear sectors, the discussion paper should also look at capacity issues in the trawl sectors, and responsive options should not just be an LLP endorsement, but may also include some of the output controls.

Ms. Salveson noted that she had no specific recommendations for options at this time, but suggested Council members and public with recommendations for the discussion paper contact Council staff with ideas. Council staff will work with NMFS staff on the paper for Council review in June.

The motion was seconded.

Ms. Salveson clarified that her intent would be that the discussion paper include all gear types for GOA Pacific cod. Other Council members did not agree with expanding the discussion to all vessels, noting that the current issue is trawl recency, not sector splits. Mr. Lloyd said that the subject should be to look at vessel capacity, particularly for vessels in the 'Super 8' category.

Gerry Merrigan moved to amend the motion to focus the discussion paper on fixed gear Super 8 vessels in the 58 to 60 ft. range. The amendment was seconded and carried without objection.

Ms. Salveson's motion, as amended, carried without objection.

Component 2

Dave Benson moved to amend the last sentence of the narrative paragraph of Component 2, as follows:

"Individual licenses may qualify for any combination of a jig, hook-and-line, and a pot endorsement if the license meets the respective thresholds for the appropriate ear type, operational type and vessel length."

The motion was seconded and carried without objection.

Gerry Merrigan moved to amend Component 2 to strike "or one continuous line of 150 hooks" from the jig gear exemption. The motion was seconded and carried, 10-1, with Cotten voting against.

Mr. Merrigan noted that this motion would not allow additional longlining, with additional PSC concerns.

Gerry Merrigan moved to remove the Option and suboption in Component 2:

Option: Exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

Suboption: Exempt vessels using pot gear only.

The motion was seconded and carried without objection.

FINAL MINUTES
NPFMC MEETING
APRIL 2009

Mr. Merrigan noted that no public comments were received on the option to exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

Ms. Smoker asked Council members for additional discussion of the last bulleted item under Component 2 (For pot CV LLPs that qualify for a pot endorsement with an MLOA of <50; will be increased to 50' MLOA.). Mr. Lloyd pointed out that public comments explained that pot vessels required multiple trips, deploying and retrieving gear while longline vessels need only one trip. Additionally, Mr. Lloyd stressed that this exemption would apply only to vessels that already qualify and would not allow additional entries.

Component 3

There were no amendments to Component 3, however staff was asked to clarify the number of vessels that would qualify under the extended qualifying years. Mr. Merrigan noted that the current action will include some of the vessels with larger capacity, e.g., 'Super 8' vessels.

Component 4

Gerry Merrigan moved to amend Component 4 as follows:

In Option 1, keep all directed Pacific cod--1 landing for jig only (removing CVs); Under Option 2, reinstate the following language (shown in underline):

**Hook-and-line CV < 60 feet and Pot CV < 60 feet 10 MT (resulting in a Pacific cod endorsement);
Hook-and-line CP and Pot CP, Hook-and-line CV ≥ 60 feet and Pot CV ≥ 60 feet = 50MT (resulting in a Pacific cod endorsement.**

The motion was seconded and carried, 7 to 4, with Cotten, Dersham, Fields, and Lloyd voting against.

Mr. Merrigan pointed out that the Council's intent of dependency on the fishery would not be met for the hook-and-line and pot fisheries by requiring just one landing as the motion is currently constructed. Mr. Lloyd noted that his original motion would provide more opportunity for future entry and protection of rural communities.

As a result of this action, it was necessary to amend other portions of Component 2. **Gerry Merrigan moved to amend Component 2 to re-instate the thresholds for the hook and line catcher vessel and pot sectors, both over and under 60 ft.** The motion was seconded and carried without objection.

Duncan Fields moved to re-insert the 'hardship provision' previously struck out in the Advisory Panel recommendations: Option: Hardship provision. A GOA fixed gear LLP holder who had 5 or more Pacific cod landings in 1999, but had a vessel on which the LLP was used sink in 1999 or 2000, shall be credited with qualifying history so as to obtain a Pacific cod endorsement. The motion was seconded.

Mr. Fields cited public comments on this issue and noted that staff has advised that this option would apply to no more than three individuals. Staff requested clarification of which gear endorsement this would apply to and whether an individual could qualify for more than one endorsement. Mr. Fields clarified his intent that they would be qualified only for a pot endorsement.

FINAL MINUTES
NPFMC MEETING
APRIL 2009

Denby Lloyd moved to amend Mr. Fields' amendment, as follows: The vessel would need to have had 5 or more landings of a particular gear type and a minimum of 10 mt in landings in that gear type in order to qualify. The motion was seconded and carried without objection.

Mr. Fields' amended motion failed, 9 to 2, with Fields and Dersham voting in favor. Those voting against were concerned about others who may have special circumstances did not have an opportunity to comment. Additionally some felt that this action does not meet the original intent of the amendment.

Mr. Merrigan noted that changes made to Component 4 would now require vessels with an MLOA over 60 ft. but assigned to a vessel length under 60 ft, to qualify under the higher thresholds.

Gerry Merrigan moved to reinsert the struck-out language under Component 4:

For licenses with a MLOA > 60 feet but assigned to vessels with a LOA of < 60 feet, those licenses that do not meet the higher threshold (i.e. ≥ 60 ft) can qualify at the lower catch threshold, however the MLOA of the license will be changed to match the LOA of the vessel. The LLP license must have been used on a vessel under 60 feet LOA during the entire qualifying period. The recipient would need to certify the LOA of the vessel as of the effective date of the rule.

The motion was seconded and carried without objection.

Component 7

Duncan Fields moved to amend Component 7, amend the second bullet, as follows: In the CGOA the CQE will have 6 months following implementation to notify NMFS regarding the gear type for CQE LLPs. However, if the CQE does not provide notice, Central GOA LLPs will be split 50/50. . . [remainder of sentence would remain the same.]

The motion was seconded and carried without objection.

It was clarified that if a community has not yet formed a CQE the default application would be the 50/50 split. Additionally, it was noted that CQEs would have the option to choose between pot and longline gear.

Reporting Requirements

John Henderschedt moved to add a new provision:

Reporting Requirements: CQEs shall be required to submit to NMFS RAM Division and Council annual reports modeled after the reports required for halibut and sablefish CQE activities, as described in CFR 679.5. The motion was seconded and carried without objection.

Mr. Henderschedt clarified that staff has authority to modify those issues in current regulations to apply to this program, if necessary. He also noted that this would be a separate report from that required for halibut and sablefish IFQ activity, which are submitted only to NMFS. Additionally, if a CQE has not requested a permit under this program, no report would be required. Information to be provided in the reports would include distribution of LLPs to community residents, vessels assigned to LLPs, number and residency of crew, and any payments made to CQEs for use of the LLPs.

Component 7

FINAL MINUTES
NPFMC MEETING
APRIL 2009

Roy Hyder moved to amend the last sentence of the first paragraph to replace a MLOA of 60 ft with a MLOA of 50 ft. The motion was seconded.

Mr. Hyder expressed concern that the 60 ft MLOA in the current motion provides a window for additional vessel capacity and effort.

However, Duncan Fields noted that this motion would eliminate a large portion of vessels in some communities, those in the 58-60 ft. vessel class. Mr. Olson noted that the discussion paper cited safety and other issues that would support the 60 ft. vessel class in the current motion.

Gerry Merrigan moved a substitute amendment to apply the 60 ft. MLOA to Western Gulf CQE communities and institute a 50 ft. MLOA for the Central Gulf CQE communities. The motion was seconded and failed, 9 to 2, with Merrigan and Hyder voting in favor.

Mr. Hyder's original motion also failed, 9 to 2, with Merrigan and Hyder voting in favor.

Before the final vote on the amended main motion, the Council discussed several issues and made clarifications for staff.

Fees. Mr. Merrigan asked what the Council's intent would be with regard to administrative type fees for CQE entities. Ms. Salveson noted that NMFS/the Council cannot require payment of fees, but suggested that the annual CQE reports would provide the Council with information on any fees collected. Mr. Lloyd noted that it would be his intent that there would no payment back to the CQE other than, possibly, a very minor administrative fee. Council members clarified that the annual reports should include information on any exchange of money.

Making reference to a table provided by staff dated 4/3/09 showing the maximum number of licenses that may be requested by each CQE community, Sue Salveson moved to amend Component 7, by replacing the second sentence, starting with "Each qualified CQE may request. . .," with the following: Each qualified COE may request LLPs up to the number listed for each COE in the third column of the bottom table in staff hand-out dated April 3, 2009. The motion was seconded and carried with Cotten objecting.

Ms. Salveson noted that the table would be included as part of the final motion. The motion, before amending, would have required the Agency to determine the residency of current non-qualifying LLPs at the date of implementation, possibly two years in the future. The number of licenses listed in the third column of the table is based on the RAM Division's groundfish limited license program as of the end of 2008. Ms. Salveson said she believes that this will fulfill the intent of the Council without creating administrative difficulties.

Bill Tweit moved to amend: The Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

The amendment was seconded and carried without objection.

FINAL MINUTES
NPFMC MEETING
APRIL 2009

During final comments, Mr. Fields noted several positive aspects of the program, including the extended control date and allowing transferability for 2006 and 2008 licenses. However, Mr. Fields expressed great concern over other aspects of the motion. He pointed out that public comments were about two to one against moving forward with this amendment. Additionally, the Alaska State House of Representatives unanimously requested that the Council take no further action. The magnitude of reduction of LLPs that can fish with cod endorsements and the loss of opportunity for active Alaska fishermen is of major concern, therefore, Mr. Fields noted he could not support the current motion.

Mr. Merrigan said he did not think that the action denies access to those who have demonstrated dependence on the fishery, particularly with the low threshold. Additionally, Mr. Merrigan pointed out that the action was not meant to remove LLPs, but to add Gulf Pacific cod endorsements for jig, pot and longline gear in Federal waters that qualify. He feels the actions will still allow opportunities, including in State waters, including the parallel fisheries.

Mr. Lloyd spoke in support of the motion noting that the action is a balancing act among competing demands of the various sectors. There is a need to provide a stable regulatory regime with those that have shown dependence on access to the fishery as well as the need for ongoing entry opportunities. Mr. Lloyd said he believes the motion achieves a fair balance.

The amended main motion carried, 10-1, with Fields voting against. The final motion is included as Appendix IV to these minutes.

C-2 Chinook Salmon Bycatch in the BSAI

ACTION REQUIRED

Final Action on Bering Sea Chinook Salmon Bycatch Management EIS/RIR/IRFA

BACKGROUND

The Council will be taking final action at this meeting on the draft EIS/RIR/IRFA (DEIS) on Chinook Salmon Bycatch Management Measures. Further information on the DEIS and information relevant to the Council's final action is described by subject heading below. The DEIS includes available information through November 2008. Updated information on Chinook salmon mortality from 1992 through 3/19/09 is attached as Item C-2(a). A table is also provided which gives comparable information on A season bycatch levels and pollock catch from 2003 through 2009.

Under the current regulations (Amendment 84 to the BSAI Groundfish FMP), the pollock fleet is exempt from salmon savings area closures by participation in a voluntary rolling hot spot (VRHS) ICA program approved by NMFS. One of the regulatory conditions of the ICA is an annual compliance audit. Information related to the 2008 compliance audit indicating a previously unreported Savings Area violation is included as Item C-2(b). As noted in the audit letter, an enforcement action is now pending.

June 2008 preliminary preferred alternative (PPA)

In June 2008, the Council took initial review of the Chinook Salmon Bycatch Management Measures EIS/RIR/IRFA and selected a preliminary preferred alternative (PPA). The Council's PPA includes a specified cap level of 68,392 Chinook salmon (Annual scenario 1 or PPA1), "if an ICA is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years." The hard cap in the absence of such an approved ICA (Annual scenario 2 or PPA2) would be 47,591 Chinook salmon. The motion from the June 2008 meeting is attached as Item C-2(c).

Staff was directed to analyze the PPA and revise the preliminary draft analysis accordingly to form the draft EIS/RIR/IRFA that would be put forward for public review and comment.

Draft EIS/RIR/IRFA

The draft EIS/RIR/IRFA (DEIS) was revised by staff from the June 2008 version to incorporate additional information, analyses, and to specifically analyze the PPA. It was released on December 3, 2008. The DEIS provides the Council and the public with an evaluation of the environmental, social, and economic effects of alternative measures to minimize Chinook salmon bycatch in the Eastern Bering Sea pollock fishery. The executive summary of the DEIS is attached as Item C-2(d). In conformance with National Environmental Policy Act (NEPA) requirements, NMFS solicited public comment on the DEIS. NMFS accepted public comments on the DEIS during the 80-day public comment period from December 5, 2008 to February 23, 2009.

Comment Analysis Report

NMFS received 61 letters providing comments on the DEIS. Comments were available for downloading, or hard copies of comment letters were mailed to you, per your request at that time. NMFS, Council staff, and ADF&G staff have undertaken a careful and deliberate approach to ensure that all public comments are reviewed, considered, and responded to in this process. A preliminary Comment Analysis Report (CAR) is provided as Item C-2(e) (because of the volume this item will be handed out separately at the meeting) which provides the public's comments received during that formal DEIS comment period, summarizes them, and presents the agency's preliminary responses. The CAR provides this information to the Council, the Secretary of Commerce, and the public prior to publication of the final EIS. The CAR will become Chapter 16 of the final EIS.

Chinook Salmon Bycatch DEIS – Council Outreach Report

Although the Council is still in the process of developing an overall policy to guide and improve outreach with rural community and Native stakeholders, it was determined necessary and timely to undertake such an effort with affected communities and Native entities on this issue in June 2008, at the time the Council chose a preliminary preferred alternative. The Council wanted to formulate and effect an outreach plan during the development of the DEIS and well prior to final Council action. The outreach plan for Chinook salmon bycatch management was developed by Council staff with input from NMFS and affected stakeholders. It was intended to improve the Council's decision-making processes on the proposed action, as well as enable the Council to maintain ongoing and proactive relations with Alaska Native groups and rural communities.

The outreach report is divided into several sections, including the rationale behind the outreach plan, and the three primary tasks that constituted the plan: direct mailings to stakeholders, regional/community outreach meetings, and documentation of the results. The final report is attached as Item C-2(f). The report also includes a short summary of each of six regional outreach meetings as a brief reference, which provides a general description of the participants at each meeting, the primary comments received, and any recommendations, motions, or resolutions that directly resulted from the meeting, when applicable. Appendix A to the report includes detailed information about each meeting, including a catalog of the comments provided, organized by general issue. Finally, Appendix B to the report contains copies of the motions or resolutions resulting from the meetings.

The outreach report was sent to you on March 4. This report will be included, in part or in whole, in the final EIS submitted to the Secretary of Commerce after the Council makes a final recommendation.

Industry incentive based bycatch reduction programs

FINAL MINUTES
NPFMC MEETING
APRIL 2009

In conjunction with their identified PPA, the Council requested that the pollock industry develop the specifics of an inter-cooperative agreement (ICA) that meets the requirements of the PPA. A progress report of proposed programs was provided to the Council in February 2009. At that time, the Council made several requests of industry and requested that the final reports be provided for review by the SSC at this meeting. The Council's request to the SSC regarding this review is attached as Item C-2(g). The final report of the proposed ICA put forward by industry participants was sent to you on March 16.

Analysis of the efficacy and impacts of the ICA and its salmon bycatch avoidance incentive programs are not included in the DEIS/RIR/IRFA. No specific ICA proposals were available to analyze at the time the DEIS/RIR/IRFA was being prepared. In addition, analysis of the ICA is not required under NEPA because the environmental impacts of the PPA are determined by the cap level of 68,392 Chinook salmon. The impacts of the PPA on the human environment are based on the assumption that this level of bycatch could be reached in any year. Under the PPA, no regulations would prevent the pollock industry from reaching this cap. As long as the draft EIS analyzes and discloses the consequences of adopting the dual-caps specified in the PPA (the 68,392 high cap and the 32,482 "backstop" cap), and the Council considers the ICA as a feature of the PPA that may provide additional incentives to avoid Chinook salmon bycatch within these cap levels, the Council can take final action without analysis in the draft EIS/RIR/IRFA of the specific incentive program the pollock industry may submit if the PPA were to be implemented by NMFS. If the Council adopts the PPA, it will have to recognize that the primary Chinook salmon bycatch management measure is the 68,392 cap and the Council's rationale will need to explain how this cap and other elements of the PPA achieve the objectives of Chinook salmon bycatch management and complies with the national standards in the Magnuson-Stevens Act and other applicable law.

The EIS/RIR/IRFA contains an explanation of the Council's general goals for incentive programs and the Council's intent to evaluate these programs once they are in effect and operational in the pollock fishery. This evaluation will be done through the annual report that will be required of the industry. Under the PPA, the annual report would be required to include: (1) a comprehensive explanation of incentive measures in effect in the previous year, (2) how incentive measures affected individual vessels, and (3) evaluation of whether incentive measures were effective in achieving Chinook salmon savings beyond levels that otherwise would have been achieved in absence of the measures. Through these annual reports and its own assessment of future Chinook salmon bycatch levels under the PPA, the Council would determine the effectiveness of the incentive programs. If the PPA is adopted and if analysis prepared after the ICAs are in effect demonstrates that the Council's goals for salmon avoidance are not being met, the Council could reinstate analysis of alternative salmon bycatch management measures and implement revised or new management measures in the future.

Final preferred alternative

Final action on the Chinook DEIS will occur at this April Council meeting. The Council will receive reports on the DEIS from staff (including analysis of the PPA and responses to comments on the DEIS), the outreach report, ICA presentations from pollock industry representatives, as well as public testimony, prior to selecting its final preferred alternative. As is always possible, the Council's final preferred alternative may differ from its PPA. Tables which identify the structure of the PPA alternative in order to assist the Council with modifying aspects of this as they choose are provided as Item C-2(h). Information is also provided in that document with respect to the National Standards, the problem statement and other considerations for the Council at final action. The Council will recommend that NMFS implement its final preferred alternative as Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) and as amendments to regulations at 50 CFR part 679. Item C-2(i) provides excerpts from the FMP showing where amendments will be proposed to incorporate the Council's final preferred alternative.

Report of the Scientific and Statistical Committee

At the last meeting, the Council requested SSC assistance in evaluating aspects of the Preliminary Preferred Alternative to aid the Council in its decision-making process. After receiving additional input from staff and industry, the SSC provided extensive comments for the Council's consideration. Please see the SSC Minutes, Appendix IV to these minutes, for those comments.

Report of the Advisory Panel

The AP recommended the Council approve Amendment 91 to the FMP for Groundfish of the BSAI Management Area, including adoption of Alternative 4 (PPA), with recommended changes. Please see the AP Minutes, Appendix II to these minutes, for those recommendations.

COUNCIL DISCUSSION/ACTION

Diana Stram (NPFMC staff) and Jim Ianelli (AFSC staff) provided an overview of the Chinook Salmon Bycatch EIS. Additionally, the Council received staff reports from Nicole Kimball (NPFMC staff) and Scott Miller (NMFS-AKR staff). John Gruver and Karl Haflinger provided a review of the Salmon Savings Incentive Plan and Stephanie Madsen and Joe Plesha provided a review of the Financial Incentive Plan. The Council also received oral public comments from over 200 members of the public.

Denby Lloyd moved the following:

The Council adopts the preferred alternative specified below for final action. The preferred alternative is Amendment 91 to the BSAI Groundfish FMP and is based on the Council's June 2008 preliminary preferred alternative (PPA) analyzed in the December 2008 Bering Sea Chinook Salmon Bycatch Management Draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (DEIS/RIR/IRFA). Additions are noted with underline and deletions are shown in strikethrough.

Alternative 4: ~~Preliminary p~~Preferred alternative

Alternative 4 would establish a Chinook salmon bycatch cap for each pollock fishery season which, when reached, would require all directed pollock fishing to cease for that season. Components 2-4 specify the allocation and transferability provisions associated with the cap.

Component 1: Hard cap with option for incentive plan agreements (IPA) ~~ICA-regulated incentive system~~

Annual scenario 1: Hard cap with an ICA IPA(s) that provides explicit incentive(s) to promote salmon avoidance in all years

Hard cap if an ICA IPA(s) is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years:

Overall cap: 68,392, allocated by season and under Components 2-4 as described below.

For those operations vessels or CDQ groups that opt out of such an ICA NMFS approved incentive plan agreement, the maximum hard cap (backstop cap) will be established as follows:

Overall cap: 32,482

CDQ allocation: 2,436

Non-CDQ cap: 30,046

~~All salmon bycatch attributed to the AFA pollock trawl fleet will accumulate against this lower cap, but only those operations not in the ICA will be required to stop fishing when the CDQ or non-CDQ cap has been reached. This backstop cap of 32,482 will not be allocated by sector, so all other components in Alternative 4 are not relevant to this backstop cap. (In absence of a sector allocation for this backstop cap a 7.5% allocation applies to the CDQ sector by default, and the remaining 92.5% is set as the non-CDQ cap.)~~

Option 3: To ensure the overall cap can be managed as a hard cap, subtract from the overall cap a proportion representing vessels or CDQ groups opting out of the incentive plan(s), and create a backstop cap so that the sum of the caps does not exceed the high cap.

Option C: Subtract from the overall cap the proportion of the backstop cap represented by vessels or CDQ groups opting out and fishing under the backstop cap and use this same amount to create the backstop cap.

Adjustments to the overall cap and backstop cap for vessels or CDQ groups opting out will be made after sector allocations. The amount of the adjustments will be based on the opt out vessel's percentage of AFA pollock within their sector as specified on pages 67-70 of the DEIS or on the CDQ group's current percentage allocation of their sector allocation of the Chinook salmon cap.

ICA IPA requirements:

- ~~An ICA IPA must provide~~ **describe** incentive(s) for each vessel to avoid salmon bycatch under any condition of pollock and salmon abundance in all years.
- Incentive measures must ~~include~~ **describe** rewards for salmon bycatch avoidance, and/or penalties for failure to avoid salmon bycatch at the vessel level, or both.
- The ICA IPA must specify how those incentives are expected to promote reductions in actual individual vessel bycatch rates relative to what would have occurred in absence of the incentive program. Incentive measures must promote salmon savings in any condition of pollock and salmon abundance, such that they are expected to influence operational decisions to avoid Chinook salmon bycatch. at bycatch levels below the hard cap
- **The IPA must describe how the IPA ensures each vessel will manage their bycatch to keep total bycatch below the sector level regulatory performance standard.**

Annual reporting:

- **The ICA IPA(s) must be made available for Council and public review. In addition, year-end annual reports are required to be submitted to the Council by April 1 the following year to provide sufficient time for independent evaluation by the Council.**
- ~~An annual report to the Council will be required and~~ must include:
 - 1) a comprehensive explanation of incentive measures in effect in the previous year,
 - 2) how incentive measures affected individual vessels, and
 - 3) evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures.

IPA eligibility:

On an annual basis, before a date certain established by NMFS through regulation, participants in the pollock fishery may file an IPA with NMFS or join or exit an existing approved IPA. An IPA will be considered valid if 1) it meets the criteria set forth above; 2) it commits each party to be bound by the rules of the IPA; and 3) the parties to the IPA represent not less than 9% of the pollock quota and at least two non-affiliated companies using the AFA definition of affiliation.

Membership in an IPA is voluntary. No person may be required to join an IPA. Upon receipt of written notification that a person wants to join an IPA, that IPA must allow the person to join subject to the terms and agreements that apply to all members of the IPA as established in the contract governing the conduct of the IPA.

In the event that no IPA is approved by NMFS, then the pollock fishery shall be managed under annual scenario 2.

Annual scenario 2: Hard cap in absence of an IGA approved IPA with explicit incentive(s) to promote salmon avoidance

Hard cap in absence of an IGA approved IPA that provides explicit incentive(s) to all participants to avoid salmon bycatch in all years:

Overall cap: 47,591, allocated by season and under Components 2-4 as described below

Seasonal distribution of caps

Any hard cap would be apportioned between the pollock A and B seasons. The seasonal distribution is 70/30.

Seasonal rollover of caps

Unused salmon from the A season would be made available to the recipient of the salmon bycatch hard cap in the B season within each management year at an amount equal to up to 80% of the recipient's unused A season bycatch cap.

Component 2: Sector allocation

Separate sector level caps will be distributed within each season for the CDQ sector and the three remaining AFA sectors, the inshore catcher vessel (CV) sector, the mothership sector, and the offshore catcher processor (CP) sector, as follows:

A season: CDQ 9.3%; inshore CV fleet 49.8%; mothership fleet 8.0%; offshore CP fleet 32.9%

B season: CDQ 5.5%; inshore CV fleet 69.3%; mothership fleet 7.3%; offshore CP fleet 17.9%

Rationale for distribution: This distribution is based on an estimate of the 5-year (2002-2006) historical average of the annual proportion of salmon bycatch by sector within each season, adjusted by blending the reported bycatch rate for CDQ and non-CDQ partner sectors. It is also weighted by the AFA pollock allocation for each sector; ~~in each season, the proportional allocation by sector comprises is made up of 0.75 multiplied by the adjusted 5-year historical average bycatch by sector weighted by 0.75 for the salmon bycatch history and 0.25 multiplied by the AFA pollock allocation by sector weighted by 0.25.~~

Component 3: Sector transfers

Allocate salmon bycatch caps to each sector and allow the entity representing each non-CDQ sector and the CDQ groups to transfer salmon bycatch caps among the sectors and inshore cooperatives and CDQ groups. ~~(NMFS does not actively manage the salmon bycatch allocations.)~~

Component 4: Cooperative provisions

Each inshore cooperative and the inshore ~~open~~ limited access fishery (if the inshore ~~open~~ limited access fishery existed in a particular year) shall receive a salmon allocation managed at the cooperative level. If the cooperative or ~~open~~ limited access fishery salmon cap is reached, the cooperative or ~~open~~ limited access fishery must stop fishing for pollock.

The initial allocation of salmon by cooperative within the shore-based CV fleet or to the ~~open~~ limited access fishery would be based upon the proportion of total sector pollock catch associated with the vessels in the cooperative or ~~open~~ limited access fishery.

Cooperative transfers

When a salmon cooperative cap is reached, the cooperative must stop fishing for pollock, Cooperatives and may transfer salmon bycatch from with other sectors, inshore cooperatives, or CDQ groups, or entities representing non-CDQ groups (industry initiated).

Component 5: Performance standard

Each sector will be annually evaluated against a performance standard. If the sector's annual Chinook salmon bycatch exceeds the sector's portion of the annual scenario 2 cap level in any 3 years within a consecutive 6-year period, all vessels within that sector will operate under annual scenario 2 in all subsequent years. Any vessel or CDQ group that fishes under the opt out backstop pool will not be evaluated or included in annual calculations of a sector's performance standard.

Component 6: Observer program

The Council includes in its preferred alternative the observer coverage and monitoring requirements recommended by NMFS for the PPA and described in section 2.5.4.3 (page 98) of the DEIS and in sections 2.5.2.7 and 2.5.2.8 (pages 81 - 84). These recommendations increase observer coverage to 100 percent for catcher vessels regardless of vessel length. This increase in observer coverage does not apply to catcher vessels delivering unsorted codends at sea. Chinook salmon would be allowed to be discarded from catcher vessels only after being reported to and recorded by the vessel observer.

The Council also authorizes NMFS to develop modifications to regulations for the shoreside processors' catch monitoring and control plans to add performance standards to ensure accurate accounting for Chinook salmon at the plants, if NMFS determines that such modifications are needed.

Remove current regulations for Chinook salmon bycatch management

In taking final action, the Council's intent is for NMFS to remove current regulations governing Chinook salmon bycatch management in the Bering Sea and replace those regulations with the preferred alternative. Revisions to current regulations are as follows:

- **Remove regulations for the current BS Chinook salmon PSC limit of 29,000 salmon that triggers closure of the Chinook salmon savings area for the BS pollock fishery.**
- **Remove Chinook salmon savings area definition for the BS.**
- **Remove exemptions to closure of the BS Chinook salmon savings areas for those cooperatives and CDQ groups participating in the current voluntary rolling hot spot (VRHS) ICA.**
- **Remove all elements of the current VRHS ICA regulations addressing Chinook salmon. New Chinook salmon bycatch management measures, including any incentive plan agreement requirements, would be added to the regulations. Retain regulations for the non-Chinook salmon components of the current VRHS ICA would remain.**

The motion was seconded.

The Council asked for clarification of various aspects of the motion and requested information from staff before proceeding with amendments.

With regard to item (2) under the section on annual reporting, Mr. Fields asked whether that would be inclusive of the value and volume of transfers from or to the vessels. Mr. Lloyd noted that in discussions

FINAL MINUTES
NPFMC MEETING
APRIL 2009

with the SSC and staff it was clear that developing the details will take more time and suggested that NMFS could develop appropriate regulatory language to specify the requirements and introduce those details as a trailing amendment.

With regard to performance standards, Mr. Lloyd noted that that the use of 'rolling averages' was considered, but there are difficulties in using that standard. There would have to be some type of additional component during the years the rolling average is being accumulated. Additionally, Mr. Lloyd noted that the performance standard in the motion was intended to be a specific safeguard against any bycatch level above that standard.

Mr. Henderschedt noted that the Council needs to consider how compatible the performance standards in the motion are with those anticipated in the ICAs.

The following amendments were made to the main motion:

Duncan Fields moved to change the overall cap under Annual Scenario 2 to 60,000 mt and overall cap under Annual Scenario 2 to 45,000 mt. The motion was seconded by Sam Cotten.

Mr. Fields said that the Council has received information in the analysis and from public comment that the bycatch rates of even the cleanest participants in each sector show that this is a practical reduction. Mr. Fields noted that National Standard 9 requires the Council to reduce bycatch to the extent practicable and he believes these figures fulfill that objective.

John Henderschedt moved to amend the amendment to return the cap in Annual Scenario 2 to 47,591. The motion was seconded and carried, 8 to 3, with Cotten, Fields and Olson voting against.

Mr. Fields' amended motion carried, 7 to 4, with Benson, Henderschedt, Hyder and Tweit voting against.

Gerry Merrigan moved to amend Annual Scenario 2, 'opt out' backstop amounts, as follows: Overall cap: 28,273; CDQ allocation: 2,121; Non-CDQ: 26,152. The motion was seconded.

Mr. Merrigan noted this action is intended to keep the amounts consistent with the reduction in the overall cap to 60,000. During discussion, it was noted that staff had previously advised that with current revisions, the Council should not specify the CDQ and non-CDQ allocation, but just specify the overall backstop cap.

Mr. Merrigan re-stated the motion accordingly: Set the overall backstop amount at no greater than 28,273 and delete the CDQ and non-CDQ backstop caps.

Duncan Fields moved to substitute: to set the overall backstop cap at 28,496, and delete the CDQ and non-CDQ backstop caps. The motion was seconded and carried without objection.

Mr. Fields noted that the new total will reflect the correct proportion to the amended overall cap of 60,000.

Doug Mecum moved: Insert at end of Component 3: sector transfers and at end of component 4: cooperative provisions:

Allow post-delivery (bycatch) transfer of salmon allocations. This provision would be administered consistent with the post-delivery transfer provisions the Council adopted for the BSAI crab

FINAL MINUTES
NPFMC MEETING
APRIL 2009

rationalization program, Amendment 80, and Rockfish Program, except that any recipient of a post-delivery transfer during a season may not fish for the remainder of that season.

The motion was seconded and carried without objection.

Mr. Mecum provided written rationale for the motion, including the following: Currently, if a cooperative or sector exceeds its allocation that excess cannot be rectified by transferring salmon from another sector or cooperative that holds excess salmon. If a post-delivery transfer is allowed it would permit cooperative and sector transfers to resolve any negative balances before the end of the season. Allowing post delivery transfers also creates the opportunity for salmon shares to be accounted against previously caught salmon (represented by the overage) instead of supporting additional bycatch by other vessels that continue to be active in the fishery. If a cooperative makes a transfer to cover an overage, those shares cannot be used to support additional fishing. This increases the likelihood that all bycatch will be accounted for against annual allocations.

Bill Tweit moved the following:

The Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chair to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

The motion was seconded and carried without objection.

Mr. Cotten noted disappointment that important data such as values of salmon transfers and values of pollock transfers wouldn't be available in the annual reports because of confidentiality concerns. He suggested that the Council ask the Data Collection Committee to evaluate and pursue those reporting issues. Council members indicated the discussion could be discussed during staff tasking.

Mr. Fields noted concern that the previously discussed trailing amendment to deal with regulatory and reporting issues has been expanded into an entirely new amendment package. This, too, was to be discussed during staff tasking.

Before the vote on the final, amended, motion, Council members spoke to the motion. Following are some excerpts from those comments.

Mr. Lloyd noted that the Council's main objective is to lower bycatch rates in order to reduce impacts on in-river uses of a fully-allocated salmon resource. He noted that a relatively high hard cap on Chinook bycatch is not expected to achieve that objective in most years. Through this action, the Council would anticipate that industry will respond with successful bycatch avoidance measures in years of high Chinook salmon encounters.

Mr. Merrigan pointed out that the Council has been addressing this issue for some time now after several years of high bycatch. In the mid-90's the Council established closures in areas of high bycatch and later the industry instituted 'voluntary rolling hot spot closures'. Additionally, there have been industry experiments with salmon excluders. However, after bycatch began increasing again in 2007, the Council initiated analyses to explore other reduction measures. The purpose of setting a hard cap on the pollock fishery is to minimize Chinook salmon bycatch to the extent practicable. A very low hard cap without some incentives, however, provides no protection to Chinook in years of low abundance. Mr. Merrigan

FINAL MINUTES
NPFMC MEETING
APRIL 2009

stressed extensive industry involvement and public comment on the proposals and stated his support of the final motion. Mr. Merrigan also noted that there are issues other than bycatch in the groundfish fisheries involved in the decrease in Chinook salmon stocks such as climate changes, and disease.

Mr. Dersham noted that he thinks the Council has balanced the directives in National Standard 1 (" . . . prevent overfishing while achieving on a continuing basis the optimum yield from each fishery for the U.S. fishing industry") and National Standard 9 (" . . . shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch" and has addressed National Standard 2, to use the best scientific information available. Mr. Dersham also noted that the proposed action addresses the additional National Standards in one form or another.

Most Council members echoed these comments of support. However, Mr. Tweit expressed disappointment over the lack of an effective genetic sampling program for salmon, and concern for the pollock industry which has worked diligently to find methods to reduce the bycatch of salmon.

Mr. Henderschedt said that he would support the motion, although reluctantly. He expressed concern that the lowered overall cap of 60,000 fish combined with the performance standard of three out of seven years will remove a lot of incentive from the process.

Mr. Hyder also noted support of previous comments in support and said he felt this action will definitely reduce bycatch. One reservation that he has would be that the Council didn't give adequate consideration to triggered closures. Additionally, Mr. Hyder expressed concern that in years of high concentrations of Chinook, small independent vessels may have a great deal of difficulty avoiding bycatch.

Mr. Olson noted that while he will support the motion, he has difficulty supporting the cap of 60,000 fish. However, he hopes and expects that the addition of the performance standard concept will provide a mechanism for the hard cap to decrease.

Duncan Fields, Dave Benson, Sam Cotten, and Doug Mecum expressed similar statements of support as those offered by previous members.

Mr. Balogh noted a February 8, 2009 letter from U.S. Fish and Wildlife to Doug Mecum, NMFS-Alaska Region, which stated that USF&W supported a simple hard cap of 40,000 fish. Mr. Balogh noted that a performance standard around 40,000 would have been responsive to Fish & Wildlife's comments, but in his opinion the current motion is not and does not go far enough to address the needs of the in-river users in the Central and Upper Yukon.

Nicole Ricci expressed extreme disappointment with the Council's final preferred alternative, noting that she does not think these actions will in fact trigger any significant reduction in the bycatch of Chinook salmon and does not think it serves the needs of the people of Alaska who depend on Chinook for cultural and subsistence needs as well as small commercial fisheries. Additionally, Ms. Ricci stated that she is concerned that the Council's action may not be in compliance with the Pacific Salmon Treaty.

Mr. Lloyd expressed the confidence that the Council has acted responsibly and is well on the way to meeting demands of the Treaty by establishing a benchmark well below recent averages, but reaching back to previous levels that were much lower. Adding the incentive program will keep the industry working to find ways to alter fishing behavior to reduce bycatch to even lower levels.

Lisa Lindeman, NOAA General Counsel advised the Council that as a part of Secretarial review of this action it will be determined whether or not it complies with Section 304 of the MFCMA, and the National

Standards and other applicable law, which includes the Pacific Salmon Treaty. The State Department will review the action to determine whether it complies with the Treaty.

The Council unanimously approved the amended motion. A copy of that action is found in Appendix VI to these minutes.

C-3 Groundfish Issues

(a) Groundfish Trawl Fishery and Pacific Walrus in Bristol Bay

ACTION REQUIRED

Review discussion paper on northern Bristol Bay trawl and walrus.

BACKGROUND

In February 2008, the Council received letters from the Qayassiq Walrus Commission (QWC) and some Bristol Bay residents outlining concerns over interactions between Pacific walrus and the groundfish trawl fishing activities in the Bristol Bay region. The QWC requested regulatory changes to reduce trawling in the Nearshore Bristol Bay Trawl Area¹. The Council acknowledged receiving this information, and responded in a letter dated February 25, 2008 noting that the QWC concerns are largely addressed under the existing walrus protection areas adopted by the Council under Amendment 17 to the BSAI groundfish FMP and the larger Bristol Bay closed area adopted by the Council under Amendment 37.

In late August 2008, the Council received a request from the QWC to consider several proposals to increase protection for walrus habitat in the Nearshore Bristol Bay Trawl Area and a letter of similar concern from the Traditional Council of Togiak. At the October 2008 meeting, the Council received public comment on concerns over interactions between trawl fishing activities and Pacific walrus and their habitat in Bristol Bay, as well as more general concerns with regard to conflict between trawl fisheries and traditional fisheries in the area. Some residents of this region voiced concerns over potential disturbance to walrus and impacts on walrus feeding areas in the vicinity of the Nearshore Bristol Bay Trawl Area. Members of industry testified that in the near future, discussions will occur between industry and local residents to identify issues and potential solutions.

At the October 2008 meeting, the Council requested a discussion paper on the characteristics of the fishery in the Nearshore Bristol Bay Trawl Area including groundfish harvests, bycatch amounts, vessel participation, and levels of observer coverage. The Council also requested a review of information on the Pacific walrus population, and a description of conflicts that have occurred between fishing activities and walrus or their habitat during trawling, offloading, and any information on walrus takes in commercial fishing activity. That discussion paper (attached as item C-3(a)(1) without appendices) was sent out in a Council mailing on March 16, 2009.

Since initiating the discussion paper, Council staff has been informed of several voluntary industry initiatives to explore some of the concerns raised by the QWC and residents of the northern Bristol Bay region including meetings with the U.S. Fish & Wildlife Service and residents of communities in northern Bristol Bay. The stated goal of these meetings as reported to Council staff by industry was to define the issues, identify problems, and seek solutions outside the Council or regulatory process. Council staff has been advised that industry will report on these initiatives at this meeting.

¹ While all of Bristol Bay federal waters are generally closed to trawling east of 162° W longitude, an exception is the trawl area defined above where trawling primarily for yellowfin sole occurs during the open period April 1 to June 15.

The northern Bristol Bay region has a variety of open and closed areas, including walrus and Steller sea lion protection closures (see map below).

NOTE: C-3(b), GOA Chinook salmon and Tanner crab bycatch, was deferred to a subsequent Council meeting because of time constraints.

The Scientific and Statistical Committee did not address these agenda issues at this meeting.

Report of the Advisory Panel

The Advisory Panel addressed Bristol Bay Trawl closures and the Walrus issue. The AP believes that there is no compelling evidence of walrus interaction with the yellowfin sole fishery in the nearshore Bristol Bay trawl area. However, the AP did recommend that the Council ask staff to prepare an updated discussion paper that would incorporate 2009 bycatch data and consider scheduling discussion for the October 2009 meeting. The AP also recommended the Council consider scheduling an outreach effort to Bristol Bay communities for the purpose of presenting the discussion paper and explaining the Council process.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in this discussion for Denby Lloyd.]

The Council received staff reports from Bill Wilson and Diana Evans (NPFMC staff) and Joel Garlich-Miller of the U.S. Fish and Wildlife Service provided answers to questions from Council members. The Council also received a report from the Advisory Panel and oral public comments on this issue.

David Bedford moved to direct staff to prepare an updated discussion paper that would incorporate 2009 bycatch data and additional information on the harvest of walrus prey species. The motion was seconded by Ed Dersham.

Several Council members suggested additional information be added to the discussion paper, including fishing information relating to the halibut fleet. Mr. Bedford noted that his intent would be to keep the paper more narrowly focused, as stated.

Greg Balogh proposed an amendment to direct staff to report back to the Council on procedures for designating a walrus protection area centered on the emerging walrus on the western side of Hagemeister Island, but withdrew the amendment after some Council members felt the issue should not be included in the proposed discussion paper, but explored separately.

Mr. Mecum noted that the yellowfin sole sector has come together and agreed on ways to allay the concerns expressed by the residents of the affected area and the Council should wait for the results of those efforts before taking any further action on this subject.

Mr. Merrigan asked clarification of what staff should be including in the discussion paper. He summarized his understanding that the discussion paper would be updated with 2009 data, and would provide halibut CPUEs over the same time frame as the yellowfin sole fishery to determine what the effects would be on the local fishery. Additionally, bycatch information for walrus prey species, such as clams, would be included. Mr. Bedford agreed that more information on fishery interactions with walrus prey will be important at the USFWS considers walrus protection.

Mr. Bedford's motion carried, 7 to 4, with Benson, Henderschedt, Tweit and Mecum voting against.

Greg Balogh moved to direct staff to prepare a discussion paper analyzing the procedures and need for designating a walrus protection area centered on the emerging walrus haul-out on the west side of Hagemeister Island near the mouth of the unnamed stream just south of the unnamed spit. The motion was seconded and carried, 6 to 5, with Benson, Dersham, Fields, Mecum and Merrigan voting against.

Mr. Balogh noted that he anticipates that USFWS staff would participate in crafting the 'need' portion of the discussion paper.

C-4 Amendment 80 Cooperatives

ACTION REQUIRED

a) Review annual cooperative report

b) Final action of Amendment 80 cooperative formation

[NOTE: This portion of the agenda item was deferred to a later meeting because of time constraints.]

BACKGROUND

At the February 2009 meeting, the Council conducted an initial review on an action to modify Amendment 80 cooperative formation. The following are the alternatives recommended by the Council and addressed in the analysis:

- **Alternative 1: (Status quo) – A minimum of three unique quota share holders holding at least nine quota share permits are required to form a cooperative.**
- **Alternative 2: Reduce the number of unique quota share holders required to form a cooperative from three to two or one unique quota share holder.**
- **Alternative 3: Reduce the number of quota share permits required to form a cooperative from the existing 9 permits to some lower range. (e.g., three permits to the existing 9 permits)**
- **Alternative 4: Reduce both the number of unique quota share holders and the number of quota share permits required to form a cooperative (combination of Alternatives 2 and 3).**
- **Alternative 5: Allow a cooperative to form with a minimum of three unique QS holders holding at least nine QS permits (status quo), or a single or collective group of entities that represent 20%, 25%, or 30% of the sector quota share.**
 - **GRS Suboption (Applicable to all Alternatives): The GRS shall be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.**

At this meeting, the Council is scheduled to review the annual cooperative report and take final action on Amendment 80 cooperative formation amendment. The analysis for this amendment was mailed out on March 11, 2009; an executive summary of that analysis is attached (Item C-4(a)).

The Scientific and Statistical Committee did not address this issue at this meeting.

Report of the Advisory Panel

The Advisory Panel received the annual report for the Best Use Cooperative from Jason Anderson, but had no comments.

FINAL MINUTES
NPFMC MEETING
APRIL 2009

With regard to final action on Amendment 80 cooperative formation criteria, the AP had the following recommendations:

--That the Council approve Alternative 1 – status quo (A minimum of three unique quota share holders holding at least nine quota share permits are required to form a cooperative) with the suboption that the GRS shall be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.

--That the Council approve a modified purpose and need statement provided on Page 63 of the March 10, 2009 EA.

COUNCIL DISCUSSION/ACTION

[NOTE: Sue Salvesson and David Bedford participated in this discussion for Doug Mecum and Denby Lloyd, respectively.]

While the Council received the annual Cooperative report from Jason Anderson, and the Advisory Panel Report, final action on Amendment 80 cooperative formation criteria was deferred to a later meeting because of time constraints.

C-5 MPA Nomination Process

NOTE: This agenda item was deferred to a subsequent Council meeting because of time constraints.

D. OTHER ISSUES

D-1 Other Groundfish Issues

- (a) Review and approve Halibut Sorting EFP
- (b) Review HAPC evaluation criteria and EFH 5-year review methodology (SSC only)

NOTE: Because of time constraints the Council did not address these two agenda items. However, the Council noted that the comments of the Scientific and Statistical Committee on the Halibut Sorting EFP satisfy the requirement for Council consultation on experimental fisheries permits. The SSC's comments are found in the minutes of the SSC Meeting, Appendix IV to these minutes. Additionally, the Advisory Panel recommended approval of the Halibut Sorting EFP.

D-2 Scallop Issues

ACTION REQUIRED

Receive Plan Team Report, Review and Approve SAFE report

BACKGROUND

Scallop SAFE Report

The Scallop Plan Team met in Anchorage on February 19-20, 2009 to review the status of the weathervane scallop stocks in Alaska and to prepare the Stock Assessment and Fishery Evaluation (SAFE) report. This SAFE report was mailed to you on March 3rd. The report from the Scallop Plan Team meeting is attached as Item D-2(a). The SAFE report provides an overview of

scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.

Report of the Scientific and Statistical Committee

The SSC received staff presentations on the Scallop SAFE report and provided comments and recommendations to staff for future scallop SAFES. Please see the SSC Minutes, Appendix IV to these minutes for those recommendations.

The Advisory Panel did not address this agenda issue.

COUNCIL DISCUSSION/ACTION

The Council received a staff overview of the Scallop SAFE from Diana Stram (NPFMC staff), and the SSC report. There was no report from the Advisory Panel and no oral public comments on the issue.

Duncan Fields moved to approve the Scallop SAFE. The motion was seconded by Dave Benson and carried without objection.

It was noted that SSC comments will be accommodated to the extent practicable.

D-3 Staff Tasking

ACTION REQUIRED

Review tasking and committees and provide direction.

BACKGROUND

Committees and Tasking

The list of Council committees is attached as Item D-3(a)(1). Item D-3(a)(2) is the three meeting outlook, and Item D-3(a)(3) provides a summary of current projects and tasking. In addition, an updated workplan for implementing the programmatic groundfish management policy is attached as Item D-3(a)(4). The Council may wish to discuss priorities for completing ongoing projects, as well as any new tasks assigned during the course of this meeting.

Note that on its October agenda, the Council is scheduled to review the 'status quo' Steller sea lion Biological Opinion, as well as a discussion of a plan for a proposed analysis to consider splitting the (currently nine) BSAI Pacific cod sector allocations between the BS and AI areas. This analysis is necessary should the BSAI TAC be split into separate BS and AI TACs in a future harvest specifications process, in order to avoid the default scenario in which each sector receives the same percentage of its current BSAI Pacific cod allocation in each area.² The Council has scheduled a discussion of this potential analysis during the same meeting as the review of the biological opinion, as the results of the biological opinion may have significant impacts on the direction of this analysis. While signaling an interest in starting the BSAI Pacific cod sector split analysis earlier in the year, the Council recognized that prior to developing the analysis, there is a need to understand the outcome of the ongoing biological opinion, which, among other things, addresses the effects of the status quo BSAI Pacific cod fishery on Steller sea lions. In effect,

² For example, if the BSAI TAC is split in a future TAC-setting process, the default scenario (absent analysis and rulemaking of other alternatives) is that a sector that currently receives an allocation of 22% of the BSAI ITAC would then receive an allocation of 22% of the BS ITAC and 22% of the AI ITAC.

depending on the outcome of the biological opinion, the status quo for the Pacific cod fishery could be substantially affected.

Also in February, the Council recommended initiating a small committee in preparation for the potential analysis to consider splitting the BSAI Pacific cod sector allocations. Specifically, the Council approved initiation of a committee to start evaluating the suite of alternatives and recommend data requests that may be necessary to make progress on this issue this summer. The intent was to appoint members in April, with a possible meeting by June. Due to the plan to discuss the potential BSAI Pacific cod analysis in conjunction with the meeting to review the biological opinion, it may be prudent to select members of the suggested committee over the summer, but not convene the committee until the bounds of the proposed analysis are more clear and the Council has had an opportunity to discuss the outcome of the biological opinion in October.

Note also that the results of the biological opinion, and the direction of the BSAI Pacific cod sector allocation split analysis, may also have implications for the analysis of proposed alternatives to establish processing sideboards on catcher vessel deliveries of Pacific cod harvested in the Eastern and Central Aleutian Islands to processing vessels. The sideboards are intended to limit the amount of Pacific cod harvested in these areas (Area 541 and 542) that can be delivered to catcher processors, floating processors, and motherships that participate in the American Fisheries Act, BSAI crab rationalization, and BSAI Amendment 80 sectors. The Council requested that initial review of this draft sideboard analysis be scheduled for October 2009, also in order to coincide with the review of the ongoing Biological Opinion. At that point, the Council expects to have additional information as to whether the BSAI Pacific cod total allowable catch needs to be allocated separately between the Bering Sea and the Aleutian Islands, as well as any other potential measures that may be established in the BSAI Pacific cod fishery as a result of the Biological Opinion. Due to reasons similar to the situation described above, the Biological Opinion could directly affect whether the draft sideboard analysis prepared for October is accurate and relevant, as both the 'status quo' and the potential impacts of the proposed sideboard action could change depending on the outcome of the biological opinion.

Neither the Scientific and Statistical Committee nor the Advisory Panel had comments on this agenda item.

COUNCIL DISCUSSION/ACTION

[NOTE: Bill Tweit was not present for this discussion.]

Chris Oliver, Executive Director, provided a brief review of committee issues and items brought up during this meeting for discussion during staff tasking. The Council received oral public comments on staff tasking issues.

MRA Accounting - Comment on Proposed Rule

The Council also discussed this issue during the NMFS Management Report. The approval of Amendment 80 suggests this action is no longer needed and Amendment 80 sector participants have indicated that they agree. The issue was whether the Council could comment or take any action at this meeting because it was not placed on the agenda. After further discussion, it was decided that the Council would acknowledge that NMFS has consulted with the Council and take no formal action.

State Department Letter, re: Salmon Treaty

FINAL MINUTES
NPFMC MEETING
APRIL 2009

The Council discussed whether to respond to the State Department's March 25, 2009 letter relating to Council action. It was noted that the State Department will receive the record of Council's action when it is submitted for review.

John Henderschedt moved to ask staff to draft a letter to the State Department providing the following:

- an update on the recent Council action and current status of bycatch levels,**
- a review of the Council's objectives in taking this action, including an excerpt of the problem statement,**
- discussing the balance of National Standards 1 and 9 and addressing uncertainty,**
- citing the IPA requirements as well as the incentives at a vessel level to avoid bycatch at all levels of encounter,**
- stressing the transparency with reporting, strict monitoring requirements and an objective performance standard.**
- The letter should note the current levels of bycatch--19,000 Chinook in 2008 and to date, 9,500 Chinook,**
- the letter should include a description of the action. That would include the Council expectations for action to eliminate the possibility of bycatch in excess of 60,000 Chinook in one year, that it should reduce the average bycatch below 47,500 Chinook salmon and it should keep bycatch low in all years instead of allowing a fleet to relax some years such as '08 and '09.**
- And, finally, should stress the need for improved sampling to better address impacts of bycatch on salmon stocks.**
- The letter should conclude that the Council believes this action will reduce marine bycatch of Yukon salmon consistent with the expectations of the State Department as well as reduce bycatch of salmon bound for other rivers in Alaska, the Lower 48, and other regions.**

The motion was seconded and carried without objection after discussion.

It was stressed that the letter should be a description of actions and maintain an objective tone, not one of advocacy. The draft letter is to be circulated among Council members for review and comment before it is finalized.

June Agenda

During discussion, it was agreed that, pending review of the Chair, the CGOA Rockfish Program would be placed on the June agenda, and the GOA Chinook and Tanner Crab Bycatch discussion paper would be deferred until October. Additionally, the GOA Pacific cod sector splits will be on the June agenda, but only to clarify parallel waters issues. Initial review of the action will be placed on the October agenda. As is Council practice, the June agenda will be drafted by the Executive Director and the Chair and circulated among Council members for comments and recommendations.

Annual Reporting Requirements - IPAs

Doug Mecum moved to request NMFS to develop a discussion paper for a data collection program for the pollock fleet that would provide the necessary information to evaluate whether the program is meeting the Council's intent. The discussion paper would then be reviewed by the Council's Socioeconomic Data Collection Committee, which would provide a committee report to the Council in June. The Council could then determine whether to task staff with further development of a

FINAL MINUTES
NPFMC MEETING
APRIL 2009

data collection program for salmon bycatch. The motion was seconded by Sam Cotten and carried without objection.

Mr. Olson noted that he will assign two or three Salmon Bycatch Committee members to the Socioeconomic Data Committee for the review.

Enforcement Committee Procedures

The Council approved the recommended committee operating procedures developed by the Enforcement Committee. The procedures will be appended to the Council SOPPs for future reference.

ADJOURNMENT

Chairman Olson adjourned the meeting at approximately 4:20 pm on Tuesday, April 7, 2009.