North Pacific Fishery Management Council

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APPROVED: Eric A. Olson

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FINAL MINUTES

194th Plenary Session
North Pacific Fishery Management Council
October 3-9, 2009
Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met October 3-9, 2009 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met October 1-3, and the Advisory Panel met October 1-5 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
Dan Hull
Denby Lloyd/Dave Bedford
Doug Mecum/Sue Salveson
Bill Tweit for Phil Anderson
ADM /LCDR Lisa Ragone

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

The North Pacific Fishery Management Council met October 3-10, 2009 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met September 30-October 2, 2009 and the Advisory Panel met September 30-October 4, at the same location. Appendix I contains the public sign in register and a time 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 8:04 am on Saturday, October 3, 2009.

Dave Bedford participated for Denby Lloyd in this part of the meeting. Mr. Bill Tweit participated in the entire meeting in place of Phil Anderson, Acting WDF Director.

Chairman Olson introduced Admiral Colvin of the USCG who sat along with Capt. Mike Cerne at the Council table. He also introduced and welcomed Sherri Meyers of NOAA Enforcement. Ms. Sue Salveson swore in Chairmen Dan Hull, Ed Dersham, and Dave Benson for a new term.

AGENDA: The agenda was approved as published. MINUTES: The minutes of the June 2009 Council meeting were approved as submitted.

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).

Executive Director's Report:

Chris Oliver, Executive Director, reviewed his written report, including a brief report on the Ocean Policy Task Force, with Mr. Bill Tweit noted that the Council and States should have opportunity to comment on the Ocean Policy Task force report. Mr. Oliver gave kudos to staff for a journal publication, and gave updates on the Northern Bering Sea Research Area, crab industry meetings and progress, and notices for upcoming workshops and conferences. Steve Minor of the Pacific Northwest Crab Advisory Committee reviewed his written report, and discussed progress to date regarding the economic data reporting system. Mr. Henderschedt reported on a Fisheries Leadership and Sustainability Forum in Monterey, CA, specifically focusing on bycatch solutions.

NMFS Management Report

Ms. Sue Salveson presented the Council with a review of the status of FMP amendments and answered questions from Council members regarding progress of other amendments.

Mary Furness, of Sustainable Fisheries, provided an update on the status of Groundfish Fisheries in the Bering Sea and Gulf of Alaska, and provided a handout outlining inseason management highlights and the most recent catch reports.

Lisa Lindeman, NOAA General Counsel, provided a brief update on litigation of interest to the Council.
ADF&G Report

Herman Savikko (ADF&G) provided the Council with a review of the State fisheries of interest to the Council and answered general questions from the Council Members. Additionally, he reviewed current Board of Fisheries proposals and Agenda Change Requests that may be of importance to the Council.

Scott Meyer of ADF&G in Homer, gave a brief report of the Halibut Harvests in 2C and 3A and reviewed Logbook numbers.

USCG Report

Lt. Rhineholdt of the USCG provided the Coast Guard Enforcement Report for June – September 2009.

U.S. Fish and Wildlife Report

Greg Balogh of USF&W gave a brief report of the status of Pacific walrus, sea otters, and reported on the satellite-tagged albatross chicks. He also noted the Agency remains concerned about the bycatch of Chinook and chum salmon.

Protected Species Report

Bill Wilson, Council staff, and Kaja Brix, NMFS, gave the protected species report. He also noted there may be a need to convene the Steller Sea Lion Mitigation Committee, in preparation for the BiOp and EIS Schedule.

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 Pacific Cod Sector Allocations

ACTION REQUIRED

Initial Review of the analysis for GOA Pacific cod sector allocations.

BACKGROUND

In December 2008, the Council made an initial review of the draft EA/RIR/IRFA for the proposed action to allocate the Western and Central GOA Pacific cod TACs among the various gear and operation types. Currently, separate TACs are identified for Pacific cod in the Western, Central, and Eastern GOA management subareas, but the TACs are not divided among gear or operation types. This results in a derby-style race for fish and competition among the sectors for shares of the TACs. Sector allocations may provide stability to long-term participants in the fishery by reducing competition among sectors for access to the GOA Pacific cod resource.

The Council made several additions and refinements to the components and options for analysis at its December 2008 meeting. Specifically, the Council added options under Component 2 to

restrict vessels from participating in the GOA Pacific cod fisheries using more than one operation type (i.e., vessels could not operate as both CPs and CVs). The intent of these options is to preclude vessels from opportunistically fishing off both the CP and CV allocations for a respective gear type. In addition, the Council adopted options to calculate sector allocations based on catch history from 2002 through 2008 (best 3 or 5 years), and options for seasonally apportioning sector allocations. The Council expanded the community protection provisions in Component 8 to include several options and suboptions; different options could be selected for the Western GOA and Central GOA. The intent of these options is to protect processing and community delivery patterns established under the current inshore/offshore regulations.

In addition, after reviewing a staff discussion paper on management issues in the parallel fishery at the June 2009 meeting, the Council revised the problem statement and Component 10 of the alternatives, which addresses the parallel waters fishery. The Council removed an option to establish a parallel waters catch cap after reviewing information that showed that some participants rely heavily on the parallel waters fishery, and could lose access to the fishery if parallel waters catch is limited. Option 2 was revised to mirror the approach taken by the Council to address management issues resulting from the participation of Federally-permitted vessels that do not hold LLP licenses in the BSAI parallel waters Pacific cod fishery. Currently, entry into the parallel waters groundfish fisheries by Federally-permitted vessels is not limited. If sector allocations are established, parallel waters activity by newly entering Federally-permitted vessels could erode the catches of historic participants who contributed catch history to the allocations and depend on the GOA Pacific cod resource. Vessels fishing in Federal waters are required to hold an LLP license with the appropriate area, gear, and species endorsements, but vessels fishing in parallel State waters are not required to hold an LLP license. The Council adopted an option for analysis that would preclude Federally-permitted vessels that do not have LLP licenses from participating in the GOA Pacific cod parallel fishery to prevent any such encroachment. The Council directed staff to incorporate these additional options into the initial review draft for this meeting.

Jeannie Heltzel (NPFMC staff) provided a review of elements, components and options from the initial review draft of the document "Allocation of Pacific cod among sectors in the Western and Central GOA." The Council also received the recommendations of the Advisory Panel and oral public comments on this issue.

Please see APPENDIX II for the full motion recommended by the Advisory Panel.

COUNCIL DISCUSSSION/ACTION:

Commissioner Denby Lloyd moved a complete written motion and it was seconded, based on the AP motion. An outline of the discussion and motions to amend follow, with the complete motion attached as APPENDIX III.

After introducing his motion, Commissioner Lloyd spoke to his motion, noting differences between the Central and Western GOA. There was a general discussion regarding the difference between "motherships" and stationary floating processors, which may only operate at a single geographic location. Ms. Heltzel reviewed these definitions from the document, and answered general questions about the analysis.

There was a longer discussion regarding the National Standards, with NOAA General Counsel reminding the Council that NMFS is still under ESA Section 7consultation, and any actions the Council takes will be reviewed closely. The Council proceeded with amendments and discussions starting with the Problem Statement.

Mr. Mecum moved, and it was seconded, to change the last sentence of the problem statement, so it reads "while recognizing that new entrants.... may participate in the fishery" Motion passed unanimously.

Mr. Fields moved to add a broader range for the Council's allocation adjustment considerations under Component 9. (For example: For each sector the range for the high potential allocation is increased by 3 percentage points, and the range for the low potential allocation expanded to 3% below the sector's current low number, except sectors with a low percent allocation of less than 5% would retain their current low number.) It was seconded by Mr. Cotten. He provided a handout noting how the new allocation options would apply to the different sectors, in the different management areas.

There was discussion regarding using catch history to establish sector allocations vs. ranges of allocations, and how they are related. Mr. Fields noted that using a range gives the Council flexibility while noticing the public and not constraining the decisions when it is time for final action. The Council noted that new tables would have to be made using the "range," and Ms. Heltzel advised the Council that while the tables can be provided to the Council, more effort will be required to provide an analysis of the tables to the Council, and what the changes in the range would mean to the sectors.

Mr. Henderschedt noted that rather than discussing ranges of allocations, it would be better to have the analysis reflect specific goals. Mr. Fields affirmed that the tables reflecting the wider ranges of sector allocations would be included as part of the analysis of Component 4, and that the economic analysis would evaluate these ranges.

The motion passed 6/5, with Cotten, Fields, Dersham, Henderschedt, Lloyd, and Olson voting in favor.

Mr. Henderschedt moved, and Mr. Benson seconded the following: Under Component 2, For WGOA and CGOA Pacific cod: holders of CP licenses shall make a one time election to receive a WGOA and or CGOA Cod CP or CV endorsement. Upon implementation of the GOA sector allocations, holders of these licenses will be limited to operating in the sector designated by their license in the GOA cod fishery.

For example, CPs may not operate as CVs in the cod fishery. Future catch accounting for these vessels should be according to operating mode. **Motion passed without objection.**

Mr. Fields moved and Mr. Hull seconded, a motion to delete the stepdown by 1% provision for the jig allocation in Component 5. A substitute motion made by Mr. Henderschedt and seconded by Mr. Benson to step down the jig allocation if 90% of the previous allocation (rather than the current allocation) is not harvested. If this occurs, the jig allocation will be stepped down by 1% in the following year (to the previous allocation), but shall not drop below the level initially allocated. **The substitute motion passed without objection.**

Mr. Fields moved and Mr. Dersham seconded a revision to Component 5, which would increase the jig gear allocation cap to a range from 5% to 7%, rather than just 5%. He noted that capping the jig allocation at 5% may inhibit growth in participation by residents of coastal communities. **Motion passed 7/4, with Cotten, Dersham, Fields, Hull, Lloyd, Mecum, and Olson voting in favor.**

Mr. Cotten moved and it was seconded to add the following: Add a suboption which would apply a 60/40 seasonal apportionment to any jig allocation as a result of this action. Motion passed without objection.

Mr. Mecum moved and it was seconded to change CGOA and WGOA in Component 7 to "GOA". Motion passed without objection

Mr. Henderschedt moved and it was seconded to revise Option 1 under Component 8 to read: "Motherships may not receive deliveries of directed Pacific cod harvests." **Motion passed without objection.**

Mr. Henderschedt also moved and it was seconded to change Component 8, suboption (can be applied to Options 2-4) "Limit weekly processing of Pacific cod landings from CVs by vessels operating as motherships to..." "...(c) 300 mt per week and applies to all cod landings from CVs"

There was brief discussion on how the language in the motion clarifies the suboption; the intent is to limit processors that are operating in mothership mode. **Motion passed with Mr. Cotten objecting.**

Mr. Mecum moved and it was seconded to change under Component 8: Change the last sentence in the paragraph to read: "Stationary floating processors at a single geographic location during the year may only process groundfish." Motion passed without objection.

Mr. Tweit moved and it was seconded to clarify the 4 options listed under Component 8 are not mutually exclusive. Motion passed without objection.

Mr. Fields handed out a printed motion which Mr. Hull seconded, to allow motherships operating within a 3 mile seaward swath of the Census Designated Place (CDP) of the following communities. Sand Point, King Cove, Perryville, Ivanof Bay, Chignik, Chignik Lagoon, Akhiok, Chenega Bay, Halibut Cove, Karluk, Larsen Bay, Nanwalek, Old Harbor, Ouzinkie, Port Graham, Port Lions, Seldovia, Tatitlek, Tyonek. The first option would allow Federally-permitted vessels to operate as motherships within the boundaries of Western and Central GOA communities that have provided certified municipal land and water boundaries to the State of Alaska Department of Community and Economic Development. The second option would allow Federally-permitted vessels to operate as motherships within a 3 nautical mile seaward swath of a list (shown in the printed motion) of Census Designated Places. Mr. Fields indicated that it was his intent that the Council could choose both options, in case some communities do not have municipal boundaries registered with the State of Alaska DCED. **Motion passed 7/4, with Cotten, Dersham, Fields, Hull, Lloyd, Mecum and Olson voting in favor.**

Mr. Fields also moved to add a section to the motion as vii, which would say; "Motherships operating within the municipal boundaries of these designated communities are limited to processing codfish at no more than 3 approved municipal geographic locations in a single year." There was discussion regarding definition of "municipal" and "approval." **Motion failed 4/7, with Cotten, Fields, Hull, and Lloyd voting in favor.**

Mr. Tweit moved and Mr. Lloyd seconded to change in Component 8, Option 2 the range of allowing mothership activity up to a percentage of TAC from (5-10%) to (0-10% in the CGOA and 1-10% in the WGOA). Motion passed without objection.

Mr. Fields made a motion which Mr. Dersham seconded which would "prohibit mothership processing activity if there are already 2 or more processors processing at least 50 mt weekly of codfish." There was general discussion concerning how weekly processing activity would be monitored in order to determine whether motherships could operate in a community. **This prohibition would likely have to be assessed based on the previous year's processing activity in a community. Mr. Fields, with concurrence of his second, withdrew his motion.**

There was a discussion on Component 9: General vs. specific direction with respect to sector allocations. Mr. Henderschedt advised Council members to air concerns and ask clarifying questions now, so they may be addressed in the analysis and answered specifically. He stated that the more focused the Council is in defining its intentions, the better the analysis can reflect the impacts of the Council's decisions on the sectors.

Mr. Hull noted that "equity of access" is a new term added to Component 9, and requested staff to address this issue in the next document. There was a brief discussion regarding excess incidental catch and excess prohibited species catch by sectors and how that will be addressed. It was generally agreed that Council Staff would be allowed latitude to include an analysis of how issues of equity of access have affected catch history by the sectors.

During discussion on Component 7, **Mr. Fields moved Mr. Cotten seconding, to further apportion the hook-and-line CV halibut PSC between vessels less than and greater than 50 ft LOA (in the CGOA) and vessels less than and greater than 60 ft LOA (in the WGOA).** Mr. Mecum noted that these would be small allocations, and Mr. Fields clarified that the intent was to establish separate PSC allocations for the large and small vessel sectors in the W and C GOA. **The motion failed 4/7, with Cotten, Fields, Hull, and Hyder voting in favor.**

Mr. Benson moved and Mr. Hyder seconded to delete the last sentence of the proposed written motion which requested staff to compile information on trawl CP licenses that have trawl CP landings. There was brief discussion regarding timeline for staff, and Mr. Benson noted that the substantial additional analysis has already been requested. **Motion passed 9/2, with Cotten and Fields voting against.**

Mr. Cotten moved and Mr. Fields seconded it to revise the option under the list of WGOA sectors in Component 2:

OPTION: For Western GOA only, create a single sector of combined trawl and pot CVs
Motion passed without objection.

Amended main motion passed unanimously.