North Pacific Fishery Management Council

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FINAL MINUTES

197th Plenary Session
North Pacific Fishery Management Council
April 8-13, 2010
Hilton Hotel, Anchorage, Alaska

Appendices:

APPROVED: Eric G. Olson

DATE: 6-9-2010

FINAL MINUTES

197th Plenary Session
North Pacific Fishery Management Council
April 8-13, 2010
Hilton Hotel, Anchorage, Alaska

The North Pacific Fishery Management Council met April 8-13 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met April 6-8, and the Advisory Panel met April 6-10 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
Duncan Fields
Dave Hanson
John Henderschedt
Roy Hyder
Dan Hull
Denby Lloyd/Stefanie Moreland
Jim Balsiger/Sue Salveson
Bill Tweit
ADM C.C. Colvin and Capt. Mike Cerne

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Jeannie Heltzel
Nicole Kimball
Peggy Kircher
Jon McCracken
Sarah Melton
Chris Oliver
Maria Shawback
Diana Stram
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Robert Clark
George Hunt
Seth Macinko
Keith Criddle
Farron Wallace
Gordon Kruse
Franz Mueter
Doug Woodby
Milo Adkinson
Anne Hollowed
Kathy Kuletz
Lew Queirolo

* Absent: Terry Quinn and Sue Hills

Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
John Crowley
Julianne Curry
Jerry Downing
Tom Enlow
Tim Evers
Jeff Farvour
Becca Robbins Gisclair
Jan Jacobs
Bob Jacobson
Simon Kinneen
Chuck McCallum
Matt Moir
Ed Poulsen
Beth Stewart
Lori Swanson
Anne Vanderhoeven

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.

Mr. Fields moved, which was seconded, to approve the minutes of the previous meeting in February 2010. Motion passed unanimously.

Mr. Lloyd moved to approve the two plan team nominations: Karla Bush to the Crab Plan Team, and Joseph Stratman to the Scallop Plan Team. Motion passed without objection.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:04 am on Thursday, April 8, 2010.

Mr. Bill Tweit participated in the entire meeting in place of Phil Anderson, WDF Director.

AGENDA: The agenda was approved as published.

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, briefly reviewed his written report, announcing a new staff member, as well as updating the Council on upcoming meetings.

There was brief discussion regarding the process of the Ocean Policy Task force, and noting that "marine spatial planning is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process." Mr. Oliver noted that after public comment and input, a letter would be drafted and submitted as part of the national public comment on Marine Spatial Planning, with a copy to Secretary Lubencheco.

NMFS Management Report

Ms. Sue Salveson briefly reviewed an overview of regulatory action and NMFS in-season management report. John Lepore, NOAA General Counsel, provided a brief update on litigation of interest to the Council, and Dr. Martin Loefflad gave a report on observer restructuring and outreach efforts.

ADF&G Report

Karla Bush (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.

NOAA/Office of Litigation and Enforcement

There was no NOAA Enforcement report given.

USCG Report

Lt. Cmdr. Ray Reichl of the USCG provided the Coast Guard Enforcement Report, following a brief address by ADM Colvin.

C-3 Groundfish Annual Catch Limits

BACKGROUND: ACL Final Action
The Magnuson-Stevens Act and the National Standard 1 Guidelines require councils to develop measures to prevent overfishing, rebuild overfished stocks, achieve optimum yield, and to establish ACLs and AMs for species and species groups identified as "in the fishery." An ecosystem component (EC) category may also be included in the FMPs for species and species groups that are not targeted for harvest, not likely to become overfished or subject to overfishing, and not generally retained for sale or personal use.

Jane Cosimo gave the staff report on this issue, and reviewed the Non-Target Species Committee report. Lori Swanson gave the AP report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved to adopt Alternative 2: Revise the groundfish FMPs to comply with requirements to set annual catch limits and accountability measures, and eliminate the other species category and manage GOA squids, BSAI and GOA sculpins, BSAI and GOA sharks, and BSAI and GOA octopus separately in the target species category. Additionally, prohibited speicies and forage fish are in the ecosystem component category, target species are "in the fishery," and non-specified species are removed from the FMPs and complementary regulatory amendment. Additionally, the Council recommends adoption of the 6 housekeeping amendments as described in Appendix A, and Appendix B of the analysis. The motion was seconded.

Mr. Tweit noted that besides being mandated to revise current practices to bring them into compliance with the revisions to the MSFMA, that this option is a right step to take from conservation standpoint, although currently there is only a minor risk of overharvesting in other species category; forage fish are NOT likely to be overfished in the absence of conservation and management measures. He also noted that generally, these species are not retained for sale or personal use in the groundfish fisheries. Mr. Twiet emphasized that the threat of litigation should not play a part in Council decisions.

Mr. Benson agreed everyone gets nervous when we start drawing other boxes, but this has been an ongoing process, with the concern of having less flexibility and the danger of having fisheries close. He reminded everyone that by taking this action, we are realizing a series of steps the agency can take preceding a fishery closure. Mr. Benson remarked that during discussions in the Ecosystem Committee, re-categorizing forage fish and other species as new information became available was noted and it as agreed that doing so was a 'work in progess.'

Mr. Balsiger noted that the ultimate goal of this is to reducing the risk of overfishing of the identified species in the ocean.

Mr. Tweit briefly mentioned that this action is applicable to NS1, and directly addresses NS3; removing sculpins, sharks, octopuses, and squids from the other species category into the target category and requiring that ACLs be set for them, the final intent being the reduction of overfishing in GOA and BSAI.

Mr. Lepore noted that the standard is the "best scientific information available" and that this action would allow the Council to not be not stymied by lack of information in reducing the risk of overfishing.

Mr. Henderschedt moved to amend the main motion, and was seconded, to note that 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. Roll call vote: **Motion passed unanimously.**

Mr. Benson moved to task staff to draft a discussion paper on recommendations from the NTSC in its minutes on page 2 – a list of items of interest – which are split between stocks in the fishery and stocks in the EC category. Mr. Henderschedt seconded the motion. Mr. Benson noted that the Committee discussed items of interest for further management of stocks, and to meet again to review the paper at a later date. Mr. Benson discussed mandatory review and vulnerability analysis, but did not specifically list, or task the SSC with a different way to calculate Tier 6. **Motion passed without objection.**

Mr. Tweit amended the motion which was seconded: to include in the discussion paper the effects of current Tier 6 relative to the adoption of this new framework, and recommendations on which Tier 6 species would be first on list of review by SSCs and Plan teams. Ms. DiCosimo noted timing with tasking of staff and ability to draft the discussion paper and have the Committee review, it was generally agreed to wait until the Committee is able to review the paper. **The amendment was withdrawn with concurrence of the second.**

Mr. Fields was concerned as to whether a description of information is required for a stock to move from tier 6 to tier 5.

Mr. Fields amended the motion which was seconded by Mr. Hull, to include brief discussion on what information is needed to move stocks from Tier 6 to Tier 5, and an update on the status of that data (estimate of biomass, natural mortality) and what research is still needed. Passed unanimously.

Mr. Tweit moved, which was seconded, to request the SSC conduct a review at its next meeting of implementation of ACL and OFL rules relative to the current suite of specifications for the different tiers, with emphasis of Tier 5 and Tier 6 species.

Mr. Tweit noted that there was a need to highlight this in order to implement necessary change new ACLs and OFL for tier 5 and tier 6 species at the same time new rules are implemented. **Motion passed without objection.**

C-4 Central Gulf of Alaska Rockfish Program

BACKGROUND

In June 2009, the Council adopted a suite of elements and options for developing a new management program for the Central Gulf of Alaska rockfish fishery to replace the existing pilot program, which is set to expire after the 2011 fishing season. At subsequent meetings, the Council has revised those alternatives to their current form. In February 2010, the Council reviewed a preliminary draft of the analysis and scheduled the item for initial review at this meeting.

Mark Fina and Jon McCracken gave the staff report on this agenda item. Lori Swanson gave the AP report, and Farron Wallace gave the SSC report on this item. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved a lengthy 14 page printed motion, which was seconded. He responded to questions from the Council and spoke to his motion page by page. There were clarifications from staff and sections were marked for discussion as the Council began deliberation.

The Council determined to proceed through the document page by page and offer amendments accordingly. A full motion is attached to these minutes as APPENDIX 4.

Page 3: Section 4.5
Mr. Hendershedt moved, and Mr. Hyder seconded to add:
Suboption: divide the set aside between participants equally.
Mr. Henderschedt commented that the entry level fishery has had many altering factors, and that this option would incorporate the ability to be fair and equitable. **Motion passed unanimously.**

There was brief discussion regarding definitions of "legal landing" and "delivery."

Page 4: Section 4.5
Mr. Tweit moved to amend, which was seconded, the option that begins "Qualified entry level trawl LLPs, in aggregate, would receive an allocation of QS from the primary rockfish species in an amount between..." and change the 2.5 to 1.5% – 5%.

Mr. Tweit mentioned that because of public comment, expanding range for clarity makes sense, and would allow evaluation of 3% of the trawl sector in the entry level **The motion passed without objection.**

Page 5: 7.2.4 Exemptions:
Mr. Henderschedt moved, which was seconded, for the CP sector, a shortraker allocation of the TAC will be Option 1(b) 50% and strike 1(a) 30.03%. Mr. Henderschedt noted that in its present form, the motion limits moving into a limited access fishery within the rockfish program. If the Council eliminates limited access fishery, we should give them something else on the cooperative side. There was a brief discussion regarding elements in the alternatives and options, and the Council's obligation to notice the public as to what elements are possibly included. Mr. Fina indicated that Council approved motions and deletions will be included in the final document and are intended to facilitate analysis being done, and to inform public of options. NOAA General counsel advised the Council to proceed with caution when making last minute decisions at final action and to not foreclose on options too soon. **The motion failed 3/7 with Tweit, Benson, and Henderschedt voting in favor.**

Page 5: last part of 7.2.4
Mr. Balsiger moved to amend, which was seconded, the following
MRAs in the cp section will be enforced on:

a. **A trip by trip basis**
b. **An instantaneous basis**

Mr. Balsiger wanted to make sure Enforcement has the tools they need in the regulations and analysis. **Motion passes unanimously.**

Bottom of page 5, top of page 6
Mr. Cotten moved to amend, which was seconded, to retain full range of options for supplementing the last seasonal apportionment of halibut PSC. Mr. Cotten spoke to his motion noting that the document will have more analysis on a few additional, important, issues, and it would be premature to delete any of the options at this time. **Motion passed without objection.**

Page 8, Section 10
Mr. Lloyd moved to amend by striking a paragraph "Under the LLP/open access fishery option...." noting that it was no longer applicable. It was seconded by Mr. Fields. **Motion passed without objection.**

Page 10
Mr. Henderschedt moved to amend, which was seconded by Mr. Fields, in the: 4 and 5th paragraph "no processor shall process more than..." add an option to the range of 10%. The motion was seconded. And he added:

In the event that a historic participant withdraw from the fishery either by not submitting an annual registration, or as a result of an in season catastrophic event, that the processor's grandfather limit shall be distributed on a pro rata basis to the remaining grandfather limits and processing limits for the year, or remainder of the year.

Mr. Henderschedt noted that with the addition of the 10%, a low processor cap with grandfather provisions for historic processors, would likely provide more processor protections than the lower numbers. He noted it's a different approach to the use of processing caps to provide some protections. There was brief discussion regarding motion, and that it was two separate ideas.

It was moved by Mr. Cotten and seconded by Mr. Fields to bifurcate: adding the 10% and the grandfather limits. There was brief discussion regarding re-structuring the question as to avoid the bifurcation, and that the two parts are linked. **The motion passed 8/2, with Henderschedt and Tweit voting against.**

Mr. Henderschedt spoke briefly to the 10% being added to the primary and the secondary caps as an alternative, noting that it serves some protection for processors. **Motion passed without objections.**

There was lengthy discussion on grandfather limits. It was generally agreed staff would examine methods of adjusting the cap and grandfather amounts in the event that a grandfather processor is not available, and the cap creates a potential barrier to complete harvest of the fishery. **The motion was withdrawn with concurrence of the second.**

Page 11: Section 18.1
Mr. Henderschedt moved to amend to add two options under Catcher Vessel Options (existing Option 2):
Catcher vessel options

- **Exempt a vessel that participated in the WYAK rockfish fishery for 2006-2008 and participated in the entry level pilot fishery at least one year. These vessels will be sideboarded at their catch history for 2006-2008.**
- **Allow qualified entry-level vessels to opt out of the central gulf rockfish program**

Mr. Henderschedt spoke to his motion, noting that the gains to the vessel from being in the rockfish program would pale in comparison from the losses of being precluded from in the WYAK rockfish fishery.

Mr. Tweit moved to amend the amendment by putting the second option under 4.4, in order to make it clear that the opt out provision is only available to qualified entry level vessels. Mr. Hull seconded the amendment, and the motion passed without objection.

The amendment passed without objection.

Page 12: Halibut PSC
Mr. Henderschedt moved to amend, which was seconded by Mr. Tweit: Under Halibut PSC unstrike "suboption" to keep it as an option, and not automatically be included as an option. Mr. Henderschedt noted that it was just keeping the language, but re-establishing the distinction as a suboption, rather than automatically keeping it in Option 2. **Motion passed without objection.**

There was brief discussion regarding the analysis and that strikeouts would be used to indicate removed options. Mr. Lloyd clarified that there was intent for 100% observer coverage in the rockfish program.

The amended main motion was voted on and passed without objection.

C-5 Bering Sea and Aleutian Island Crab Issues

(a) Emergency Exemptions from Regional Delivery Requirement

Over the course of several meetings, the Council received public testimony that an exemption should be created to regional landing requirements in the event that compliance with those requirements is prevented by unavoidable circumstances. The exemption would be intended to address safety risks, potential loss of resource (through excessive deadloss), and extreme economic hardships that may arise if deliveries under regional landing requirements applicable to Class A individual fishing quota (IFQ) are delayed or prevented by extreme ice conditions or other uncontrollable circumstances. In response, the Council developed alternatives and reviewed an analysis of those alternatives at its February 2009 meeting. At that time, the Council requested stakeholders to propose revisions to alternatives to address concerns raised in public testimony at that time. To avoid potentially insurmountable administrative burdens the alternatives would establish a system of civil contracts between harvesters, processors, and regional representatives, as the means of defining the exemption. Since that time, stakeholder discussions developed preliminary suggestions concerning possible revisions, but failed to reach any consensus concerning changes to the alternatives.

Mark Fina gave the staff report, and Lori Swanson gave the AP report. The SSC did not address this agenda item. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Cotten moved the written Regional Landing Exemptions (as provided in public comment by the City of St. Paul and attached as Appendix 5) and noted that his motion also included the purpose and needs statement provided by the Advisory Panel. The motion was seconded by Mr. Tweit, and there was brief discussion regarding revising an existing analysis to address items that have

changed. It was hopeful to be on the agenda in October for final action. **Motion passed without objection.**

(b) Final action on Western Aleutian Islands golden king crab fishery regionalization

Since the second year of fishing under the Bering Sea and Aleutian Island crab rationalization program, participants in the Western Aleutian Island golden king crab fishery have expressed concern that the West region landing requirement may be unworkable in that fishery. The program requires that 50 percent of the catcher vessel Class A IFQ be landed in the area west of 174° West longitude. Under the program to date, shore-based crab processing in this region has occurred only in the community of Adak. In the first four years of the program, deliveries to the Adak plant were complicated as the operator of that plant holds few of the processor quota shares in the fishery. Despite this mismatch, holders of processor shares have largely relied on the plant in Adak for West region processing.

At its December 2009 meeting, the Council request that NOAA Fisheries undertake emergency rulemaking establishing an exemption from the West region landing requirement for the current 2009-2010 crab fishing season. In addition, the Council requested that staff develop an analysis of alternatives for an amendment that would either allow for exemptions from the landing requirement in future years based on the agreement of qualified parties that no shoreside processor is available in the region or remove the West region landing requirement altogether. After reviewing the analysis at the February 2010 meeting, the Council scheduled this item for final action

Mark Fina gave the staff report and Lori Swanson gave the AP report. The SSC did not address this agenda item. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved to adopt Alternative 2, Option 2, with 20% selected in the definitions for quota share, as written below, as its preferred alternative.

Alternative 2: Contractually Defined Exemption
To receive an exemption from the regional landing requirement in the WAG fishery, specified QS holders, PQS holders, and municipalities shall have entered into a contract. The contract parties will annually file an affidavit with NMFS affirming that a master contract has been signed.

Definitions:

QS Holders: Any person or company that holds in excess of 20% of the west-designated WAG QS.

PQS Holders: Any person or company that holds in excess of 20% of the west-designated WAG PQS.

Municipalities: The municipalities of Adak and Atka.

Approval of Exemption:

An exemption to the regional landing requirement will be granted, if the contracting parties have filed an affidavit with NOAA Fisheries affirming that a master contract has been signed. In the affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing.

Mr. Lloyd noted that 20% was the appropriate threshold because it allows parties who are reasonably invested in the program, yet not such a small level to allow too many "nuisance complaints." Interests for shorebased facilities will most likely be covered by community representation, and requiring a shorebased representative to approve the exemption would be unnecessary duplication.

Mr. Tweit discussed the National Standards and noted that this action would increase the yield of stocks. Mr. Lloyd noted that PQS holders are included, and Mr. Fields concurred that all stakeholders were covered in their interests and relative to the needs of the affected communities. There was brief discussion regarding the appropriateness of the parties included. It was generally agreed that the Council is not intending the exemption process to be easy.

Mr. Tweit moved to amend the motion, which was seconded, to add that 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. Motion passed unanimously.

It was generally agreed that the National Standards be incorporated in the record, and noted that this motion achieves OY meeting National Standard 1. National Standard 8 is met by crating the exemptions with community stakeholders in mind. Presumably stakeholders are requesting exemption in their own interest, and Council has accommodated them.

The main motion passed unanimously by a roll call vote.

D-1 Crab Management

(a) Preliminary review of BSAI Crab Annual Catch Limit analysis and BSAI Snow/Tanner rebuilding plans.

The Council will review a preliminary review analysis of amendments to address BSAI Crab ACLs and two of three rebuilding plans under consideration at this time. Implementation of both ACLs and rebuilding plans must occur for the 2011/12 crab fishing year.

This preliminary environmental assessment evaluates three actions to amend the BSAI Crab FMP.

Diana Stram gave the staff report on this agenda item. The AP report was taken, the SSC comments were heard earlier, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Cotten, to direct staff to incorporate SSC and plan team recommendations as well as the following comments in preparing the analysis for initial review.

The Council supports the SSC and AP recommendations on the draft snow crab rebuilding plan and proposed ABC control rules that would be used to annually establish crab ACLs.

Despite this support, the Council has the following concerns:

- **Precautionary assumptions may already be incorporated into the annual stock assessment and OFL specification process. To prevent excessive layering of precautionary buffers the Council believes that conservative assumptions in stock assessment models must be reevaluated and that the appropriate venue for consideration of precautionary measures is in recommendation of ABC by the Crab Plan Team and SSC and in TAC setting conducted by the State of Alaska.**

- **The Council would like to have a clearer understanding of the National Standard 1 guideline requirements to inform selection of a preliminary preferred alternative. For example, would a range for additional uncertainty of 0.1-0.3 rather than 0.2-0.6 satisfy requirements?**

- **Moving the timing of ABC recommendation to June as described in the SSC and AP minutes under a new Option 4 would not allow for use of survey data from the most recent year. This may be an unnecessary risk given the sometimes dramatic inter-annual fluctuations in abundance experienced by some crab stocks.**

- **Accountability Measures are a means of addressing crab bycatch in fisheries contributing to crab mortality. The Council should begin to develop crab bycatch management measures including PSC limits for each crab species. It is the Council's intent that PSC limits be analyzed to identify the groundfish [and scallop] fishery sectors contributing to crab bycatch and quantify their relative contribution to total crab bycatch mortality. The Council believes that Accountability Measures should establish a linkage between the crab and groundfish FMPs to equitably spread the burden of crab bycatch mortality amongst all fishery participants.**

Mr. Lloyd spoke to his motion, and fielded questions from the Council members.

Mr. Henderschedt moved to amend, which was seconded, to add after the first sentence in the third bullet, "….. As well the Council may set a one year, rather than two year standard for rebuilt crab stocks, one or both of these options may present an unnecessary risk….."
Mr. Henderschedt pointed out that by highlighting this, much of the same data may be useful in determining a one year or two year standard. **Amendment passed without objection.**

Mr. Balsiger moved to amend the first bullet to read:

- **The annual stock assessment and OFL specification process should avoid inclusion of multiple conservative buffers. The Council believes that the appropriate venue for consideration of precautionary measures is in recommendation of ABC by the Crab Plan Team and SSC and in TAC setting conducted by the State of Alaska.**

The amendment was seconded by Mr. Lloyd. Mr. Balsiger spoke to his amendment noting the re-wording is adjusted as to not show fault or blame in how the process is conducted currently. **Amendment passed without objection.**

There were brief discussions regarding crab bycatch and PSCs, and clarifying that it is the appropriateness of the PSCs and the contribution of individual but various groundfish fisheries that would inform what the PSCs should be in the fishery.

Mr. Benson moved to amend the motion, which was seconded, to add …."and scallop" in the last bullet of the motion after the word "groundfish." Motion passed without objection.

It was agreed that time would be reserved during staff tasking to discuss scheduling crab issues with the Board of Fisheries.

(b) Preliminary review of Pribilof Island blue king crab rebuilding plan.

This preliminary draft environmental assessment evaluates five proposed alternative rebuilding measures for the Pribilof Islands blue king crab stock. The Pribilof Islands blue king crab stock remains overfished and the current rebuilding plan has not achieved adequate progress to rebuild the stock by 2014. This revised rebuilding plan considers five alternatives. Four of the alternatives are different closure configurations to restrict groundfish fisheries in the areas of the stock distribution. The fifth alternative considers a prohibited species bycatch cap on the groundfish fisheries. The preliminary impacts of these alternatives on rebuilding the blue king crab stock as well as the environmental and social/economic impacts of these measures are considered in this analysis. Initial review for this analysis is scheduled for June 2010 with final action in October 2010.

Diana Stram gave the staff report on this agenda item. The AP report was taken, the SSC comments were heard earlier, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved and Mr. Cotten seconded, to continue development of the analytical package and that they incorporate recommendations from SSC and AP. There was brief discussion regarding having the plan teams review the trigger closures in relation to gear and/or sector specific PSC levels. **Motion passed unanimously.**

D-2 Scallop Management

D-2 (a) Plan team report/SAFE

The Scallop Plan Team met in Juneau on March 3-4, 2010 to review the status of the weathervane scallop stocks in Alaska, to prepare the Stock Assessment and Fishery Evaluation (SAFE) report and to review the Annual Catch Limit (ACL) analysis. 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.

Diana Stram gave the staff report on this issue, the SSC's report had been given earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved to approve the Scallop SAFE as presented, which was seconded by Mr. Fields. It was generally agreed that although there were recommended amplifications to the SAFE, the information was sound. **Motion passed without objection.**

D-2 (b) Scallop ACL analysis

Mr. Lloyd made a motion, which was seconded, to move forward with the current alternatives and options and continue with the analysis. He noted that the analysis is on track, and while there may be

difficulties with some of the alternatives at this preliminary point, there is no need to amend them at this time, and that the Council should move forward as planned. **Motion passed without objection.**

D-3 Miscellaneous Groundfish Issues

(a) Initial review of area closures to protect GOA Tanner crab

BACKGROUND
In October 2009, the Council initiated an analysis to evaluate proposed area closures for the groundfish fishery to protect Tanner crab. There are four areas proposed for closure, all on the northwestern side of Kodiak Island. Included in the alternatives are options to apply the closures year round or seasonally, and to some or all gear types. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or a 100% observer coverage requirement.

Diana Evans and Sally Bibb (NMFS) gave the staff report on this issue, with help from Nick Sagalkin (ADFG). Capt. Cerne from the USCG gave the Enforcement Committee Report on items relevant to this agenda item. The SSC report had been given earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved the following motion, which was seconded:

The Council requests staff modify the analysis to include the below revisions (relative to the March 2010 initial review draft), expand the analysis to address enforcement and SSC comments, and release for public review.

Purpose and Need

Tanner crab are a prohibited species bycatch in the Gulf of Alaska (GOA) groundfish fisheries. Directed fisheries for Tanner crab in the GOA are fully allocated under the current limited entry system. No specific conservation measures exist in the GOA to address ~~significant,~~ adverse interactions with Tanner crab by trawl and fixed gear sectors targeting groundfish and low observer coverage in GOA groundfish fisheries limits confidence in the assessment of Tanner crab bycatch in those fisheries. Tanner crab stocks have been rebuilding since peak fisheries occurred in the late 1970s. Specific protection measures should be advanced to facilitate stock rebuilding.

Alternatives

Alternative 1: Status Quo – No action
Alternative 2: Close the areas specified below to pot and trawl ~~all~~ groundfish ~~(trawl, pot, and longline)~~ fisheries

Component 1: Area definition
ADF&G Northeast Section
Option 1: Statistical Area 525807
Option 2: Chiniak Gully (Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20'W by 57°20' N x 151°20'W by 57° x 152°9'20" W), excluding state waters
ADF&G Eastside Section

Option 3: Statistical Area 525702
ADF&G Southeast Section
Option 4: Statistical Area 525630

Component 2: Closure timing
Option 1: Year round
Suboption 1: trawl gear
Suboption 2: pot gear
~~Suboption 3: longline gear~~
Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)
Suboption ~~5~~ 4: Vessels using pelagic trawl gear would be exempt from closures

Option 2: Seasonally (January 1 – July 31)
Suboption 1: trawl gear
Suboption 2: pot gear
~~Suboption 3: longline gear~~
Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)
Suboption ~~5~~ 4: Vessels using pelagic trawl gear would be exempt from closures

Alternative 3: In order to fish in these areas specified below, require 100% observer coverage on all trawl groundfish ~~(trawl, pot, and longline)~~ vessels and 30% observer coverage on all pot groundfish vessels less than 125 feet.

Note: Fishing days and observer coverage in these areas would be separate from and not count towards meeting a vessel's overall 30% groundfish observer coverage requirement.

Area definition
ADF&G Northeast Section
Option 1: Statistical Area 525807
Option 2: Chiniak Gully (Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20'W by 57°20' N x 151°20'W by 57° x 152°9'20" W), excluding state waters
ADF&G Eastside Section
Option 3: Statistical Area 525702
ADF&G Southeast Section
Option 4: Statistical Area 525630

Note: A combination of alternatives, options, and suboptions may be selected.

Mr. Lloyd spoke to his motion, noting that the deletion in the purpose and need statement recognizes that analysts have determined effects of this action are not "significant" under NEPA standards. The addition speaks to the need to consider precautionary closures or to improve our understanding of fishing interactions through improved observer coverage. Additionally, the motion reorganizes the alternatives and options to allow the Council to adopt any combination of area closures for closure and/or observer coverage. This motion removes hook-and-line gear from the alternatives. He also noted that pelagic trawl fisheries have a similarly low estimation of Tanner crab bycatch in area 630, as do hook and line fisheries

(see page 17, Table 8), however, National Marine Fisheries Service and the Enforcement Committee have raised concerns over an exemption that would be specific to "pelagic trawl gear" so the motion does not remove pelagic fisheries from this amendment package.

There was discussion regarding observer coverage under Alt. 3, and whether it would deter vessels from fishing (particularly in the <60' fleet). Mr. Lloyd noted that the purpose of the alternative is to gain more information on bycatch in the areas. Also, it was noted that the proposed closures are based on crab survey data, to avoid some of the problems associated with unrepresented observer data. Timing was discussed, and it was noted that final action is scheduled for October, but the implementation is decided by the agency.

Concerns were highlighted with parallel state action in the pot cod fishery in State waters. There was brief discussion and it was agreed that this issue would be an agenda item at the October joint board meeting with the Council and the Board of Fisheries.

Mr. Henderschedt moved to amend the motion, which was seconded by Mr. Benson, to address the problem statement adding the following language after "....in those fisheries" "...and a greater level of observer in appropriate areas may provide the council with higher level of confidence in the assessment of any bycatch occurring in the designated areas as a basis of future management actions as necessary." Mr. Henderschedt noted the purpose of the language is to make a link between observer coverage and collecting data and reducing bycatch of tanner crab. **The motion passed without objection.**

Mr. Henderschedt moved to amend, which was seconded, to add a new option 5 under alternative 2 component 1, "Area definition," and would also apply in Alternative 3, "Area definition."

> **5th option: Bathymetrically based area designations within the above areas focused on preferred crab habitats.**

Mr. Henderschedt spoke to his motion, noting it carried the same intent of mix and match areas, but more surgically designed. He mentioned that closure areas are quite large, now, and could result in unwarranted impacts on groundfish fleets. Lengthy discussion regarding bathymetric mapping and design followed, and the ability to enforce selected areas was discussed. Mr. Lloyd noted concern that choosing which areas within the larger blocks would contribute to a lengthy delay of this action. **Motion failed 4/6 with Henderschedt, Hyder, Tweit, and Benson voting in favor.**

Mr. Benson moved to amend in Option 5, Component 1, to include the strawman closures for non-pelagic and pot gear that were included in the October 2009 discussion paper for analysis. Mr. Benson noted that it would be helpful to have additional information, as the strawman are based on high incidence of bycatch, and noted that it would be the closures for the central gulf only. Ms. Evans posted maps which highlighted the closure areas, and fielded questions. There was lengthy discussion on the tradeoffs between achieving yield and minimizing bycatch. **The motion failed 5/5, with Henderschedt, Hyder, Tweit, Benson and Balsiger voting in favor.**

Mr. Henderschedt noted that the term "bycatch" should remain "bycatch" throughout all documents, and not use the term interchangeably with "PSC," as it is more clearly understood by the public. It was generally agreed to relay this note to the SSC.

Mr. Fields moved to amend, which was seconded by Mr. Hull, to add in : Alternative 2 Component 1: Area Definition for Statistical Area

Option 1: Statistical Area 525807 and the area east of Stat Area 525807 north of 58 degrees lat. South of 58 degrees 15 min lat. And west of 151 degrees 30 long. Also applies to Alternative 3 in areas of definition section.

Mr. Fields spoke to his motion. There was general discussion, and the map was projected. Mr. Fields noted that his amendment expands the Marmot Bay closure.

Mr. Henderschedt moved to amend the amendment, which was seconded: Under Option 1, component 1, only apply to pot fishery. Mr. Henderschedt noted that in looking through the data, the areas described in the motion do a better job of highlighting bycatch in the trawl, rather than the pot fishery. There was brief discussion, and the **amendment failed 3/6, with Henderschedt, Tweit, and Benson voting in favor.**

There was general discussion regarding being able to pick and choose areas at final action. **Vote on the amendment passed 8/2, with Tweit and Benson voting against.**

Captain Cerne moved to amend in Alternative 2, component 2, both options:
Adding a subpotion 5: Vessels using pelagic trawl gear to directed fish for pollock would be exempt from closures. The amendment was seconded. He noted this motion would satisfy concerns raised by the enforcement committee, to accommodate the fishing group that is not raising bycatch levels.
Motion passed without objection

Dr. Balsiger noted that there is an option of not taking final action in October, should concerns and recommendations from the SSC warrant further examination.

Mr. Hyder moved to amend, which was seconded by Mr. Benson, to take the words out "release for public review." from the introduction to the motion and add "and add the AP recommendations." Mr. Hyder stated his concern with the timeline. **The amendment failed 3/7 with Tweit, Hyder, and Henderschedt voting in favor.**

Mr. Benson moved to amend the amendment to strike "add the AP recommendations." The amendment passed with Mr. Lloyd objecting.

Mr. Hyder restated the amendment, which was seconded, to clarify that the document NOT be released for public review. He noted he wants time to more clearly define preferred alternatives, and does not see urgency. **The amendment failed 4/6, with Hyder, Benson, Tweit, and Henderschedt voting in favor.**

Mr. Tweit stated that he appreciates the work the staff has done, and hopes that the information brought back at the next meeting can be enough for the public to review, and that they should be constructively engaged.

The vote on amended main motion passed 8/2, with Benson and Hyder voting against.

(b) Review updated discussion paper on GOA Chinook salmon bycatch

BACKGROUND
In October 2009, the Council reviewed a discussion paper on Chinook salmon and Chinoecetes bairdi Tanner crab bycatch in the GOA groundfish fisheries occurring in the central and western GOA. At that meeting, the Council separated the Tanner crab bycatch portion into a separate analysis, and asked staff to bring back updates to the discussion paper specifically for Chinook salmon.

The discussion paper was mailed to the Council in late March. The paper provides updated bycatch levels of Chinook salmon in groundfish fisheries through 2009, and more information on Chinook species abundance and directed fisheries. The paper also includes elements from previous iterations of the discussion paper, including preliminary alternatives that have been proposed for Chinook bycatch management measures, and strawman closures representing areas with high bycatch.

Diana Evans gave the staff report on this issue. Lori Swanson gave the AP report, and the SSC did not discuss this issue. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved, which was seconded, the following motion on GOA Chinook Salmon bycatch:

The Council directs staff to expand the discussion paper on GOA Chinook Salmon bycatch in the GOA groundfish fisheries be revised and expanded as follows:

1. **Discuss requiring the full retention of salmon in the GOA groundfish fisheries.**

2. **Update and further refine GOA groundfish fishing/bycatch data with discrete tables by target fishery, statistical reporting area, by statistical week indicating total catch, # of Chinook salmon bycatch and bycatch rate.**

3. **Update and refine spatial mapping of GOA Chinook bycatch in the GOA groundfish fisheries by displaying fishery specific information by month and year as well as aggregate information (current displayed). Mapping should be at a scale so that discrete statistical areas can be identified.**

Additional background:

- **Provide current stock assessment data, including "in river" fishery regulations, for the larger GOA Chinook salmon producing streams. (Kenai, Deshka, Anchor, Chignik, Ayakulik, Karluk & Copper)**

- **Presentation regarding known relationships between environmental variables and the abundance of GOA Chinook salmon and any available trend information.**

- **Expand the discussion regarding stocks of origin for GOA Chinook salmon inclusive of but not limited to the Clark/Nelson stock separation analysis (2001) and the 1994 tagging study. Any information regarding contribution of local stocks should be included.**

- **Expand discussion regarding limitations of GOA observer data to include how this data is used to enforce PSC limits, MRA caps, and to direct inseason management decisions.**

The Council will write a letter to NMFS requesting that NMFS accelerate, as much as is possible, the analysis of any GOA Chinook salmon bycatch samples that could help identify stocks of origin. The letter should also encourage NMFS to establish programmatic protocols to sample and identify Chinook salmon caught in GOA trawl fisheries.

Mr. Fields noted that he is following the inclusion of recommendations from the AP, and amplifying certain areas. There was general discussion regarding relationships between environmental variables and salmon abundance trends.

Mr. Henderschedt moves to amend, which was seconded by Mr. Benson, to delete the entire first bullet "provide current stock assessment data..." Mr. Henderschedt reminded the Council that generally a discussion paper does not include full SAFE data, and is concerned that a relationship has already been made between trawl data and fish decline in river, when it has not been determined. **Motion failed 3/8, with Tweit, Benson, and Henderschedt voting in favor.**

There was brief discussion regarding priorities to be included in the discussion paper, and the large volume of information requested in the discussion paper. Mr. Fields noted that once the information is brought forward in the paper, the Council will then have a more informed basis on which to make decisions.

The main motion passed with one objection: Mr. Tweit.

(c) Review progress on the Northern Bering Sea Research Plan

Background
The Alaska Fisheries Science Center (AFSC), at the request of the Council, is developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council, became effective in 2008, and is currently closed to bottom trawl fishing. The primary goals of the plan would be to use the research area to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities. The AFSC is in the early stages of developing the research plan.

The Council is scheduled to review progress on the development of the Northern Bering Sea Research Plan and the community and subsistence workshop. No action is required; however, the Council may wish to comment on the revised schedule.

Nicole Kimball gave the staff report on this agenda item. Lori Swanson gave the AP report, and the SSC's report had been given earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded, to adopt the revised NBSRA Research Plan schedule as outlined in item D-3(c)(5) with the following changes:

1) **Include community and subsistence stakeholders in the science meeting scheduled for January 2011 for an integrated approach.**
2) **Move the updates scheduled for April 2011 to the June 2011 Council meeting in Nome, Alaska.**

Mr. Lloyd spoke to his motion noting that further outreach/information can take place without inhibiting the schedule of the Research Plan. **Motion passed without objection.**

[Stefanie Moreland participated for Mr. Denby Lloyd for the following two agenda items.]

(d) Receive Amendment 80 Cooperative Report

BACKGROUND
Implemented in 2008, the Amendment 80 program is a limited access privilege program (LAPP) that allocates a portion of total allowance catches (TACs) for Atka mackerel, Pacific ocean perch, and 3 flatfish species (yellowfin sole, rock sole, and flathead sole), along with an allocation of prohibited species catch (PSC) quota for halibut and crab, in the Bering Sea/Aleutian Islands, to the Amendment 80 sector. One of the requirements when establishing the Amendment 80 program was the submission of an annual year-end cooperative report summarizing their fishing activities from the preceding year to the Council.

Jason Anderson, manager of the Best Use Cooperative, gave a brief summary. No action was taken.

(e) Receive report of EFP testing of Chinook salmon excluder

BACKGROUND
This report will present the findings from the most recent fieldwork on EFP 08-02, which was dedicated to testing "flapper-style" salmon excluder devices. On behalf of the North Pacific Fisheries Research Foundation, the permit holder John Gauvin, with assistance from Dr. Craig Rose of NMFS' RACE Division and John Gruver of United Catcher Boats Association, tested a flapper excluder design last February which sought to address shortcomings in earlier flapper excluder designs (i.e., inconsistent escape rates and extreme weighting needed to ensure the panel remains open at normal towing speeds). As such, the current excluder was placed aft of other flapper excluders, where slower water flow was expected to help achieve the performance objective of having the panel remains approximately 50% down (open) while towing, and hence allow salmon escapement while towing.

John Gauvin and John Gruver gave a report of the Results from winter 2010 EFP tests on flapper salmon excluders.

COUNCIL DISCUSSION/ACTION

Ms. Moreland commended the presenters on improving and updating the Council on these excluder devices, and highlighted the positive comments from the SSC. She noted that there may be interest in integrating data that is collected with these devices, and integrating into the catch accounting system. It was generally agreed that NMFS could provide information in their B reports on progress in this area.

D-4 Misc issues – EFH and HAPC

(a) EFH 5-year Review, action as necessary

The EFH Final Rule and each of the Council's FMPs require that a review of EFH components be completed every 5 years. The Final Rule provides guidance that EFH provisions be revised or amended on this timeline, as warranted, based on available information. There are ten EFH components that are

included in each of the Council's FMPs, and any change to text of the FMP requires a formal FMP amendment.

The Council's action at this meeting is to review the summary report, and decide whether further action is needed. Based on the review, the Council will decide whether any of the new information highlighted in the review warrants initiating further evaluation, or FMP amendments to revise EFH descriptions and recommendations in the Council FMPs.

Diana Evans, Matt Eagleton (NMFS) and John Olson (NMFS), gave the staff report on this agenda item. The SSC had given its report earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded by Mr. Benson, to Accept the recommendations for changes to the FMPs in the revised Table 22 in our decision memo with the follow modifications:

1) **BSAI Crab. Postpone action on the recommendation by the Crab Plan Team for a re-evaluation of fishing effects on crab EFH, and task Council staff with the preparation of a discussion paper as recommended by the Ecosystem Committee. Council intent is to seek further clarification regarding the issues raised by the CPT, and to provide additional focus for any subsequent analysis.**
2) **Terminology. Accept the recommendation of the Ecosystem Committee to adopt a common terminology in the report and any subsequent analyses with respect to the taking of corals and sponges in the fisheries by using the term "observed catch" and dropping the use of the term "bycatch".**

In addition, the Council endorses the SSC recommendations for research priorities related to EFH, and requests that these priorities be added to the Council's research priority list and forwarded on to the relevant agencies.

Mr. Tweit reminded the Council that a lot of progress has been made in EFH, and additional scrutiny may be beneficial for certain amendments as far as identifying what the fishing effects are, and new information regarding effects of fishing, and to sort out which are bycatch issues rather than EFH issues. It was also clarified that the AP motion has recommendations from the Ecosystem committee, which is intended as part of the Council motion. **The motion passed without objection.**

Staff clarified that the SSC's research priorities adopted as part of the motion would replace those currently in the FMPs for EFH research. Additionally, they will also be part of the Council's annual larger research priority list.

D-4 (b) Review and adopt HAPC criteria and priorities

Background
Habitat Areas of Particular Concern (HAPCs) are geographic sites that fall within the distribution of EFH for the Council's managed species. The Council has a formalized process, identified in the FMPs, for selecting HAPCs. Under this process, the Council will periodically consider whether to set priority habitat types. This action initiates a Council call for proposals for candidate sites to be identified as HAPC, which meet the specific, priority habitat types. The Council's action at this meeting is to decide whether to set HAPC priorities, and thus initiate a call for proposals for candidate sites. The Council also

needs to adopt revised criteria for evaluating proposals, which will be published with the call for proposals.

Diana Evans, Matt Eagleton (NMFS) and John Olson (NMFS), gave the staff report on this agenda item. The SSC had given its report earlier, and Lori Swanson gave the AP report. Public comment was taken.

[Sue Salveson participated for Jim Balsiger, and Stefanie Moreland participated for Denby Lloyd during the following discussion.]

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded, to accept the recommendations of the AP with the following changes:

1) **Modify the language for "rarity" as recommended by the Ecosystem Committee by replacing the word "unique" with "uncommon" and include revised text to clarify that a "region" is defined as one of the Alaska regions: Gulf of Alaska, Bering Sea, Aleutian Islands, and Arctic. A proposal must meet a rarity designation of either "'2" or "3".**
2) **Defer a decision on the Bristol Bay RKC spawning habitat as a HAPC priority, pending completion of the crab EFH discussion paper.**
3) **Accept the AP recommendation for skate nurseries to be identified as a HAPC priority.**
4) **Delete the AP recommendation that sablefish pre-recruit sites be identified as HAPC at this time, and instead request that NMFS prepare a discussion paper on all factors that may be affecting sablefish recruitment.**

There was lengthy discussion on what is "rare," and the rating system, with respect to occurrence in the Alaska regions.

Ms. Moreland moved to amend, which was seconded, to strike the AP recommendation marked as 1. She noted that by doing so, it would allow the motion to be consistent with SSC, and in the Ecosystem Committee minutes there were no recommendations for overfished species; however it advocates looking at rarity of species that uses habitat, not the habitat itself. **The amendment passes without objection.**

There was brief discussion regarding evaluating proposals, and what makes a skate nursery. Mr. Eagleton noted that skate nurseries were defined by survey and observed catch, as well as stereo and video monitoring, and located in defined areas in the Bering Sea, and a few areas south side of Unalaska Island. Ms. Salveson noted that the evaluation criteria were defined in the RFP.

Main motion passes without objection.

(c) AI Ecosystem Team terms of reference

Background
At the January 2010 AI Ecosystem Team (AIET) meeting, a report on which was presented to the Council in February 2010, the Team suggested developing a Terms of Reference for the AIET. This document would articulate what the purpose and role of the Team is, and how it is to interact with other groups such as the Council Plan Teams and the preparers of the Ecosystem SAFE report. Additionally, the terms of reference would address how the AI Fishery Ecosystem Plan should be used within the management process.

Diana Evans gave a brief staff report; the AP did not address this agenda item, and the SSC report had been given earlier. There was no public comment.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved to have Council adopt the Terms of Reference with editorial changes recommended by the Ecosystem Committee, and the SSC. It was generally agreed that the Plan was interesting, and useful, and by having the Ecosystem Team facilitate better use of the FEP information in the Council process is good role for the Team, and ensures the Plan will not just "sit on the shelf."

The motion passed without objection.

(d) Rural Community Outreach Committee Report and Outreach

Background
The Rural Community Outreach Committee (committee) was appointed by the Council in June 2009. The three primary purposes of the committee, based on Council direction, are: 1) to advise the Council on how to provide opportunities for better understanding and participation from Alaska Native and rural communities; 2) to provide feedback on community impacts sections of specific analyses; and 3) to provide recommendations regarding which proposed Council actions need a specific outreach plan and prioritize multiple actions when necessary. The committee has convened three times since it was established. At this meeting, the Council is scheduled to review the Rural Community Outreach Committee report from February 23, as well as the draft chum salmon bycatch outreach plan, which incorporates the committee's recommendations.

Nicole Kimball gave the staff report on this agenda item. The AP gave their report, and the SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved to approve the Rural Community Outreach Committee's recommendations on page 1 and 2 of the action memo and that the Council move forward with the Outreach Plan for the Chum Salmon Bycatch EA/RIR/IRFA. The motion was seconded by Mr. Hull. Mr. Fields noted that the recommendations are appropriate, and the outreach plan is a broad, plan that, while it may need revision throughout the process, gives notice to the public for what lies ahead. **Motion passed without objection.**

D-5 Staff Tasking

BACKGROUND

Committees and Tasking
The list of Council committees, an updated workplan for implementing the programmatic groundfish management policy and the three meeting outlook was provided. The Council may wish to discuss priorities for completing ongoing projects, as well as any new tasks assigned during the course of this meeting.

GOA CQE Program (GOA Am. 66) eligibility status for two communities
In March, the Council received two letters from individuals petitioning the Council to take action to include their communities in the list of eligible communities for the Community Quota Entity (CQE) Program in the Gulf of Alaska. The two communities at issue are Game Creek and Naukati Bay, both located in Area 2C (southeast Alaska).

Nicole Kimball gave a brief staff report on the GOA CQE program, and requests from two individuals to include their communities in the list of CQE eligible communities. Mr. Oliver briefly reviewed additional requests to the Council that were included in the briefing books, the calendar, and 3 meeting outlook. He also briefly reviewed a list of items the Council had discussed to bring up in staff tasking: AM80 GRS, Halibut charter permit leasing issue; correspondence in SSL surveys; an observer program alternative being added; priority of Chinook bycatch discussion paper; and reviewing the assumed mortality rate in trawl and pot fisheries. Mr. Hyder reminded Council to approve the minutes. Mr. Tweit wanted to add discussion on sablefish as part of HAPC: Mr. Oliver noted he would include that, as well as a few other items when drafting the three meeting outlook.

Mr. Lloyd would like to add a discussion on the halibut moratorium permit transferability.
Mr. Benson noted that the Council and Board of Fisheries will have a few items to address, and that a Protocol Committee Meeting could be beneficial. Mr. Balsiger noted that in June, the Agency will have Amendment 91 information which can be added to an agenda in an upcoming meeting.

Lori Swanson gave the AP report, the SSC did not address staff tasking, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved, which was seconded, to approve the minutes of the February 2010 meeting. Motion passed without objection.

Mr. Lloyd moved to forward the Plan Team nominations for approval. He noted they were both State of Alaska Fish and Game employees, and that their positions associated with plan team membership and they are well qualified. He noted the SSC approves of the nominations and **the motion passed without objection.**

CQE
Mr. Cotten moved, which was seconded, to initiate an analysis to determine whether the communities of Naukati Bay, Game Creek, Cold Bay, and Kupreanof should be included in the list of eligible communities contained in Table 21 of the Federal regulations implementing GOA Amendment 66. The motion passed without objection.

Joint Board of Fisheries/Council meeting or Protocol Committee Meeting
It was generally agreed that staff will work with the Executive Director of the Board of Fisheries with timing and developing a draft agenda.

AFA Cooperative Reports
Mr. Henderschedt moved, which was seconded, to initiate an analysis that would eliminate two reporting requirements and consolidate to one final report yearly in April. The motion passed without objection.

AMENDMENT 80 GRS

Mr. Henderschedt moved, which was seconded by Mr. Benson, that the Council requests NMFS report to the Council at its June 2010 meeting on the status of monitoring, enforcing and prosecuting the GRS program. The Council requests information from NMFS reviewing the enforcement and prosecution concerns raised during the development of the GRS Program, AM80 and AM93; any new concerns about monitoring and enforcing the GRS program that have been identified by the agency or industry participants, and potential concepts for refinement of the GRS Program to address these concerns. Mr. Henderschedt noted that the Agency was cooperative with timing on what they would be able to accomplish, and understood that there was a tight timeline. Industry would be on notice and could provide public comment to the Council in June. **Motion passed without objection.**

Charter Halibut Leasing

Mr. Lloyd recalled that the Council's original motion regarding leasing of charter permits was that leasing was not to be allowed. He noted his concern in the current regulatory package. Ms. Salveson discussed the position of the Agency regarding the complexity and the regulatory structure required to develop the prohibitions. She noted that the proposed rule does NOT prohibit leasing and the analysis and Council motion do not outline the tools required to implement a prohibition in addition to monitoring and enforcing a prohibition. Mr. Lloyd noted his concern with the deeming process, and allowing the Council to approve rulemaking by proxy.

Mr. Fields passed out the following motion.

Charter Halibut Moratorium
Leasing Provisions

Motion: Initiate a discussion in paper of the following elements and options regarding leasing of Halibut Charter Permits.

Problem Statement: Leasing of Halibut Charter Permits could substantially change the character and current primary business practice of the halibut charter fleet and could enable increased acquisition of halibut charter permits by individuals that do not have an investment in the fishery. In addition, leasing provisions are likely to decrease the sale and transfer of permits from existing permit holders and may inhibit entry level opportunities for new halibut charter operators as well as increase the price of entry.

Alternative 1: Status Quo
Alternative 2: Limit Leasing of Halibut Charter Permits

Option 1: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook must own at least 20-51% interest in the vessel.

Sub option: 12 month rule applies

Option 2: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook must log at least 1-5 halibut charter trips in the logbook. For businesses owning halibut charter permits, an individual with a minimum ownership of 10-33% must log the minimum number of trips.

Sub option: Log at least 3-10% of the trips in the logbook

Sub option: Apply only to logbooks that have at least 10-20 trips recorded.

Option 3: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook are limited to requesting 2-3 saltwater logbooks for unique vessels in a 12 month period and no more than 2-3 unique vessels in a 60 month period.

Option 4: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook are required to be present either at the point of departure or at the point of return for the charter trip. For businesses owning halibut charter permits, an individual with a minimum ownership interest of 10-30% must be present at either the point of departure or at the point of return for the charter trip.

Alternative 3: Halibut charter permit holders or an employee of a halibut charter permit holder that uses their permit onboard a vessel that is identified on an ADF&G saltwater logbook must be aboard the vessel when their permit is being used. For businesses owning halibut charter permits, and individual with a minimum ownership interest of 10-33% must be aboard the vessel.

Upon the halibut charter permit holder's request for the issuance of or transfer of a halibut charter permit, the permit owner is required to sign a sworn affidavit that the permit will not be leased and that the individual or entity does not expect to receive economic compensation from "leased" use of the permit. (Penalty for falsification should be loss of permit.) (Upon issuance or transfer of the halibut charter permit, or upon the change of use of a permit on a unique vessel as identified on an ADF&G saltwater logbook.)

Mr. Fields noted that although it's difficult, he wants to inhibit and hinder leasing, and to keep the current nature and character of the Charter industry, the Council must prohibit leasing. Mr. Fields answered questions on his motion from various Council members, and there was general discussion regarding priority of this issue.

Mr. Henderschedt moved to amend, which was seconded, to change the title to "charter halibut moratorium leasing limitation provisions." He noted that since leasing is allowed (under current rulemaking) a more appropriate and descriptive title would help as we move along. **Amendment passed without objection.**

Ms. Smoker (NOAA GC) noted briefly that there may be some enforcement issues with the current motion, and that the Enforcement Committee and other staff may want to work closely while drafting the discussion paper.

Mr. Hull noted the Charter Halibut Stakeholder Committee discussed leasing prohibitions, however, were not inclined to "prohibit" them due to the inability to define specific criteria and conditions to prohibit leasing. The Council may find it difficult to prohibit leasing, but may discourage it to the extent it would happen infrequently.

Motion passed without objection.

Deeming Motions

Mr. Tweit noted that deeming the Council and Agency to act on their behalf is a powerful tool and needs to be used appropriately. There needs to be a connect between staff, the Agency, and the Council when working on rules and notices. There was general discussion regarding incidences where Deeming is effective, and when a final rule needs to be brought back before the Council. It was generally agreed that

it is a case by case basis in which Deeming is effective, and in which the Council needs to review a ruling. Mr. Lloyd emphasized a need for a heightened awareness from staff when reviewing final rules.

Steller Sea Lions
The Council briefly discussed the Steller Sea Lion survey results, and Mr. Fields noted that as soon as the data is available, it be included in the Steller Sea Lion Biological Opinion.

Tanner Crab Mortality Rate in GOA Chinook Analysis
Mr. Lloyd noted that in the trawl and pot fishery, not just the impact of bycatch, but also the mortality rates should be used in the analysis. Mr. Lloyd would like staff to apply 80% mortality to trawl, and 20% to pot bycatch. There was lengthy discussion regarding what percentage number or range to use. It was generally decided that the best available information the Council has for fixed gear would be a range, and that will be included in the GOA trawl bycatch analysis. (80% in trawl, and 20% and 50% in pots.)

New Option for Vessel Replacement action that is scheduled for final action in June
Mr. Lloyd moved, which was seconded: A replacement vessel may have a LOA of 50' 100' or 150' greater than the vessel it replaces. Follows GF forum's recommendation, with a smaller value included. There was brief discussion regarding the appropriateness of adding an alternative at this time, and that staff has indicated it would not be difficult to include. **The motion passed without objection.**

Amendment 91
Mr. Henderschedt noted that the Proposed Rule for Amendment 91 is very complicated, and acknowledges staff's effort and thorough work on the rule.

Mr. Oliver walked through the three meeting outlook, and there was brief and general discussion regarding the agenda. It was generally agreed that the Executive Director and the Council Chairman would work on the agenda, and circulate to the Council members for comment before the meeting.

GOA Chinook Bycatch
It was generally agreed that this agenda item could be elevated in priority status, noting however that it would follow final action on the GOA Tanner Crab bycatch item. There were comments regarding the genetic sampling protocol portion of the analysis, and growing interest from the public. It was generally agreed that a progress report on instituting a sampling protocol in the GOA would be requested for the next meeting, possibly during the B reports.

There was brief discussion regarding an agenda and the schedule in June, noting that it's dependent on receiving the Steller Sea Lion Biological Opinion.

The Council Chairman thanked the Council members for their work.

The Council adjourned at 2:21pm, on April 13, 2010.

NPFMC Meeting April 8-13, 2010, Anchorage Hilton

April 8, 2010 Thursday

0:04:48	8:06:10	Meeting Called to Order
0:07:43	8:09:02	Approve agenda
0:09:35	8:11:26	B-1 ED Report, Chris Oliver
0:12:37	8:14:31	B-2 NMFS Report Sue Salveson
0:39:24	8:41:05	John LePore update on litigation
0:41:43	8:43:46	Martin Loefflad observer program restructuring
1:26:00	9:27:30	Alan Kingsolving
1:44:56	9:46:11	Karla Bush - ADF&G report
1:59:54	10:00:55	Break
1:59:54	10:22:34	Resume
2:00:27	10:23:18	Karla Bush - questions
2:04:00	10:26:47	B-5 USCG ADM. Colvin and Capt. Cerne
2:08:52	10:31:37	Lt. Ray Reichl PPT
2:17:23	10:40:02	USF&W Greg Balogh
3:03:39	11:26:01	Jeannie Heltzel Protected Resources Report
3:03:52	11:26:07	B-7
3:16:02	11:38:13	Public Comment
3:16:05	11:38:18	Stephen Taufin
3:22:12	11:44:28	Linda Behnken - ALFA
3:40:05		Lunch Break
3:40:25	13:08:25	Resume
3:40:33	13:08:29	Kenny down
3:46:23	13:14:18	Gerry Merrigan
3:50:25	13:18:19	Michael Lake
3:54:53	13:22:47	Council Discussion/Action
3:57:27	13:25:22	C-1 SSL Biop
4:11:42	13:39:35	Heltzel, Balsiger, Demaster
4:15:38	13:43:35	Public Comment Jon Warrenchuck Oceana
4:15:38	13:43:40	Jon Warrenchuck, Oceana
4:19:38	13:47:20	Dave Benton, MCA
4:49:56	14:17:32	C-2 Halibut Charter Permit Endorsements
4:50:06	14:17:35	Rachael Baker
4:55:55	14:23:21	Ben Muse
5:21:16	14:48:52	Public Comment - John Blair Southeast Alaska Guides Organization
5:32:26	14:59:38	Rex Murphy
5:38:24	15:05:43	Greg Sutter Alaska Charterboat Association
5:43:53	15:11:09	Richard Yamada Alaska Outdoor Council
5:53:56	15:21:10	Linda Behnken Halibut Coalition
5:57:52	15:24:51	Break
5:57:52	15:43:32	Resume
5:58:14	15:43:58	Council Action/Discussion
6:21:33	16:07:15	C-3 Groundfish ACLs
6:21:45	16:07:19	Jane Dicosimo
6:42:49	16:28:17	Governor Sean Parnell
6:49:05	16:34:25	Recess for the day

April 9, 2010 Friday

0:01:04	8:08:05	Call to Order
0:01:46	8:08:52	C-3 ACLs
		Jane DiCosimo
0:16:22	8:23:24	Non-Target Species Committee Report
0:35:49	8:42:40	Public Comment: Gerry Merrigan
0:53:03	8:59:48	Kenny Down Freezer longline coalition
1:08:52	9:15:35	George Pletnikoff Greenpeace
1:21:11	9:27:37	Break
1:21:11	9:42:16	Resume
1:23:44	9:44:55	Council Discussion/action on C-3
2:09:56	10:30:41	Break
2:09:56	10:48:34	Resume
2:10:29	10:49:14	C-4 Rockfish Program
		Mark Fina Jon McCracken
3:23:42	12:01:50	Lunch Break
3:23:43	13:18:59	Resume
4:09:42	14:04:41	Lori Swanson AP report
4:41:41	14:36:27	Farron Wallace SSC report
4:45:50	14:40:30	Break
4:45:50	15:03:49	Resume
4:46:29	15:04:32	Public Comment
4:46:38	15:04:41	Stephen Taufen
4:52:01	15:09:59	Brent Paine
5:05:53	15:23:54	Heather McCarty and Jim Whidden
5:13:47	15:31:40	Mike Szymanski
5:21:12	15:39:08	Bert Ashley/Don Ashley
5:29:20	15:47:12	Joe Plesha Trident Seafoods
5:42:23	16:00:05	Bob Krueger
6:00:59	16:18:34	Susan Robinson, Fishermen's Finest
6:18:30	16:35:53	John Iani
6:29:43	16:47:04	Sam Mutch
6:32:58	16:50:16	Dave wood
6:40:43	16:57:58	Theresa Peterson
6:44:43	17:01:54	Recess for the day

April 10, 2010 Saturday

0:00:00	8:03:06	Call to Order
0:00:39	8:03:51	Farron Wallace SSC report
0:45:11	8:48:06	Public Comment on C-4
		Matt Hegge
0:55:24	8:58:17	John Franqulin ISA
0:57:15	9:00:01	Kirk Cochran
1:20:07	9:22:43	Tim Blott
1:23:33	9:26:10	Joseph Ham
1:25:30	9:28:21	Peter McCarthy
1:29:32	9:32:23	Julie Bonney
1:48:18	9:50:57	Margaret and George Hall
1:52:20	9:54:52	Trevor Brown Kodiak Island Borough and City of Kodiak
1:56:18	9:58:37	Break
1:56:18	10:27:17	Resume
1:58:32	10:29:34	Duncan Fields motion
1:58:37	10:29:42	RPP
2:24:39	10:55:42	Questions and clarifications from council to Duncan
3:26:00	11:56:31	Lunch Break
3:26:26	13:05:28	Resume
5:20:48	14:59:01	Break
5:20:48	15:26:56	Resume
5:34:49	15:40:56	C-5(a)
		Mark Fina
5:34:55	15:41:02	Lori Swanson, AP report
5:48:06	15:54:06	Public Comment
5:48:11	15:54:37	Simeon Swetzof, Heather McCarty, Mateo paz Soldan, Lisa Ross, Steve Minor, Ed Poulson
5:48:42	15:54:41	Frank Kelty
6:23:00	16:28:49	C-5(b)
6:23:07	16:28:52	Public Comment
6:23:12	16:29:12	Mike Stanley, Everett Anderson, Dick Tremaine, Dave Fraser
6:29:36	16:35:19	Clem Tillion
6:45:54	16:51:30	Recess for the day

April 11, 2010 Sunday

0:00:01	8:11:38	Call to Order
0:21:32	8:33:02	D-1 Diana Stram
0:21:38	8:33:06	Crab Management
1:26:04	9:39:50	AP report
1:26:54	9:40:08	Lori Swanson
1:27:00	9:40:11	D-1(a)
1:29:42	9:42:52	Public comment
1:29:46	9:42:58	Edward Poulsen ICEPAC
1:38:11	9:51:17	Lenny Hertzog
1:44:22	9:57:26	Arni Thompson
1:50:35	10:03:36	Frank Kelty
1:56:52	10:09:52	Linda Kozak
2:01:41	10:14:36	Break
2:01:41	10:29:26	Resume
2:31:34	10:59:21	D-1(b) Pribilof Island Blue King Crab Rebuilding
3:02:10	11:29:33	AP Report
3:02:14	11:29:37	Lori Swanson
3:04:04	11:31:34	Public Comment
3:04:15	11:31:40	Arni Thompson
3:07:16	11:34:42	Stephanie Madsen
3:13:23	11:42:30	D-2(a) Scallop management
3:15:17	11:42:34	Diana Stram
3:24:39	11:51:58	D-2(b)
3:28:47	11:55:57	Lunch Break
3:29:22	13:07:57	Resume
3:33:47	13:12:27	Diana Stram D-2(b)
3:53:18	13:31:50	AP report on D-2(a,b)
3:55:14	13:33:40	Public Comment
3:55:17	13:33:52	Jim Stone
4:13:14	13:51:52	D-3(a) GOA Tanner crab
5:32:53	15:10:38	Break
5:33:07	15:24:24	Sally Bibb
5:52:23	15:43:38	Enforcement Committee Report Capt. Cerne
6:03:11	15:54:19	Lori Swanson AP report
6:10:15	16:01:17	Public Comment
6:10:18	16:01:19	Frank Miles
6:13:57	16:05:02	Jason Chandler
6:16:00	16:07:07	Dorothy Childers
6:22:11	16:13:12	Walter Sargent
6:25:18	16:16:41	John Gauvin
6:32:55	16:23:54	Alexus Kwachka KCAC
6:35:46	16:26:44	Stephen Taufen
6:39:15	16:30:12	Freddie Christiansen
6:41:05	16:31:55	Bob Krueger
6:56:28	16:47:11	Jeff Stephan
7:03:33	16:54:13	Jeremie Pikus
7:08:47	16:59:32	Julie Bonney
7:19:30	17:10:04	Recess for the day

April 12, 2010 Monday

0:06:11	8:08:41	Call to Order
0:06:15	8:08:52	Denby Lloyd Motion
0:06:32	8:09:09	D-3(a) GOA tanner crab bycatch
0:33:28	8:35:47	Henderschedt motion
1:02:00	9:20:48	review closure areas from October document
2:28:28	10:29:58	Break
2:28:28	10:43:11	Resume
2:28:31	10:43:17	D-3(b)
2:29:27	10:44:11	Diana Evans
2:51:48	11:06:27	AP report Lori Swanson
3:01:30	11:16:07	George Pletnikoff
3:10:20	11:24:49	Jeremy Pikus
3:11:57	11:26:30	Dorothy Childres and Frank Miles
3:18:05	11:32:32	Julie Bonney
3:36:05	11:50:24	Bob Krueger
3:43:15	11:57:28	Lunch Break
3:43:18	13:06:56	Resume
4:16:02	13:39:33	D3(c) Nicole Kimball
4:29:29	13:52:49	AP report Lori Swanson
4:32:08	13:55:30	public comment
4:32:16	13:55:39	John Gauvin, Jason Anderson
4:38:00	14:01:16	Dorothy Childers
4:43:05	14:06:24	Michael Sloan Kawerak
4:45:59	14:09:12	Fred Phillip
4:56:57	14:20:17	D-3(d) AM80 coop
4:57:13	14:20:19	Jason Anderson
5:33:41	14:56:30	Break
5:34:00	15:04:05	Resume
5:34:03	15:04:19	D-3(e) John Gauvin John Gruver
5:34:20	15:04:25	Excluders
6:16:45	15:46:44	John Olson and Diana Evans
6:17:01	15:46:54	D-4(a) EFH 5 year review
6:18:09	15:47:57	Matt Eagleton
7:06:18	16:35:51	Lori Swanson, AP report
7:07:31	16:36:58	Public Comment
7:08:07	16:37:33	Dave Benton
7:17:17	16:46:47	George Plentnikoff
7:22:36	16:51:58	Arni Thompson
7:43:42	17:13:05	Staff Report on HAPC D-4(b)
7:56:23	17:25:28	Meeting Adjourned

April 13, 2010 Tuesday

0:01:21	8:03:12	Call to Order
0:01:43	8:03:19	D-4(b) HAPC Criteria
0:06:28	8:08:02	AP report
0:08:23	8:09:56	Public Comment
0:08:27	8:10:00	John Gauvin
0:20:16	8:29:52	Bubba Cook
1:11:00	9:12:23	D-4(c) AI Ecosystem Team Terms of reference
1:28:12	9:29:14	D-4(d) Rural Community Outreach Report
1:28:27	9:29:42	Nicole Kimball
1:54:34	9:55:25	AP report, Lori Swanson
1:55:29	9:56:25	Public Comment, Bubba Cook
1:58:42	9:59:37	Michael Sloan Kawerak
2:00:00	10:00:52	Stephen Taufen
2:03:56		D-5 Staff Tasking
2:03:56	10:04:38	Break
2:03:56	10:21:18	Resume
2:31:17	10:48:30	AP report
2:33:05	10:50:18	Rex Murphy
2:51:07	11:08:12	Greg Sutter
3:04:36	11:21:35	Tim Greene
3:09:49	11:26:52	Tim Greene Nanwalek
3:15:09	11:32:09	Lori Swanson Groundfish Forum
3:24:55	11:41:52	Mike Szymanski
3:34:58	11:51:46	Stephen Taufin
3:36:53	11:53:46	Feb Minutes.
3:38:36	11:55:22	Lunch Break
3:38:42	13:01:58	Resume
4:59:24	14:22:08	Adjourn

North Pacific Fishery Management Council
Sign In Sheet

For the meeting

April 8-13 2010

Name	Organization/Affiliation
Michael Lake	Alaskan Observers, Inc.
Stephen Taufen	Groundswell Fisheries Movement
BRENT PAINE	United Catcher Boats
Ronnie Toolie	Native of Savoonga
Arni Thomson	A.C.C.
Simeon Swetzof Jr.	City of St. Paul
Frank Kelty	City of Unalaska
Paul MacGregor	At-Sea Processors Assn
Linda Kozak	Kozak + Assoc.
Mike Szymanski	PCA
GLENN REED	PSPA
RICK DUTTON	WESTWARD SEAS INC
Jeff Stephan	UFMA
Linda Behnken	ALPA
Kenny Down	FLC
Schauna Thorne	Senator Begich Office
JOE PLESHA	TRIDENT SEAFOODS

North Pacific Fishery Management Council
Sign In Sheet

For the meeting

April 8-13, 2010

Name	Organization/Affiliation
Lori Swanson	Groundfish Forum
Trevor Brown	Kodiak Island Borough / City of Kodiak
Craig Cross	Aleutian Spray Fisheries
Susan Robinson	Fisherman's Finest
Michael Sloan	Kawerak, Inc.
Margaret Hall	Rondys, Inc
Heather McCarty	McCarty Assoc., Juneau AK
Phillip Lestenkof	CBSFA
Mike Okonewski	Pacific Seafood
Lisa Ross	TDX
Ronnie Green	Native of Savoonga AK
Margie Bauman	Fishermen's News + Alaska Newspapers Inc.
Jim Stone	Alaska Scallop Assn.
John Gruver	United Catcher Boats

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director

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Anchorage, AK 99501-2252

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Visit our website: http://www.alaskafisheries.noaa.gov/npfmc

Certified:_____
Date:_____

SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
April 6-8, 2010

The SSC met during April 6-8, 2010 at the Hilton Hotel, Anchorage, Alaska. Members present were:

Keith Criddle, Chair (for Pat L).
University of Alaska Fairbanks
Troy Buell
Oregon Department of Fish and Wildlife
George Hunt
University of Washington
Franz Mueter
University of Alaska Fairbanks
Doug Woodby
Alaska Department of Fish and Game
Farron Wallace, Vice Chair
Washington Depart of Fish and Wildlife
Robert Clark
Alaska Department of Fish and Game
Gordon Kruse
University of Alaska Fairbanks
Lew Queirolo
NOAA Fisheries—Alaska Region
Milo Adkison (for Terry Quinn)
University of Alaska Fairbanks
Anne Hollowed
NOAA Fisheries—AFSC
Kathy Kuletz
US Fish and Wildlife Service
Ray Webster
International Pacific Halibut Commission

Members absent were:

Sue Hills
University of Alaska Fairbanks
Terry Quinn II
University of Alaska Fairbanks
Pat Livingston
NOAA Fisheries—AFSC
Seth Macinko
University of Rhode Island

B-1(a) Plan Team Nominations

The SSC approves the nomination of Karla Bush to the Crab Plan Team and Joseph Stratman to the Scallop Plan Team.

C-4 Central GOA Rockfish Program

The SSC received a presentation of the initial draft RIR/EA/IRFA from Mark Fina and Jon McCracken (NPFMC). There was no public comment.

The draft analysis is thorough, clearly documented, and well reasoned. We commend the effort of the authors and **the SSC recommends the analysis be released for public review.** The SSC did, however, identify a few issues that ought to be addressed and these issues are described below. (Minor structural and editorial comments will be supplied directly to the authors.)

The GOA Rockfish Pilot Program "sunsets" on December 31, 2011. Absent alternative action by the Council, the management of the fishery reverts to the structure that prevailed before the Rockfish Pilot Program was implemented, as modified by various Council actions that have been taken in the interim,

(e.g., Amendment 80). Alternative 1 does not perpetuate the "status quo" and should be identified as the "No Action" alternative.

The draft analysis should be revised to temper text that suggests that resource rents and economic profits ***will*** be generated. While leases, sales, and fishing allocations, create the opportunity to capture resource rents and normal profits, gaining those rents and profits is still contingent on individual skill and business acumen (estimates of rents and profits should be adjusted to reflect risk expectations.) Similarly, as has been observed in the halibut/sablefish IFQ program and the Alaska salmon limited entry program, the sales price of shares may not reflect the future stream of resource rents, etc., because buyers bid for (and sellers offer) shares based on imperfect and incomplete knowledge of the future. Moreover, share transfers can reflect non-pecuniary considerations.

The MRA discussion (pages 105 through 111) suggests that Pacific cod and sablefish MRAs result in high discards, poor quality of product, and economic hardship for rockfish target operators. Yet, at the same time, the analysis describes commonly occurring covert targeting of P.cod and sablefish during trips with very low rockfish catch. This appears to demonstrate that P.cod and sablefish **can** be avoided, at least to a "natural" bycatch rate (i.e., MRA), making the initial assertion of "unavoidable" waste and discards dubious. The RIR should be revised to provide a more objective discussion of the operational implications of "topping off" and/or targeting of P.cod and sablefish.

Where possible, the RIR should be revised to highlight the extent to which the CGOA Rockfish Pilot Program resulted in statistically significant gains (management, economics, safety, and conservation) relative to the status quo ante commencement of the CGOA Rockfish Pilot Program.

The RIR indicates that some combinations of alternatives and options may be unworkable, e.g., the alternative that allocates a portion of catcher vessel shares to processors. It would be useful to provide a list or matrix of those combinations that are unworkable in order to highlight these for the public and the Council.

There is inconsistency between the RIR and the EA in the characterization of the relative exvessel values of the target rockfish species.

The analysis of the effects of the alternatives on ESA listed species, marine mammals, and seabirds is minimal, consisting of a statement that the alternatives are not expected to affect interactions. However, adoption of any of the alternatives is likely to change the temporal and possibly spatial distribution of the fishery, which is likely to have implications for interactions with migratory animals whose densities in the region change throughout the year. The discussion should be expanded to address these potential changes in interactions.

The provisions for rollover of unused halibut PSC to other GOA trawl fisheries are likely to increase effort and catch in those fisheries that have historically been constrained by halibut PSC, as was the case in the pilot program. While the analysis clearly states that this has the potential to increase impacts to benthic habitat from these fisheries, it would be beneficial to include information on the sensitivity of the habitat to fishing impacts.

Finally, the SSC observes that the proposed action is relatively complex, but the draft is systematically presented so as to facilitate an understanding of the many elements, options, and suboptions, as well as their myriad interactions. One inherent outcome of the analytical approach adopted by the authors is substantial redundancy in the successive iterative treatment of decision points. With the RIR alone extending over 200 pages, some effort at editorial consolidation deserves consideration as subsequent versions of the document emerge.

D-1 (a) Crab ACL analysis and BSAI snow and Tanner crab rebuilding

Diana Stram (NPFMC) presented an overview of the draft Environmental Assessment for three proposed amendments to the FMP for the Bering Sea and Aleutian Islands king and Tanner crabs. The EA covers analyses for three proposed actions that are contained in a single EA because they were on the same timeline and because rebuilding plans are affected by the implementation of Annual Catch Limits (ACLs). The actions consist of: (1) establishing ACLs to meet requirements of the MSA; (2) revising the EBS snow crab rebuilding plan because snow crab were not rebuilt by the end of the existing rebuilding time frame (2009/10); and (3) preparing a rebuilding plan for EBS Tanner crab because the stock has been determined to be approaching an overfished condition. The latter action may be removed from the EA and put on a different timeline. The SSC also received presentations from Jack Turnock (AFSC) on the ACL methodology, the new Tanner crab model, and the snow crab model. Brian Garber-Yonts (AFSC) presented a proposed methodology for economic projections and Forrest Bowers (Crab Plan team chair) presented Crab Plan Team recommendations.

Public testimony was provided by Leonard Herzog (Homer Crab Cooperative), Arni Thomson (Alaska Crab Coalition), Linda Kozak (Crab Group of Independent Harvesters), and Dick Tremaine (Siu Alaska Corporation).

The SSC expresses appreciation to the Crab Plan Team and the crab stock assessment scientists who have contributed extraordinary effort and participated in multiple meetings under tight timelines to prepare and review drafts of the ACL and rebuilding analyses. We are especially appreciative of the efforts of the Council staff and Crab Plan Team in moving this process along and for providing informative and succinct reports to the SSC.

Annual Catch Limits

The MSRA requires a mechanism to specify Annual Catch Limits that may not exceed the Acceptable Biological Catch recommended by the SSC to the Council. This proposed action examines two alternatives to the Status Quo that would annually establish ABCs below the estimated Overfishing Level (OFL) and then set ACL = ABC. The alternatives use either a constant buffer (ABC = x% of OFL) or a variable buffer approach to maintain the probability that ABC exceeds OFL at a specified value of $P^* < 50\%$.

The SSC commends the authors for developing a common template for the individual chapters. This consistency greatly facilitates review of a large volume of information and should be maintained to the extent possible.

The following comments and recommendations address the overall process, the structure of the document, and analytical aspects of the ACL analyses and rebuilding plans.

In addition to the proposed control rule, a modification of the crab specification setting process is required to allow the SSC to review assessments and recommend ABCs on an annual basis. Three options that could either delay TAC setting (Option 1) or would require a change in the timing of when the SSC makes its ABC recommendations (Options 2&3) are laid out in the document. A fourth option was suggested in public testimony: to complete ABC recommendations for all stocks in June. **The SSC recommends evaluating this additional option to assess the risks associated with not including the latest information (i.e. the summer survey data) when setting TACs for the following season. The SSC also suggests that the analysts consider the feasibility of a web-based meeting under option 3.**

The EA does not yet include a discussion of accountability measures (AM). The Crab Plan Team made a strong recommendation to provide AMs for all sources of mortality, which would require limits on bycatch in other fisheries where such limits do not currently exist. **The SSC agrees, the EA needs to**

include a discussion of AMs that would provide an incentive to keep total removals below the ACL. Consideration of how to allocate catch and bycatch is largely a policy choice. The SSC notes that the monitoring and methods for enforcing AMs should be included in the EA. Because of the timeline for EA, a full analysis of options to limit bycatch across multiple fleets is not possible. Therefore, the SSC concurs with the Crab Plan Team recommendation to begin consideration of these issues on a species-by-species basis in upcoming rebuilding plans such as that for Pribilof Island blue king crab and Tanner crab. Care should be taken in the design of AMs applied to fisheries that induce incidental crab mortalities; ill-structured AMs could threaten benefits gained under rationalization.

The structure of the preliminary EA allows for a comparison of the alternatives in terms of their short-term, medium-term, and long-term implications for catches and revenue. The analyses are very technical and require a large volume of information to be presented. To facilitate public review, the SSC has the following recommendations.

- While the document contains a concise summary of the fixed-buffer and P^* methods, the comparison of alternatives should include a general discussion of the advantages and disadvantages of the two approaches in addition to comparing catches and revenues under different options. This should include a discussion of how each approach conceptually meets the MSA requirements (which are formulated in terms of a P^*-type approach), how adaptable each approach is to changes in our perception of uncertainty, the complexity of adopting the P^* approach compared to constant buffers, and how each approach differs in terms of variability in ABCs over time. For example the P* approach may result in higher variability in ABCs and catches over time if stock assessment uncertainty changes from year to year, while a constant buffer would not be affected by changes in uncertainty. Of course a central feature and advantage of the P* approach is its responsiveness to true changes in uncertainty and this should be highlighted.
- We encourage further development of summary tables and figures that allow easy comparisons of the consequences of alternatives and options. For individual stocks, contour or perspective plots of catch or revenue over a range of values for the buffer and for the additional uncertainty (0 to 0.6 to cover the full range of σ_b) similar to current Figure 6.14. To summarize results across stocks, a table showing the magnitude of the buffer for each stock (rows) at different levels of additional uncertainty (columns, e.g. 0, 0.2, 0.4, 0.6) at a given level of P* would be most useful. A similar table summarizing the implied P^* values at a given buffer size across stocks at different levels of uncertainty would be useful. These tables could highlight the proposed levels of additional uncertainty for each stock. We also suggest including two summary tables as follows:
    - A table of the implied buffer at a given level of P* and at the chosen value of σ_b for each stock
    - A table of the implied P* value at a given buffer and the chosen value of σ_b for each stock
- The levels of assumed additional uncertainty (σ_b) that are currently under consideration (0.2, 0.4 and 0.6) have a strong impact on the results; it is critical to provide a sound rationale for these values to the extent possible. The SSC offers the following suggestions to strengthen the rationale for the choice of σ_b:
    - As stated in our February 2010 SSC minutes, reference could be made to previous analyses of "typical levels" of retrospective bias, for example the analysis of retrospective bias observed in West Coast groundfish stock assessments. Similar analyses may have been completed in other regions.
    - The variety of snow crab models that are currently being considered offer an opportunity to illustrate the extent of variability in OFL estimates across models. An assessment of this variability across a variety of models with good support can provide a minimum estimate of additional uncertainty for this stock.
    - **The SSC supports the CPT approach to classifying stocks into those with relatively low, intermediate, and high levels of additional uncertainty.** The relative ranking of

stocks seems appropriate given our current understanding of uncertainties, but the rationale for the overall range of uncertainties considered should be strengthened.
    - The SSC is concerned that default values for σ_b (as well as for other parameters such as γ) could become thought of as fixed values. The EA should clarify that these values can and should be re-evaluated and updated as our understanding of uncertainty changes. Perhaps the CPT and stock assessment authors could be encouraged or required to annually provide a brief justification for the current value of σ_b.
- While short-term results are presented in terms of the consequences on catch-related quantities of either a given value of the buffer or a given P^* value, medium-term results are primarily presented in terms of the different buffer sizes (and under different levels of uncertainty), albeit with the corresponding probability of overfishing. Therefore it is difficult to evaluate the consequences of a given P* value and this has the unintended effect of focusing the results on the constant buffer approach. The consequences of the P^* approach should be presented in the form of tables or plots that summarize catch-related quantities at several selected P^* values. The consequences for variability in ABC and TAC due to application of fixed buffer or constant P* approaches should be discussed.
- For the presentation of results in this document, it is very important to clearly communicate uncertainty and how to interpret the figures that show medians with lower and upper bounds. We suggest adding a short section before the stock-specific chapters that provides a primer on uncertainty across multiple projections. As a possible model for how to more effectively communicate uncertainty to the public, the SSC suggests examining relevant sections in the most recent IPCC report. For example, this section could include a figure that shows individual trajectories from multiple projections (<<800) with the median and lower and upper confidence bounds superimposed. The section should clearly describe how to interpret these bounds.
- The document could benefit from a table of definitions as suggested in public testimony.

Comments on ACL analyses

- **The SSC endorsed the general approach for projections presented by André Punt in February**. For several stocks, new models were used in the analyses that have not been reviewed or fully documented. Very little detail is included in the EA on these models and it is not obvious what relevant parameters are and how these parameters were chosen or estimated. Some of these parameters could have a large impact on the analyses, such as the presumed level of uncertainty in R (σ_R). The SSC realizes that the EA is not the appropriate place to document these models. **The SSC recommends that important assumptions and parameter values be included in the EA and that models be documented elsewhere and included by reference.** One option is to include a brief description as an appendix.
- Some of the key parameters of the projection model relate to recruitment and are summarized in a table for both the Ricker and Beverton-Holt relationships. The methodology chapter should include a brief description of the general approach used to estimate these parameters. In some cases, the projection used different parameter values than those estimated (σ_R, e.g. Table 7.2), this should be justified. **To minimize confusion, the SSC recommends that the EA include results for only one of the recruitment specifications.** While results differ between the Ricker and Beverton-Holt models, the SSC believes that differences in the form of the stock-recruitment relationship may be one of the smaller sources of uncertainty and could be subsumed in the "additional uncertainty". An alternative would be to capture some of the uncertainty directly by randomly selecting either the Ricker or Beverton-Holt model for each of the 800 projections (assuming each is equally likely).
- The analysts examined four alternative approaches for quantifying uncertainty in OFL for Tier 5 stocks. The SSC recommends that these approaches be carried forward in the analyses.

- A consistent approach should be used to evaluate probability of the stock being in an overfished condition. The approach currently differs between snow/tanner crab projection model and the model used for other stocks.
- The relationship between standard deviation of log(MMB), the coefficient of variation of log(MMB), and variability in MMB should be clearly articulated in the document to avoid confusion. Generally, it appears that the standard error of log(MMB) is used as a proxy for its CV (a good approximation for values less than about 0.4-0.5).

Comments on Economic Analyses

The SSC believes that the proposed economic methodology appears to sufficiently comport with the identified ACL method for king and snow crab fisheries. The model may be appropriate as a general characterization for other stocks, but only to the extent that the price series of those other stocks is correlated with the king and snow crab price series. Care needs to be taken in the next revision of this analysis to clearly differentiate between costs and possible foregone first wholesale revenues. While it is important to characterize the full time path of first wholesale revenues for rebuilding analyses, it may be more appropriate to represent the distribution of annual first wholesale revenues for single time steps that represent short-, medium, and long-run projections in the ACL analyses. The SSC recommended in its February 2010 minutes that the analysts summarize output over a shorter time frame of 5 or 6 years because "the shorter time frame would be of more immediate interest to the public, would be less influenced by assumptions about future recruitment, and would provide more robust economic projections, given the large uncertainties about future macro- and micro-economic factors."

Careful documentation should be provided within each economic section of the analyses, to clearly identify the implicit and explicit assumptions employed in the derivations, as well as the implications for interpreting the "first wholesale gross revenue foregone" projections.

The SSC offers the following minor-editorial comments for the authors:

- Replace "Annual Catch Level" and "Overfishing Level" with "Annual Catch Limit" and "Overfishing Limit" throughout the document.
- Footnote 15 (p. 33) refers to 'Options 5-7'. Please clarify if this should refer to Alternatives 5-7?
- Table 3.2 appears incomplete and does not explain the parameter γ.
- Make sure to fix references to all tables and figures in next draft.
- Variables names should be consistent throughout document, e.g. B is generally used for the Buffer (or rather, 1-Buffer), whereas b is used for additional uncertainty in the assessment. However, b in the economic section (p. 52) refers to the buffer.
- Table 4.1: Clarify footnote ("& - set to the point estimate"), which erroneously implies that P^* is set to its point estimate. This should state that total ABC is set to the OFL point estimate for $P^* = 0.5$.
- Fix equation 3.4 (should be square root)
- Check all tables for accuracy as there are some counterintuitive results. For example, in Table 10-4 (p. 301), the MMB initially increases then decreases, while the ABC increases overall, but the catch greatly decreases over the 6 years of the projection.
- Add species names in headers of Chapters 4-10
- Some inconsistency among stocks in terms of summarizing medium-term projections. Start year is sometimes 2009, sometimes 2010. Sometimes actual catch was applied in 2009 and ABC=OFL (snow crab), whereas in others (e.g. NSRKC, p. 300), buffer was applied in 2009.

Snow crab:

The SSC received a presentation from Jack Turnock ((NMFS-AFSC)) on results from recent Bering Sea snow crab model runs requested by the Crab Plan Team and the SSC. **The SSC appreciates his presentation and efforts to explore model sensitivity.**

This analysis built on earlier model explorations by addressing implications of incorporating the results of the 2009 Bering Sea Fisheries Research Foundation (BSFRF) trawl survey into the snow crab assessment. In addition, the author explored implications of separate selectivity curves for males and females and assumptions regarding natural mortality, survey biomass weighting, survey selectivity and survey catchability.

The SSC supports Crab Plan Team recommendations for model runs that will be presented at the May, 2010 Crab Plan Team meeting. In an effort to more fully explore model sensitivity to alternative assumptions on growth and mortality, **the SSC recommends the author run a suite of models that assumes the Somerton selectivity curve and assumes a male natural mortality rate between 0.2 - 0.5 incrementing values by 0.05.** For these model runs, female mortality will be fixed at 0.23, growth, maturity probability and female selectivity will be re-estimated. **The SSC also recommends a model that assumes the Somerton selectivity curve, estimates growth, maturity probability and mortality with a prior based on Canadian tagging data.** Finally, the SSC requests that the methods used to estimate natural mortality (survivorship) are discussed in the assessment and to the extent possible; the SSC requests that the authors consider stage based mortality to address the likelihood that mortality varies with immature and mature (terminally molted) crabs..

EBS Tanner crab rebuilding

A new stock assessment model has been developed for Tanner crab, which was adapted from the existing snow crab model. Tanner crab rebuilding will be removed because it is now on a different timeline and only the ACL analyses within this EA will use the new Tanner crab model.

Several authors have documented temporal and spatial differences in maturity of Tanner crab (Somerton and Myers, 1983 and Pengilly and Zheng, 1982). The SSC encourages the analysts to consider these processes in future model versions. **The SSC agrees with Crab Plan Team recommendations for changing rebuilding options for snow crab under each of the alternatives**: Increase probability of rebuilding either by extending time frame (e.g. to 8 years) or increased probability of rebuilding at year Ttarget to 70% or 90%.

D-1(b) PI BKC Rebuilding Plan

A report on the EA/RIR for the Pribilof Islands Blue King Crab Rebuilding Plan was presented by Diana Stram (NPFMC), Bob Foy (NMFS-Kodiak), and Scott Miller (NMFS-ARO). Public testimony was provided by Ed Richardson (Pollock Conservation Cooperative).

The challenge to rebuild the Pribilof Islands blue king crab stock is a difficult one. There is no apparent stock-recruit relationship. It is not clear whether the current B_{msy} estimate is a reasonable expectation for stock status under current conditions. Even the optimistic Ricker or Beverton-Holt fit projects stock rebuilding over a 40- to 50-year time frame. In reality, recovery may depend on chance and fortuitous environmental conditions leading to several strong year classes. Nevertheless, a new rebuilding analysis is required.

The SSC recognizes that the draft EA/RIR is preliminary and recommends the following corrections and additions:

- There are many placeholders in the document for which information needs to be inserted.
- The Council needs to define a problem statement and the statement should be included in the EA.
- The document should have a background section including a description of the history of the stock, fishery, and management. Subsistence and personal use crab fishing, if any, should be discussed.
- Stock management reference points (e.g., B_{msy}) and their uncertainty should be discussed.
- The document should discuss the issue of whether blue king crabs in the St. Matthew and Pribilof Islands areas are separate stocks. Historically, recruitment trends were similar between the two areas, but recent trends appear to be different. On the other hand, geographic distributions are not very discrete. The SSC recommends that the authors refer to the report produced from the stock structure workshop held by the SSC in February 2009 as an aid to resolving this issue.
- The document should describe environmental changes affecting blue king crab, as well as ecological changes (e.g., predators). Changes in local distributions of Pacific cod and flatfish predators may be revealed by the NMFS trawl survey database (see Zheng and Kruse 2006) for cursory examination of some of these trends in the Pribilof Islands areas.
- The document should consider likely crab PSC in the halibut fishery. This review should be brought into the analysis to consider the efficacy of the alternatives to achieve stock rebuilding.
- A broader discussion of the Pribilof Islands fishing economy and the limited fishing opportunities available to the resident fleet should be discussed.

In regard to the alternatives, the SSC has the following requests:

- The alternatives should be explained clearly and completely. For instance, the ADF&G closure area (alternative 3) currently applies only to snow and Tanner crab (e.g., p. 10-11). In section 2.6, it is stated that the alternatives impose restrictions on either all fixed gear fleets or just the Pacific cod pot fishery. However, alternatives 3 and 4 are options applying to all groundfish fisheries (not just fixed gear).
- The PSC cap alternative (Alternative 5) needs to be more fully developed. **The SSC supports exploration of PSC caps that would trigger closures, as suggested by the Crab Plan Team.** The document also needs to clarify how the PSC would be accrued. As the OFL is based on mature males, would females and immature crabs also count when summing the total catch or would there be a PSC cap that includes females and immature males that is not necessarily tied directly to the OFL? Also, what are the boundaries that would be used to determine whether a crab PSC removal would count toward Pribilof Islands or St. Matthew Island blue king crab?
- The analysts should explore an option for increased or full observer coverage on groundfish fisheries in the area. For instance, the RIR presentation indicated relatively low observer coverage on the flatfish fishery, and none of halibut vessels.

In regards to methods, the SSC has the following suggestions:

- If possible within the timeframe of the analysis, the analysts should update and incorporate CVs on the trawl survey estimates of abundance in a single model.
- Given the apparent lack of relationship between stock and recruitment, Ricker and Beverton-Holt models provide poor fits to the data. The fits should be plotted on the stock-recruit figure. The SSC recommends continuing with both models, plus alternative recruitment models based on random draws from the historical recruitment distribution.
- The analysis should clarify the approach (e.g., parametric or non-parametric) taken by which recruitment is randomly sampled. The analysts indicated that they began an approach to reconstruct historical and presumed large recruitments that supported the fishery prior to the start of the trawl survey. However, the use of a non-parametric random recruitment model was not able to generate large recruitment. A parametric, log-normal recruitment approach could perhaps

occasionally generate large recruitments. The document should justify the length of the time series used in the three recruitment model alternatives.

- While it is not practical for the time frame of the rebuilding analysis, over the long-term, the stock assessment authors should consider including ADF&G pot survey data in the assessment. One analytical approach to inclusions is a stock synthesis model, such as Zheng et al. (1998) developed for Norton Sound red king crab, which includess trawl and pot surveys, plus summer and winter fishery catches.

In regards to results, the SSC requests the following:

- Table 3 (and others) need to include the units for the data being presented.
- Confidence intervals on stock projections should be constrained to non-negative values (e.g. Figure 16).

For the RIR/IRFA, the SSC offers the following:

- The SSC endorses the approach taken in terms of effects. The revenue at risk approach is an appropriate approach to take in this case.
- The SSC advises that the economic analysis should consider other users of resources in the area, such as the halibut fishery and subsistence/personal use fisheries for crabs.
- The analysis should consider significant seasonal price variability in the analysis.
- The analysis should characterize the regional economic impacts of the alternatives.

D-1(c) Design of 2010 NOAA/BSFRF field research

Bob Foy (NMFS-AFSC) and Steve Hughes (Natural Resource Consultants) summarized the proposed survey design for 2010. Results from the 2009 side-by-side and survey-to-survey experiments indicate that selectivity and catchability vary significantly by spatial and temporal differences in depth, sediment type, and other covariates confounding interpretation of results. Side-by-side surveys will be conducted north-east of the Pribilof Islands including the high density area around St. Matthew. This area was chosen to be a better representation of core snow crab distribution and sampling will collect data on a number of covariates likely to impact survey selectivity. **The SSC supports the survey design and Crab Plan Team recommendation that encourages continued efforts to ensure sampling will be representative of the entire population.** The SSC reiterates Crab Plan Team remarks on the importance for the survey researchers and the assessment author to work closely together such that the information collected during the survey can be easily incorporated in the May 2011 stock assessment.

D-2 (a) Scallop SAFE

Diana Stram (NPFMC) summarized the 2010 February Scallop Plan Team (SPT) minutes.

The SSC appreciates the effort that authors have made to re-organize the SAFE. In particular we appreciate that the report now contains most of the necessary information to evaluate reference points (OFLs, GHLs). The following additional modifications could be considered:

- A discussion of the criteria by which this meta- population could be managed as a unit stock and the potential contribution of each bed to the meta- population should be added. In particular, authors should consider reviewing stock boundaries using the Stock Structure Workshop Report (P. Spencer, Alaska Fisheries Science Center).
- An investigation of scallop movement within beds should be a research priority, with the purpose of determining whether scallops can fill areas previously harvested.

- The SSC appreciates the authors' efforts to adopt standard survey regions. Standardization has occurred in PWS-Kayak Island and Cook Inlet. The SSC encourages efforts to develop surveys for other areas
- Additional information on the estimation of q derived from the underwater video techniques in the PWS area should be provided.
- The Scallop Plan Team minutes indicate that the camera sled has been deployed in seven regions off Kodiak. This information should be included in the SAFE area summaries.
- A careful review of table and figure references is needed throughout the document.
- The SSC appreciates the authors' efforts to document how GHLs are estimated (in Section 2.2 and also in Section 3). However, there are no descriptions of how data are used in setting GHLs in Prince William Sound or Cook Inlet. The SSC requests that the methods be summarized in a table by area. Within the area summaries, the authors should indicate the process by which fishery information (e.g., fishery CPUE, age/size composition, apparent recruitment levels) is used by managers to adjust GHLs. In addition, the section describing the estimation of GHL for the westward region mentions that staff set CPUE benchmarks. The rationale for these benchmarks should be clearly stated in the document.
- With the adoption of ACLs it is critical that formulized and consistent control rules are developed. This will aid in creating a transparent process for setting GHLs within registration areas each year.
- The SSC continues to encourage the development of a statewide ageing protocol and development of an age structured model for scallop stocks in the Central Region.

The SSC notes the following area-specific concerns.

- The PWS area CPUE and abundance estimates are the lowest on record for the west bed. In addition, the fishery CPUE was the lowest on record in the 2008/09 season.
- The Cook Inlet area CPUE and abundance estimates are the lowest on record for the south bed and weak meats were noted in both the north and south beds.

Given the reliance on CPUE for scallop assessments, the SSC encourages an evaluation of differences in dredge selectivity between fishing regions, including an analysis of the influence of bottom type on performance.

D-2 (b) Scallop ACL

Diana Stram (NPFMC) provided an overview of the ACL alternatives under consideration and the analyses in the preliminary review draft. Jim Stone (Alaska Scallop Association) provided public testimony.

The SSC feels that having an OFL based on retained catch when the ACL is based on total mortality could be problematic, and recommends that **the OFL be recalculated to include estimates of total mortality**. Accountability measures could be better articulated; a better description of management by ADF&G would aid in evaluating the efficacy of current measures. An additional alternative for the non-target species could be considered; i.e., lumping them in with weathervane scallops into a scallop complex.

D-3(a) GOA Tanner crab Area Closures

Diana Evans (NPFMC), Nick Sagalkin (ADF&G) and John Olson (NMFS, Alaska Region) reported on a draft of an initial review of area closures for Tanner crab protection in the GOA groundfish fisheries. They discussed basic Tanner crab life history, abundance and directed catch of crabs in management sections in Kodiak, Prohibited Species Catch (PSC) of Tanner crab in groundfish fisheries in these sections and in areas proposed for closure or special regulation to reduce PSC. This document will ultimately be used by the Council for weighing alternatives for tanner crab PSC avoidance in specific

areas of the GOA adjacent to Kodiak Island. Public comment was provided by Dorothy Childers (Alaska Marine Conservation Council), Jon Warrenchuk (Oceana), and John Gauvin (Best Use Cooperative).

The authors are to be commended for their work on the analysis of alternatives, which evolved significantly from earlier discussion papers that involved both Chinook salmon and Tanner crab to the current version that focuses only on Tanner crab PSC. The authors have done an admirable job of working within and through the limitations of available data, especially with respect to PSC on unobserved vessels. **However, the SSC recommends that the following issues be clarified or resolved prior to the document being released for public review:**

- Better documentation of historical abundance of Tanner crab by area that adds support to statements that the majority of Tanner crab abundance has been and continues to be focused in the Eastside and Northeast Kodiak section.
- Provide justification, if available from other areas (e.g., BSAI), for a decrease in unobserved mortality in trawls, as a possible benefit from the use of trawl sweep modifications (e.g., elevating devices, such as disks), as suboptions in the two options in alternative 2.
- Clarify that the selection of suboptions that specify gear modifications to trawls and/or pot gear would require more experimental work to determine utility, optimal configuration and enforcement measures in the affected GOA groundfish fisheries.
- Provide estimates of the composition (sex, age/size) of Tanner crab PSC catch if available
- Provide maps of bottom sediment type overlain with estimates of Tanner crab PSC catch in areas proposed for closure.
- Cite the work of Stone et al. in regards to the efficacy of existing closed areas around Kodiak Island (e.g., Red King Crab closures) in affecting crab abundance.
- Clarify either that all areas selected for closure are to be considered as a single closure or that one or more of these areas could be optionally chosen for closure, and that the analysis is sufficiently disaggregated to support decision making.
- Provide background information (e.g., Donaldson et al.), if available, on movement patterns and ranges of Tanner crab in relation to the size of the proposed closured areas.
- Provide information, if available, on the possible effect of groundfish not harvested in proposed closure areas as potential predators on Tanner crab.
- Clarify the relationship between Tanner crab PSC catch in management sections and proposed closure areas with abundance of Tanner crab, directed catch of Tanner crab, and catch of groundfish species in these same sections and closure areas. The SSC suggests that a single table be provided with all of these metrics to be compared.
- Additional discussion of the potential effect of closure areas on fleet behaviors, especially with respect to differences in vessels less than 60' in length versus longer vessels.
- Highlight the problems in data collection and analysis when the target fishery (pelagic versus non-pelagic) is defined in terms of the percentage of catch that is pollock. The SSC suggests that the analysts construct a histogram of percentage pollock in the catch among vessels to bring this issue to light.
- Add a discussion of potential methods for evaluation of the efficacy of closure areas on Tanner crab abundance using ADF&G surveys or other approaches.
- When comparing Tanner crab catch to the abundance within the proposed closed areas, analysts should attempt to use abundance estimates that are representative of areas under considerations.
- Discuss the potential biological effects of closure areas by comparing CPUE in directed flatfish fisheries inside versus outside of closure areas. If closure areas are implemented, additional trawl effort outside of closure areas to attain the TAC may affect habitat and PSC catch of Tanner crab in these outside areas.
- Explore the use of the VMS catch-in-areas database to further elucidate the location of historical catches and PSC crab catches with respect to the proposed closed areas.

- The draft analysis should be edited to denote incidental catches of crab in the groundfish fisheries by the regulatory designation: PSC.

D-3(c) Northern Bering Sea Research Plan

The SSC received a report on the northern Bering Sea Research Plan and have no comments at this time.

D-3(d) Amendment 80 coop report

The SSC appreciates the succinct and informative presentation provided by Jason Anderson (Amendment 80 Co-op manager). Reported co-op performance statistics appear to provide evidence that, only through relatively active cooperative management of PSC allowances (in this instance, Pacific halibut PSC allowances), was the sector able to avoid reaching a "binding" PSC limit. This is encouraging, because it suggests that the provision contained in the Council's Amendment 80 cooperative program envisioning trading of PSC allowance units is having the desired outcome, thus far.

D-3(e) Chinook salmon excluder EFP

The SSC received a presentation from John Gauvin, (North Pacific Fisheries Research Foundation) on the results of testing of a salmon excluder device for the pollock trawl fishery under EFP 08-02. No public testimony was received on this item.

The SSC appreciates Mr. Gauvin's informative presentation and is encouraged by the progress that has been made in improving the rate and consistency of Chinook salmon escapement, as well as the development of the first salmon excluder that appears to be usable under working conditions in the fishery. The presentation focused on testing of the latest iteration of the "flapper-style" excluder during the 2010 pollock A-season. Compared to previous designs, the flapper was located further aft in the trawl in an area of lower water flow, enabling the escapement holes to remain approximately 50% open and allowing salmon escapement under normal towing speed. In addition, weighting of the flapper was moved forward, allowing the tail of the flapper to trail straight back, and floats around the escapement holes were utilized to create a hood to facilitate salmon escapement.

The concept for a salmon excluder has evolved over a number of years, and results of the most recent test appear to be the most promising to date, with an average Chinook salmon escapement rate of 25% to 34% and an average pollock escapement rate of 0.4% to 1.6%, depending on the test vessel. This latest iteration of the excluder also eliminated problems with large volumes of pollock clogging and eventually tearing the net ahead of the excluder, and loss of door spread. Unfortunately, to date the flapper design has not been effective in excluding chum salmon. This is likely due to behavioral differences between Chinook and chum salmon and, if practical, it may be useful to observe chum salmon behavior around trawl webbing in a flume tank. Interestingly, lights used in conjunction with underwater camera systems appeared to attract Chinook salmon, and using light to facilitate Chinook salmon escapement seems a promising direction for future research. There are strong incentives in place for the pollock fleet to avoid Chinook PSC, and Mr. Gauvin indicated that several vessels intend to use the excluder device during the 2010 pollock A-season as part of their strategy to minimize Chinook PSC. **The SSC notes that recording even simple data such as the presence or absence of an excluder device on each tow during the fishing season could provide further insights into the efficacy of the excluder in reducing salmon PSC, particularly in light of the sensitivity of Chinook salmon escapement rates to positioning and weighting of the flapper panel.**

D-4(a) EFH 5-year review

A summary of the 5 year review of Essential Fish Habitat (EFH) was provided by Diana Evans (NPFMC), Matt Eagleton (NMFS), and John Olson (NMFS) with assistance from Nick Sagalkin (ADF&G). Public comment was made by Jon Warrenchuk (Oceana).

The EFH review provided at this meeting was an updated version of the document presented at the February, 2010 Council meeting. New in this version was a compilation and summary of information provided by the Crab Plan Team, the Scallop Plan Team, and salmon scientists from the Alaska Fisheries Science Center on prospective changes to EFH for FMP crab, scallop, and salmon species, respectively. The SSC wishes to thank the authors for responding to requests made by the SSC in February for inclusion of crab, scallop, and salmon information, as well as our requests for information on research results pertinent to EFH determinations and for further documentation for sablefish recommendations.

The SSC agrees with the recommendation to amend the EFH descriptions of individual species of BSAI and GOA groundfish, BSAI crab, scallop, and salmon (See Table 22).

The SSC also agrees with the recommendation to re-analyze the effects of fishing on EFH for crab, specifically in relation to the potential impacts of trawling on benthic habitats for spawning red king crab in southern Bristol Bay. In that case, a significant female component of the spawning population has repopulated an area now subject to intense trawling. This area was believed to be important as red king crab spawning habitat in the 1970s, a time of peak crab abundance when bottom temperatures were relatively cold, a condition that has only recently been observed in the past several years. The SSC suggests that the form of the analysis may be best left to the Crab Plan Team to recommend.

If the Council elects to amend the FMPs, then the SSC would like to see the following considerations included in future revisions.

- In regards to the benthic habitat in protected areas in the Aleutian Islands Habitat Conservation Area, it would be helpful to differentiate those areas that are within fishing depths by gear types (trawl, longline, and pot) and those areas that are protected but beyond standard fishing depths. There should be a distinction between on-shelf and off-shelf regions, due to extensive differences in habitat and fauna, as well as in their respective historic and current fishing pressures.
- Updated estimates of annual bycatch of structure forming invertebrates (corals, sponges, and others) should be included in tables and displayed spatially for each of the management regions, allowing evaluation of trends through time. Figures similar to the color maps provided with the summary document (color figures 1 to 25) would be helpful.
- The SSC requests that the analysts consider the importance of pelagic habitats, such as fronts and upwelling zones, as EFH, that could be vulnerable to fishing or non-fishing disturbance (e.g., fuel oil spills from fishing).

The SSC would also like to highlight several research priorities that would be expected to aid the evaluation of EFH issues:

- There is a continuing need to validate the LEI model and to improve estimates of recovery rates, particularly for the more sensitive habitats, including coral and sponge habitats in the Aleutian Islands region, possibly addressed through comparisons of benthic communities in trawled and untrawled areas.
- There is also a continuing need to obtain high resolution mapping of benthic habitats, particularly in the on-shelf regions of the Aleutian Islands.
- Time series of maturity at age should be collected to facilitate the assessment of whether habitat conditions are suitable for growth to maturity.

- In the case of red king crab spawning habitat in southern Bristol Bay, research is needed on the current impacts of trawling on habitat in spawning areas and the relationship of female crab distribution with respect to bottom temperature.

D-4(b) HAPC Criteria and Priorities

Chapter 12 of the EFH review summary, addressing recommendations for Habitat Areas of Particular Concern (HAPC), was presented by Diana Evans (Council Staff), Matt Eagleton (NMFS), and John Olson (NMFS). Public comment was provided by John Gauvin (Best Use Cooperative), Gerry Merrigan (Alaska Longline Co.), and Jon Warrenchuk (Oceana).

The SSC appreciates the incorporation of our comments on the HAPC proposal evaluation criteria. We suggest that to facilitate the evaluation of proposals according to those criteria, rarity should be required to obtain a score of 2 or above for a proposal to move forward, in keeping with the Council's intent to have rarity as a prerequisite. For proposals that meet that criterion, scores of the remaining 3 criteria would be added together to obtain the final total score (that is, no longer including rarity). We point out that this method (similar to what was used in the original HAPC cycle) assumes that all criteria have equal weight and that they operate independently (i.e., they are "orthogonal"). We are not suggesting any changes to the "Data Certainty Factor."

D-4(c) AI Team TOR

Diana Evans (NPFMC) presented the draft terms of reference for the Aleutian Islands Ecosystem Team (AIET).

The SSC agrees that effective implementation of Ecosystem Approaches to Management requires that ecosystem considerations are an integral part of its scientific advice. **The SSC agrees that an AIET should be formed to periodically review the cumulative risks of present and future actions on the AI ecosystem through the development of the FEP.**

The SSC recommends that the Terms of Reference (TOR) should minimize redundancy in the delivery of scientific advice to the NPFMC. To achieve this flow of information we recommend the following changes to the TOR for the AIET:

Establishment: (2nd sentence). *The AIET update and maintain information on ecosystem interactions as they relate to the Aleutian Islands by periodically updating the AI FEP.*

The SSC recommends that the first and second paragraph under item 4b be modified to read:

Organization 4(b) *Facilitate the use of the AI FEP in Council management. The AIET may also play a role in facilitating the use of the FEP as a management tool for actions related to the Aleutian Islands.*

The AIET will communicate information and reports flowing through the Ecosystem Committee to the NPFMC and SSC typically by making reports to the BSAI Plan Team.

Organization 4 (b iii) *The AIET should strive to communicate the findings of the to AI FEP State, Federal and Council analysts as appropriate so it can be incorporated early in the analysis process.*

DRAFT
ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
April 6-9, 2010

The following members were present for all or part of the meetings:

Joe Childers	Tim Evers	Matt Moir
Mark Cooper	Jeff Farvour	Theresa Peterson
Craig Cross	Becca Robbins Gisclair	Ed Poulsen
John Crowley	Jan Jacobs	Beth Stewart
Julianne Curry	Bob Jacobson	Lori Swanson
Jerry Downing	Simon Kinneen	Anne Vanderhoeven
Tom Enlow	Chuck McCallum	

The AP unanimously approved the minutes from the previous meeting.

C-3(a) Non-Target Species Committee Report

The AP recommends the Council request staff prepare a discussion paper reflecting the list of items recommended by the Non-Target Species Committee on Page 2 of their minutes under agenda item C-3(a). *Motion passed 17-0*

C-3(b) Groundfish Annual Catch Limits

The AP recommends the Council adopt Alternative 2 for final action under this agenda item. *Motion passed 17/1*

C-4 Central GOA Rockfish Program

The AP recommends the Council move forward with the existing elements and options for development of the new Central GOA rockfish management program as shown in the analysis, with the following language clarifications (new language is **bold/underline**, ~~strikeout~~ signifies deleted language, **bold/asterisk(*)** indicates a preferred preliminary option):

8 **Regionalization – Apply to catcher vessel sector only:**
***Option 1: All CV CQ must be landed in the Port of Kodiak at a shorebased processing facility. [*select as preferred option]**

9 Catcher vessel/shore based processor provisions (CV – all)
~~For alternatives with processor associations the drop year is selected by the processor and applied to all LLP licenses when determining those associations.~~

9.2 Option A - Harvester only cooperative (CV-2)

A holder of catcher vessel harvest history ~~may~~ **must** join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.3 Option B - Harvester cooperatives with processor allocation of harvest shares (CV – 3)

~~Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).~~

A holder of catcher vessel harvest history or processor histories ~~may~~ **must** join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

11 **Cooperatives will be required to notify RAM division which LLP holders are in a cooperative by March 1st.**

12 Sector Transfer provisions

Harvest shares held by processors may be transferred to:
Option 1: Those processors, at the plant level, who were initially issued harvest shares
Option 2: Those processors who have processed at least ~~100~~ 250 metric tons of rockfish delivered by catcher vessels ~~with~~in any ~~two year period~~ **two years of the last four years** during the new program **prior to transfer**
Suboption 1: **to a shoreside processing facility** in the port of Kodiak
Suboption 2: to a shoreside processing facility
Option 3: a holder of a Central GOA rockfish program eligible **CV** LLP

Note: More than one option can be chosen.

13 Cooperative Harvest Use Caps
CV cooperatives
No person may hold or use more than 3-5% of the ~~CV historic shares~~ **CV QS (including any shares allocated to processors),** using the individual and collective rule (Option: with grandfather provision).

No CV may catch more than 4-10 % of the target CV allocation **of POP**
(Option: with grandfather provision).

No person may hold or use more than 20-25% of the QS initially allocated to processors, using the individual and collective rule (Option: with grandfather provision).
~~Harvest shares held by processors will be subject to the same 3-5% cap for holding and use that applies to harvest shares held by harvesters~~
~~Suboption: 10% cap~~
~~Suboption: Grandfather initial recipients~~

Option: Eligible processors will be grandfathered for the processing cap based on total processed catch during the qualifying years.

(The ~~year~~ **average annual retained catch over** the **qualifying years** ~~2002~~ will be used as a base (or index) ~~year~~ for applying the aggregate caps.)

~~Option: Eligible processors will be grandfathered.~~

14 Harvesting provisions

All non-allocated species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish. Basis species for purposes of determining MRAs will be:

Option 1 - Only primary allocated rockfish species

***Option 2 - All allocated species [*select as preferred alternative]**

18 Sideboards

18.1 Catcher vessel options

West Yakutat and Western Gulf Primary Rockfish Species

***Option 2: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species. [*Select as preferred alternative]**

Suboption: Exempt a vessel that participated in the WYAK rockfish fishery for 2006-2008 and participated in the entry level pilot fishery at least one year. These vessels will be sideboarded at their catch history for 2006-2008

[motion for addition of suboption passed 14/5]

Bering Sea and Aleutian Island Sideboard Provisions

Yellowfin sole, other flatfish, and Pacific ocean perch fisheries

***Option 2: The qualifying vessels in the trawl catcher vessel sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July. [*Select as preferred alternative]**

Pacific cod fishery

***Option 2: The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July without any sideboard limit. [*Select as preferred alternative]**

Final motion as amended passed 19/0

C-5(a) Emergency Exemptions from Regionalization – Stakeholder proposals

The AP recommends the Council move forward with the Purpose and Need Statement that is consensus, as well as the components and options that are described below. *Motion passed 18/0*

Purpose and Need Statement

In developing the crab rationalization program, the Council included several measures to protect regional and community interests. Among those provisions, the Council developed regional designations on individual processing quota and a portion of the individual fishing quota that require associated catch to be delivered and processed in the designated region. Since implementation of the program in late 2005, and except in the case of the Western Aleutian Islands Golden King Crab fishery, all of the crab IFQ has

been harvested and processed as intended by the crab rationalization program. However, icing conditions in the Northern Region have created safety concerns, and delayed and in some cases prevented harvesters from entering harbors to deliver to shore-based and floating processors located in the regions, as required by the regional share designations. In addition, other unforeseeable events, events such as an earthquake or tsunami, or man-made disaster, could prevent deliveries to eligible processors in a region necessary for compliance with the regional designations on Class A IFQ and IPQ. A well-defined exemption from regional landing and processing requirements of Class A IFQ and IPQ that includes requirements for those receiving the exemption to take efforts to avoid the need for and limit the extent of the exemption could mitigate safety risks and economic hardships that arise out of unforeseeable events that prevent compliance with those regional landing requirements. Such an exemption should also provide a mechanism for reasonable compensation to all parties directly impacted by the granting of the exemption to ensure that the protections intended by the regional designations continue to be realized despite the exemption. The purpose of this action is to develop a regulation to allow waiver of the regional landings requirement for Class A shares in the event that eligible processing facilities are unable to receive crab for an extended period of time.

Components and Options

This action would establish an emergency relief exemption for the regional delivery requirement under the BSAI crab program. Component One specifies the eligibility requirements for the exemption and the contracting parties. Component Two establishes reserve pool certification and periodic reporting requirements. Component Three establishes how the emergency relief regulation is to be administered. Component Four establishes a Council review process.

Component One. The Contract Parties.

To be eligible to apply for and receive an exemption from a regional landing requirement, the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into a framework agreement, including mitigation requirements and a range of terms of compensation.

If compensation is to include compensatory deliveries in the year following the granting of an exemption, the community entity or entities in the region from which the compensatory deliveries will flow may also be parties to the framework agreement.

Option 1: prior to the opening of the season.
Option 2: by a fixed date (to be determined).

To receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into an exemption contract prior to the day on which the exemption is sought.

The entity that will represent communities shall be (options):

(a) the entity holding or formerly holding the ROFR for the PQS,
(b) the entity identified by the community benefiting from (or formerly benefiting from) the ROFR,
(c) a regional entity representing the communities benefiting from the ROFR or formerly benefiting from the ROFR.

The entity or entities determined by the Council to be the community representatives in a region shall develop an allocation or management plan for any PQS issued without a ROFR in that region by a date certain established by the Council.

Component Two. Reserve Pool and Reporting Requirements.

A reserve pool can provide industry wide, civil contract based delivery relief without regulatory or administrative intervention; therefore, regulatory relief is an explicit incentive available only to Class "A" participants who are members of approved reserve pools, to matched IPQ holders and to affected community entities.

Harvest sector reserve pools do not require NMFS approval; however, on an annual basis, before a date certain established by NMFS through regulation, participants in the BSAI crab fisheries must certify to NMFS their establishment of or membership in an existing reserve pool to be eligible for regional landing requirement relief. The certification shall name the Class A IFQ holders who have established or are members of the reserve pool. Subject to the other terms and conditions of this action, the parties to a reserve pool shall be eligible for regional landing requirement relief if: (1) their reserve pool certification states that the reserve pool agreement commits each party to be bound by the rules of the reserve pool; and (2) the parties to the reserve pool identified on the certification represent not less than (60%, 70%, 80%) of the "A" share IFQ held by (a) unaffiliated cooperatives and unaffiliated IFQ holders not in a cooperative, in the aggregate; or (b) held by affiliated cooperatives and affiliated IFQ holders not in a cooperative, in the aggregate.

Reserve pool representatives shall provide an annual Regional Landing Exemption Report to the Council which will include the following:

1) a comprehensive explanation of the membership composition of the reserve pool and the measures in effect in the previous year,
2) the number of times a delivery relief exemption was requested and used, if applicable,
3) the mitigating measures employed before requesting the exemption, if applicable,
4) an evaluation of whether regional delivery exemptions were necessary, and their impacts on the affected participants, if applicable.

Reserve Pool Representatives shall circulate the annual Regional Landing Exemption Report to communities that are parties to framework agreements with the reserve pool representatives two weeks before submission to the Council. Communities may submit to the Council a Community Impact Report that responds to the annual Regional Landing Exemption Report.

Component Three. Administration of the Exemption.

Administration of the exemption
In accordance with Component One, the three parties will file an affidavit with NMFS affirming that a framework agreement has been signed, and, if applicable, subsequently file a second affidavit affirming that an exemption contract has been signed. In the affidavits, the parties shall affirm that the framework agreement includes mitigation requirements and a range of terms of compensation, and that the exemption contract describes the conditions under which the exemption is being or would be requested, including mitigation requirements and terms of compensation specific to the exemption being sought.

Exemption
An exemption shall be granted upon timely submission of a framework agreement affidavit and subsequent filing of an exemption contract affidavit by the Class "A" IFQ holders, the matched IPQ

holders and the affected community entity or entities that are parties to the framework agreement that they have entered into an exemption contract, and that the exemption contract describes the conditions under which the exemption is being requested, including mitigation requirements and the terms of compensation. Pursuant to Component Two, above, the Class A IFQ holder that is party to the framework agreement and the exemption contract must be identified as having established a reserve pool or as a reserve pool member on a timely filed reserve pool certification that meets the requirements of Component Two.

The exemption contract affidavit shall result in the regional tag being removed from the requested amount of Class "A" IFQ and the matched IPQ; and the requirement that NMFS apply any IPQ used at a facility through a custom processing arrangement against the IPQ use cap of the owners of that facility shall be suspended for all Class A IFQ and matched IPQ included in the exemption.

If an exemption contract includes an obligation to make compensatory deliveries, an exemption making such deliveries possible shall be granted upon submission of an affidavit by the Class A IFQ holders, the matched IPQ holders and the affected community entity or entities that the exemption is being requested to make compensatory deliveries pursuant to the terms of an exemption contract under which regional landing relief was previously granted and used.

Component Four. Council Review.

The Council will review the Regional Landing Exemption Program within:

(a) two years
(b) after the first season in which an exemption is granted.

Thereafter, the Council will review the Regional Landing Exemption Program as part of its programmatic review, and, based on the record, may amend or terminate the Regional Landing Exemption Program.

C-5(b) Final action on WAG King Crab Regional Delivery

The AP recommends the Council adopt Alternative 2, Option 2, with 20% selected in the definitions for quota share, as written below. *Motion passed 19/0*

Alternative 2: Contractually Defined Exemption
To receive an exemption from the regional landing requirement in the WAG fishery, specified QS holders, PQS holders, and municipalities shall have entered into a contract. The contract parties will annually file an affidavit with NMFS affirming that a master contract has been signed.

Definitions:

QS Holders: Any person or company that holds in excess of 20 percent of the west-designated WAG QS.

PQS Holders: Any person or company that holds in excess of 20 percent of the west-designated WAG PQS.

Municipalities: The municipalities of Adak and Atka.

Approval of Exemption:

An exemption to the regional landing requirement will be granted, if the contracting parties have filed an affidavit with NOAA Fisheries affirming that a master contract has been signed. In the

affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing.

D-1(a) BSAI Crab ACLs and Snow/Tanner Crab Rebuilding Plans

The AP recommends that the Council:

Rebuilding Alternative
Consider an option to define rebuilding for crab stocks to include one year to be above Bmsy.

ACLs
Add option 4 under Process for ABC recommendation to include an option for St. Matthews that the SSC recommends ABC levels annually at the June meeting using survey data from the previous year.

Incorporate analysis showing historical exploitation rate and short-term future expected exploitation rate for the range of ACL options.

The AP is concerned about multiple buffering occurring due to ACL buffers as well as built in buffers currently incorporated in stock assessment models. The AP also recognizes the concerns regarding preemption of state management authority posed by implementation of ACLs and snow crab rebuilding requirements.

The AP endorses the Crab PT minutes regarding ACLs, accountability measures, and rebuilding plans.

Motion passes 17/0

D-1(b) Pribilof BKC rebuilding plan

The AP recommends the Council support the recommendations in the March 2010 Crab Plan Team minutes. In addition, the AP recommends that under Alternative 5, the analysis should examine PSC levels below the default OFL and that the analysis should examine the groundfish areas closures triggered by specific PSC levels. It is the AP's intent that this measure would provide a linkage between the crab and groundfish FMPs and that this concept should be examined in the context of accountability measures for all crab stocks.

Motion passed 16/0/1 (abstention)

D-2(a) Scallop SAFE

The AP recommends the Council approve the Scallop SAFE Report as presented. The AP also recommends that future SAFE reports include data on targeted scallop catch prior to 1993, and show crab bycatch both in terms of number of crab and weight of crab. *Motion passed 18/0*

D-2(b) Scallop Annual Catch Limit Analysis

The AP recommends that the Council forward the analysis of Scallop ACLs with the current slate of alternatives and options. In addition, the AP recommends the analysis be expanded to include:

1) A discussion of overages both before and after coop formation.
2) A discussion of the possibility of managing scallops as a complex which would include non-target scallop species.

Motion passed 18/0

D-3(a) Bairdi bycatch in GOA

The AP recommends that the document not be released for public review at this time. The AP was made aware that the SSC had a list of issues with the analysis that prevented the SSC from moving the analysis forward. The AP did not hear the SSC minutes but recognizes that the SSC had concerns.

The AP recommends the analysis be revised to include the following items:

1) Describe and attempt to quantify the impacts of pelagic trawling on bairdi crab.
2) Describe the State of Alaska and federal definitions of pelagic gear more fully.
3) An option to exempt hook-and-line gear from the proposed action.
4) The amount of fishable area (<500 meters) in area 630 presently closed to each gear type.
5) The amount of fishable area in each of the potential closure areas.
6) Assess the protection offered by present closure areas to tanner crab by gear type.
7) The impact of predation on tanner crab by groundfish species, including predation inside cod pots.
8) An estimate of crab harvest in the commercial tanner crab fishery, including an estimate of crab bycatch in the directed fishery.
9) A breakout of pelagic vs non-pelagic groundfish harvests to understand the overall economic impact of the proposed actions.
10) Staff recommendations for closure areas for pot gear that better reflect pot effort and bycatch.
11) Further analysis of the impacts of 100% observer coverage requirement and possible mitigation actions.
12) Assess the efficacy of existing crab protection measures.
13) Further analysis of the practical and economic impacts of 100% observer coverage on vessels <60 feet.
14) Information on unobserved catch locations using VMS data.
15) Bathymetrically designed areas within the proposed closures based on preferred crab habitats.
16) Closure of smaller areas within the proposed stat areas.
17) An option to select specific closures rather than all proposed areas.
18) Further discussion of the definition of pelagic trawl gear including the practicability of using bottom sensors.
19) The importance of the directed tanner crab fishery to permit holders.
20) Better information on the possible effects of displaced fisheries on other bycatch fisheries.

The AP also recommends the Council consider adding the following language to the existing problem statement:

> "There is a greater prevalence of smaller vessels participating in the GOA groundfish fisheries. Because observer coverage requirements are based on vessel length there is less observed catch and more uncertainty regarding crab bycatch estimates. 100% observer coverage in the appropriate areas would provide the Council with a high level of confidence in the assessment of any crab bycatch caught in the designated areas, as a basis for future management actions as necessary.
>
> Gear modifications may offer some reduced impacts on crab stocks."

Motion passed 19/0

D-3(b) GOA Chinook Salmon Bycatch

The AP recommends that the Council initiate an amendment to require full retention of all salmon bycatch in the GOA pollock fishery. *Motion passed 19/0*

The AP recommends that the Council request that NMFS develop a program to enumerate salmon caught as bycatch and to develop a protocol so that DNA samples will be available for genetic testing when lab space is available. Samples should be taken to fill in any gaps in genetic baseline if needed. *Motion passed 19/0*

The AP recommends that the Council ask staff to refine and expand the discussion paper on Chinook salmon bycatch in GOA groundfish fisheries to include:

1. expanded discussion of all salmon removals in GOA by ADFG management areas;
2. a chapter on potential effects of environmental changes on Chinook salmon stock abundance;
3. break out the groundfish fishery data by target fishery and by federal management area as appropriate;
4. further analysis of seasonal and yearly bycatch;
5. differentiating between state and federal bycatch rates;
6. updated spatial data on maps; and
7. data on all users (sport, subsistence, personal use, commercial, etc) to determine the level of use and dependence.

Motion passed 19/0

A motion to recommend that the Council not move forward with salmon bycatch action at this time failed 8/8.

D-3(c) Northern Bering Sea Research Area Plan

The AP recommends that the Council encourage NMFS to conduct tribal consultation before the 2010 groundfish bottom trawl survey takes place. *Motion passed 18/0*

The AP recommends that the Council adopt the revised NBSRA Research Plan schedule as outlined in item D-3(c)(5) with the following changes:

1) Include community and subsistence stakeholders in the science meeting scheduled for January 2011 for an integrated approach.
2) Move the updates scheduled for April 2011 to the June 2011 Council meeting in Nome, Alaska.

Motion passed 18/0

D-3(d) Amendment 80 Co-op Reports

The AP received a report from Jason Anderson on performance of the Best Use Cooperative in 2009.

D-3(e) Receive report of EFP testing of Chinook salmon excluder

The AP received a report from John Gauvin on development of a chinook salmon excluder.

D-4(a) EFH 5-year Review

The AP supports the summary of recommended changes to the FMPs resulting from the EFH 5-year review provided on page 87 of the EFH report. The AP also supports the recommendations from the Crab Plan Team which will result in a discussion paper. The AP supports the recommendations from the Ecosystem Committee on recommended changes to salmon EFH. *Motion passed 18/0*

D-4(b) HAPC Criteria & Priorities

The AP recommends the Council adopt the HAPC evaluation criteria for HAPC proposals as presented on page 1 of agenda item D-4(b)(2) with the following changes:

1) The AP feels that the standard for ecological importance is set too low for habitat areas of particular concern and is essentially a re-statement of EFH criteria. Level 0 criterion should be deleted and remaining criteria re-numbered starting with zero. Level 3 for ecological importance should read: "Complex habitat condition and substrate serve as refugia, concentrate prey, and/or are known to be important for overfished species."
2) Require a minimum score of three for rarity so that only proposals for truly rare habitat sites are HAPC candidates.
3) Delete footnote 1 on the proposed evaluation criteria for HAPC proposals (D-4(b)(2)).
4) Underscore in HAPC criteria that the NPFMC's HAPC process is for sites (rather than types) and that the ecological importance is for "managed species".
5) The HAPC cycle should be 5 years to be in sync with EFH review.

Motion passed 15/4

A substitute motion to recommend the Council adopt HAPC criteria as presented in D-4(b)(2) page 2 with no changes failed 9/10.

Minority Report: A minority of the AP supported a substitute motion that the AP recommends the Council adopt the HAPC criteria on page 2 of D-4(b)(2). The minority supported this substitute motion because the main motion contained a number of elements which significantly alter the criteria. First, it is not necessary to change the criteria for ecological importance to a higher standard because this is only one of four factors, and a habitat area will have to score well on the other factors and meet the rarity criteria to qualify as a HAPC. Second, the minority was not comfortable with requiring a rarity score of 3 to be considered, both because we were unapprised of the SSC's position regarding this requirement, and because the requirement for a score of 3 that the habitat occur in only one region seemed too stringent given that a similar habitat could exist in more than one region and provide habitat for different fish stocks. Finally, the minority did not feel it was appropriate to delete pelagic water from the definition of habitat contained in footnote 1. Pelagic waters are a critical habitat area for many species and it is important that this type of habitat is eligible under the HAPC criteria.
Signed by: Rebecca Robbins Gisclair, Edward Poulsen, Chuck McCallum, Jeff Farvour, Tim Evers, Theresa Peterson, Julianne Curry

The AP recommends that the Council consider identifying Bristol Bay RKC spawning habitat as a HAPC priority type. *Motion passed 18/1*

The AP recommends that the Council identify skate nurseries and sablefish pre-recruit sites as HAPC priority types as indicated on table 15 of the EFH 5-year review summary report, including the accompanying explanatory text. *Motion passed 19/0*

Minority Report: A minority of the AP supported a motion recommending that the Council consider the Pribilof and Zemchug canyons as HAPC priorities. The motion failed 4/15. These canyons are unique as some of the deepest canyons in the world. They provide important habitat for rockfish, corals, sponges and other species and are part of the "greenbelt" of high production on the Bering Sea shelf edge. We have received numerous letters and public comments requesting that these canyons be considered, including requests from nearby communities. These canyons have also been submitted for consideration in previous HAPC proposal processes but did not meet the Council's priorities at that time. Given the unique and highly productive habitat these canyons provide it is appropriate to consider them in this HAPC process.
Signed by: Rebecca Robbins Gisclair, Chuck McCallum, Theresa Peterson, Tim Evers

D-4(d) Rural Community Outreach report and Chum Bycatch Plan

The AP recommends that the Council approve the Rural Outreach Committee's recommendations on page 1 and 2 of their report [item D-4(d)(1)]. The AP also recommends that the Council move forward with the Outreach Plan for the Chum Bycatch EA/RIR/IRFA as described in item D-4(d)(2). *Motion passed 18/0*

D-5 Staff Tasking

The AP recommends the Council initiate an analysis to determine whether the communities of Naukati Bay, Game Creek, Cold Bay, and Kupreanof should be included in the list of eligible communities contained in Table 21 of Amendment 66. *Motion passed 18/0*

The AP further recommends that the Council deny the halibut allocation request by the Native Village of Nanwalek. *Motion passed 15/0*

C-4 Central Gulf of Alaska Rockfish Program

Council Motion April 2010

The Council directs staff to revise alternatives and options as follows and release the analysis for public review. The below listing of alternatives, elements, and options is based on the draft provided in March 2010 analysis. Additions are shown underlined and deletions in strikethrough:

Elements and options defining the program alternatives

The Council has identified the following elements and options to define its alternatives

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Alternatives, Elements, and Options

Entry-Level Fishery Alternatives (EL)
1. Status Quo (revert back to LLP management)
2. Entry level trawl/fixed gear fisheries (the pilot program structure)
3. Fixed gear only fishery

Catcher Processor Alternatives (CP)
1. Status Quo (revert back to LLP management)
2. Catcher processor cooperative only
~~3. Cooperative or limited access (the pilot program structure)~~

Catcher Vessel Alternatives (CV)
1. Status Quo (revert back to LLP management)
2. Harvester only cooperative
3. Harvester cooperatives with allocation of harvest shares to processors
4. Severable harvester/processor association – no forfeiture

The above alternatives are defined by the following elements and options.

1 ICA Set Aside

Prior to allocation of catch history to the sectors, NMFS shall set aside an Incidental Catch Allocation (ICA) of Pacific Ocean perch (POP), northern rockfish, and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the cooperative program. (EL – all)

2 Entry-level Set Aside (EL – all)

A percentage of CGOA POP, northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program.

2.1 Trawl and fixed gear (non-trawl) entry level fisheries (EL – 2)

The annual set aside will be 5 percent of each of these target rockfish species.

Set-asides shall be apportioned at 50% for trawl gear and 50% for fixed gear.
The trawl sector's allocation by weight (based on the aggregate TAC for Pacific Ocean perch, Northern and pelagic shelf rockfish) shall first be Pacific Ocean perch.

Unharvested allocations to either sector shall be available to both sectors at the end of the third quarter.

The entry level fishery will be managed as a limited entry fishery.

Start dates for the entry level fishery should be January 1 for fixed gear and approximately May 1 for trawl gear.

2.1.2 Halibut PSC Limit Allocation

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Trawl halibut PSC options

Option 1: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), the start date will be on the next release of halibut PSC.

Option 2: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), halibut usage will be deducted against the following quarter's halibut PSC allowance.

Vessels that can participate in the entry level fishery are those vessels that did not qualify for the CGOA rockfish cooperative program. Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel that includes a statement from a ~~non-qualified~~ processor confirming an available market.

Option: Entry level fixed gear sector are exempt from VMS requirements.

2.2 Fixed gear only entry level fishery (EL-3)

The annual set aside will be;

5 ~~1—10~~ mt of the POP TAC
5 ~~1—10~~ mt of the northern rockfish TAC
10 - 30 mt of the pelagic shelf rockfish TAC.

If the entry-level fishery has retained harvests of 90% or more of their allocation of a species, the set-aside would increase by the amount of the initial allocation the following year:

5 ~~1—10~~ mt POP
5 ~~1—10~~ mt Northern rockfish
10 - 30 mt pelagic shelf rockfish

This increase would be capped at a maximum of:

POP

a. 1%
b. 3%
c. 5%

Northern Rockfish

a. 2%
b. 3%
c. 5%

Pelagic Shelf Rockfish

a. 2.5%
b. 3%
c. 5%

The entry level fishery will be managed as a limited entry fishery.

Start date for the entry level fishery should be January 1.
Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Any vessel or gear type exempt from CGOA LLP requirements or any holder of a CGOA fixed gear LLP may enter a vessel in the entry level fishery.

Option: Entry level fixed gear sector targeting rockfish are exempt from VMS requirements (Pacific cod VMS requirements continue to apply).

3 **Program eligibility** (CP – all and CV – all)

The eligibility for entry into the cooperative program is one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period using a CGOA trawl LLP license.

Option: In addition, the following participants would be eligible to enter the program: those persons whose vessel had one targeted landing of POP, northern rockfish or PSR caught in CGOA during the qualifying period with interim trawl CGOA license that was later determined to be an invalid trawl CGOA endorsement, but who acquired a valid CGOA trawl license prior to December 31, 2003, which has been continuously assigned to the vessel with the target landing since acquired until the date of final Council action.

4 **Qualified catch** (CP – all and CV – all)

4.1 Basis for the allocation to the LLP license holder is the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the allocation of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

Option: For licenses qualified based on catch of a vessel using an interim license, the basis for the allocation will be the catch history of such vessel, notwithstanding the invalidity of the interim Central Gulf trawl LLP endorsement under which the vessel operated during the qualifying period. History allocated under this provision shall be assigned to the LLP license.

4.2 Catch history will be the history during the following qualifying period:

1) 1996-2002 (drop two)
2) 1998-2006 (drop two ~~or four~~)
3) 2000-2006 (drop two)

4.3 Qualified target species history is allocated based on retained catch (excluding meal) during the rockfish target fishery. Different years may be used (or dropped) for determining the history of each of the three rockfish species.

The CP catch history will be based on WPR data.
CV catch history will be based on fish tickets.

Note: Only legal landings will be considered in determining catch history.

4.4 Entry level trawl qualification/allocations for the main program:

1) Vessels / LLPs that do not qualify for Cooperative quota (CQ) for the CGOA rockfish cooperative program.
2) The trawl LLP must have registered for the entry level fishery ~~both~~ in 2007, ~~and~~ 2008, and 2009.

Option: ~~Add 2009~~ The trawl LLP must have registered for the entry level fishery in two of three years, 2007-2009.

3) The trawl LLP must have made a landing of fish in the entry level fishery with trawl gear in ~~either~~ 2007, ~~or~~ 2008, or 2009.

~~Option: Add 2009~~

Option: A vessel that qualifies for the entry level allocation under this section may elect to opt out of the rockfish program.

4.5 The qualified entry level trawl LLP would receive an allocation of QS for the primary rockfish species equivalent to:

1) Average of the lowest one-quarter to one-third of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008.

~~2) Average of the lowest one-quarter to one-third of all qualified CV LLPs.~~

~~3)~~ 2) Actual catch history of the vessel/LLP in 2007 or 2008 or 2009 (information would be with held due to confidentially restrictions unless the vessel(s) agrees to have the data released to the public).

~~4) Average of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008~~

~~5)~~ 3) Average of all qualified CV LLPs.

~~Option: Add 2009 to options calculated from catch history in the entry level fishery.~~

Option: The qualified entry level trawl LLP's, in aggregate, would receive an allocation of QS for the primary rockfish species in an amount between 1.5% and 5% (the set-aside for the entry level trawl fishery and full entry level fishery under the Rockfish Pilot Program), to be determined by the Council. Within that allocation, each of the qualified entry level LLP's would receive:

a) an allocation of QS for the primary rockfish species in proportion to the number of years they made a delivery to an entry level processor from 2007 to 2009 or

b) an equal allocation.

Note: Secondary and halibut PSC allocations are calculated the same as the other qualified LLPs.

Allocations of QS for qualified entry level trawl LLPs would be established as a set aside, prior to allocations to the other CV sector licenses or CP sector.

5 **Sector definitions** (CP – all and CV – all)
Trawl catcher vessel – A trawl catcher-vessel that has a CV or CP LLP license, but does not process its catch on board.

Trawl catcher processor - A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

6 **Rationalized areas** (CP – all and CV – all)
History is allocated for the CGOA only (NMFS statistical areas 620 and 630).

7 **Sector allocations** (CP – all and CV – all)

7.1 Target rockfish species

Catch history is determined by the sector's qualified catch in pounds as a proportion of the total qualified catch in pounds.

Sector allocations of target rockfish species are based on individual qualified vessel histories applying any applicable drop year provision at the vessel level.

Full retention of the target rockfish species required

7.2 Secondary species
Secondary species history is allocated based on retained catch of the species while targeting rockfish over retained catch in all fisheries.

7.2.1 Except as provided below, history will be allocated to each sector for the following secondary species:

sablefish,
shortraker rockfish
rougheye rockfish,

thornyhead rockfish, and
Pacific cod.

7.2.3 Except as otherwise provided below, secondary species allocations will be based on: The sector's average annual percentage of retained catch of the secondary species by the rockfish target fisheries during the qualifying period. For each qualifying year calculate the sector's retained catch of the species in the target rockfish fisheries divided by the retained catch of all CGOA fisheries. Sum these percentages and divided by the number of qualifying years. The calculated average annual percentage is multiplied by the secondary species TAC for that fishery year and allocated to each sector in the cooperative program.

7.2.4 Exceptions:
Shortraker and rougheye
For shortraker and rougheye:
For the CP sector:
a shortraker allocation of the TAC will be:
Option 1a: 30.03 percent
Option 1b: 50 percent
To be managed as a hard cap, and a rougheye allocation of 58.87% of the TAC, to be managed as a hard cap.
Option 2: shortraker and rougheye will be managed with a combined MRA of 2%.
For the CV sector, shortraker and rougheye should be managed with a combined MRA of 2 percent. If harvest of shortraker by the CV sector reaches 9.72% of the shortraker TAC, then shortraker should go on PSC status for that sector.

Sablefish and Pacific cod
For the catcher processor sector, Pacific cod history will be managed by MRA of 4 percent.

Option 1: No directed fishing for secondary species Pacific cod and sablefish
Option 2: Manage Pacific cod and sablefish under a modified MRA.

Participants must retain all allocated secondary species and stop fishing when cap is reached.

Option 1: MRAs in the CP sector will be enforced on a trip-by-trip basis.
Option 2: MRAs in the CP sector will be enforced on an instantaneous basis.

7.3 Prohibited species (halibut mortality)

Option 1: Allocation to the rockfish cooperative program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years by the number of years.

~~Option 2: Allocation to the rockfish cooperative program will be based on historic average usage in the first three years of the rockfish pilot program, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during those years by the number of years.~~

Option ~~3~~2: Allocation to the rockfish cooperative program will be based on the historic average usage, calculated as:

1) 50 percent of the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years divided by the number of qualifying years plus
2) 50 percent of the total number of metric tons of halibut mortality in the first three years of the rockfish pilot program divided by three (i.e., the number of years).

The halibut allocation will be divided between sectors based on the relative amount of target rockfish species allocated to each sector (e.g., the sector's share of total qualified catch).

Option for supplementing the last seasonal apportionment for trawl gear

10, 25, 50, or 75, or 100 percent of any allocation of halibut PSC that has not been utilized by November 15 or after the declaration to terminate fishing will be added to the last seasonal apportionment for trawl gear during the current fishing year. The remaining portion of any allocation will remain unavailable for use.

8 **Allocation from sector to vessel** (CP – all and CV – all)
Within each sector, history will be assigned to LLP holders with CGOA endorsement that qualify for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Target Species
Each LLP holder will receive an allocation of history equivalent to the license's proportion of the total of the sector qualifying history.

Secondary Species
Each LLP holder will receive an allocation of allocated secondary species equal to the license's proportion of the sector' target rockfish history.

PSC (Halibut Mortality)
Each LLP holder will receive an allocation of halibut mortality equivalent to the license's proportion of the sector's target rockfish history.

Halibut PSC in the CP sector shall be divided between the co-op(s) and limited access according to the history of the participating vessels.

Allocations are revocable privileges
The allocations under this program:

1) may be revoked, limited, or modified at any time,
2) shall not confer any right of compensation to the holder, if it is revoked, limited, or modified, and
3) shall not create or be construed to create any right, title, or interest in or to any fish before the fish is harvested by the holder.

Domestic processing
All fish harvested with an allocation from this program must be processed in the U.S.

Regionalization – Apply to catcher vessel sector only:

~~Option 1:~~ All CV CQ must be landed in the ~~Port~~ City of Kodiak at a shorebased processing facility.

Option: Entry-level fixed gear landings must be landed at a shorebased processing facility in the Kodiak Island Borough.

9 **Catcher vessel/shore based processor provisions** (CV – all)

9.1 Processor eligibility (CV-3)
An eligible processor is a processing facility that has purchased:

Option 1 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvest per year, for 4 years, from 1996 to 2000.
Option 2 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish per year, for 4 years, from 2000 to 2006.

Suboption: (entry level fishery processor): 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish ~~harvested~~ for two years, from 2007 to ~~2008~~ 2009.

~~Suboption: Add 2009~~

Processor qualifying years

Each eligible shore based processor is allocated processor catch history based on processor histories of CGOA target rockfish for the years (Option: based on individual average annual processing history):

Option 1 - 1996-2000 (drop 1 year)

Option 2 - 2000-2006 (drop 2 year)

Suboption 1: (entry level processors): 2007 – ~~2008~~2009 (drop one year)

~~Suboption: Add 2009~~

Suboption 2: (entry level processors) Eligible entry level processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares that are derived from those trawl LLPs that received allocations based on participation in the entry level trawl fishery into the main program.

~~For alternatives with processor associations the drop year is selected by the processor and applied to all LLP licenses when determining those associations.~~

9.2 Option A - Harvester only cooperative (CV-2)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be to harvesters (i.e., 100/0).

A holder of catcher vessel harvest history ~~may~~ must join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.3 Option B - Harvester cooperatives with processor allocation of harvest shares (CV – 3)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be apportioned between harvesters (CV only) and shore based processors:

Option 1: 90/10
Option 2: 80/20
Option 3: 70/30

Eligible processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares in proportion to its qualifying processing history. Annual allocations will be of the same species and subject to the same allocation and harvest rules governing catcher vessel allocations.

~~Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).~~

A holder of catcher vessel harvest history or processor histories ~~may~~ must join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules

below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.4 Option ~~B~~ C - Harvester cooperatives with severable processor associations and no forfeiture (CV- 4)

Harvesters must join a cooperative to participate in the target rockfish fisheries.

The shorebased Kodiak processor must have a federal processor permit and an approved Catch Monitoring and Control Plan (CMCP).

10 Catcher processor cooperatives

More than one co-op may form within the sector.

Allocations may be transferred between co-ops of at least two LLPs.

Participants have a choice of participating in:

~~Option 1:~~ a co-op or opt out of the rockfish program,
~~Option 2: a co-op, a limited access fishery, or opt of the rockfish program~~

~~Option: A minimum of two independent entities are required to form a CP cooperative (using the 10% AFA rule)~~

~~Under the LLP/open access fishery option, the LLP's historic share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative. The secondary species would be managed under the following reduced MRAs, intended to maintain catch levels below the allocated amount: Pacific cod – 4 percent, sablefish – 3 percent, shortraker/rougheye – 2 percent, and thornyhead – 4 percent. All other species would be managed with MRAs at their current levels.~~

11 General cooperative provisions – apply to both sectors

Duration of cooperative agreements is 1 year.

The cooperative membership agreement (and an ancillary agreement with an associated processor, if applicable) will be filed with the RAM Division. The cooperative membership agreement must contain a fishing plan for the harvest of all cooperative fish.

Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative agreement.

Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the cooperative.

The cooperative agreement must have a monitoring program. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target rockfish species, secondary species and PSC mortality, as may be adjusted by inter-cooperative transfers.

A cooperative may adopt and enforce fishing practice codes of conduct as part of their membership agreement.

~~Option: Cooperative membership agreements shall allow for the entry of other eligible harvesters into the cooperative under the same terms and conditions as agreed to by the original agreement.~~

Cooperatives will report annually to the Council as per AFA.

Cooperatives will be required to notify RAM division which LLP holders are in a cooperative by March 1st of the fishing year.

12 Sector Transfer provisions

CP annual allocations may be transferred to CV cooperatives. CV annual allocations may not be transferred to CP cooperatives.

All transfers of annual allocations would be temporary and history would revert to the original LLP at the beginning of the next year.

A person holding an LLP that is eligible for this program may transfer that LLP. That transfer will effectively transfer all history associated with the LLP and any privilege to participate in this program that might be derived from the LLP.

Permit post-delivery transfers of cooperative quota (annual allocations to cooperatives).

There would be no limits on the number or magnitude of post-delivery transfers. All post-delivery transfers must be completed by December 31st.

No cooperative vessel shall be permitted to begin a fishing trip unless the cooperative holds unused cooperative quota.

Harvest shares held by processors will be divisible for transfer.

Harvest shares held by processors may be transferred to:

Option 1: Those processors, at the plant level, who where initially issued harvest shares
Option 2: Those processors who have processed at least 100-250 metric tons of rockfish delivered by catcher vessels within any two-year period during the new program
Suboption 1: to a shoreside processing facility in the ~~port~~ City of Kodiak
Suboption 2: to a shoreside processing facility
Option 3: a holder of a Central GOA rockfish program eligible CV LLP

Note: More than one option can be chosen

13 Cooperative Harvest Use Caps

CV cooperatives

No person may hold or use more than 3-5% of the ~~CV historic shares~~ CV QS (including any shares allocated to processors), using the individual and collective rule (Option: with grandfather provision).

Control of harvest share by a CV cooperative shall be capped at 30% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No CV may catch more than 4-10% of the target CV allocation in the aggregate
(Option: with grandfather provision).

No person may hold or use more than 20-25% of the QS initially allocated to processors using the individual and collective rule (Option: with grandfather provision).

~~Harvest shares held by processors will be subject to the same 5% cap for holding and use that applies to harvest shares held by harvesters~~
~~Suboption: 10% cap~~
~~Suboption: Grandfather initial recipients~~

CP cooperatives
No person may hold or use more than 20, 30, or 40 percent of the CP historic shares, using the individual and collective rule

(Option: with grandfather provision).

Control of harvest share by a CP shall be capped at 60% of aggregate POP, Northern Rockfish and PSR for the CP sector.

Option: Eligible CPs will be grandfathered at the current level.

Shoreside Processor Use Caps
Shoreside processors shall be capped at the entity level.

No processor shall process more than 10%, 20%, 25%, 30% or 33% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No processor shall process more than 10%, 20%, 25%, 30%, or 33% of ~~aggregate secondary species for~~ the sablefish allocated to the CV sector.

Option: Eligible processors will be grandfathered for the processing cap based on total processed catch during the qualifying years.

Note: The Council requested staff to examine methods of adjusting the cap and grandfather amounts, in the event that a grandfathered processor is not available for processing, and the cap creates a potential barrier to complete harvest of the fishery.

(The ~~year 2002~~ average annual received catch over the qualifying years used to allocate CV QS will be used as a base (or index) ~~year~~ for applying the aggregate caps.)

~~Option: Eligible processors will be grandfathered.~~

14 Harvesting provisions

The cooperative season start data is May 1 and closing date is November 15. ~~Any limited access fishery will open in early July, as under the previous License Limitation Program management.~~

All non-allocated species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish. Basis species for purposes of determining MRAs will be:

~~Option 1 – Only primary allocated rockfish species~~
~~Option 2 –~~ All allocated species

Secondary species allocations may be fished independently of the primary species allocations.

Option: No directed fishing for secondary species Pacific cod and sablefish.

Full retention of all allocated species is required.

15 Program review

A formal detailed review of the program shall be undertaken 5 years after implementation. The review shall assess:

1) the progress of the program in achieving the goals identified in the purpose and need statement and the MSA, and
2) whether management, data collection and analysis, and enforcement needs are adequately met. Additional reviews will be conducted every 7 years there after coinciding with the fishery management plan policy review.

16 Duration

Share Duration
The duration of all CGOA rockfish LAPP program permits are 10 years. These permits shall be renewed before their expiration, unless the permit has been revoked, limited, or modified.

Option: Program Duration
Absent Council review and recommendation to extend, the CGOA rockfish LAPP program expires 10 years after implementation.

17 Cost recovery

A fee, not to exceed 3 percent of ex vessel value, will be charged on all landings to cover the costs of administration of the program.

18 Sideboards

18.1 Catcher vessel options

West Yakutat and Western Gulf Primary Rockfish Species

~~Option 1: For fisheries that close on TAC in the Gulf, the qualified vessels in the trawl catcher vessel sector would be limited, in aggregate, in the month of July to the historic average catch of those vessels based on the retained catch as a percentage of the retained catch in the fishery in the month of July during the qualification years. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.~~

~~Option 2:~~ For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species.

Suboption: Exempt a vessel that participated in the WYAK rockfish fishery for 2006-2008 and participated in the entry level pilot fishery at least one year. These vessels will be sideboarded at their catch history for 2006-2008.

Halibut PSC

~~Option 1: For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex as a Gulf wide cap.~~

~~Option 2:~~ For the month of July, limit all CVs to the shallow halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK and WGOA).

In the event that one or more target rockfish fisheries are not open, sideboard restrictions will not apply for those target allocations.

IFQ halibut and sablefish are exempt from sideboard provisions

Bering Sea and Aleutian Island Sideboard Provisions

Yellowfin sole, other flatfish, and Pacific ocean perch fisheries

~~Option 1: The qualifying vessels in the trawl catcher vessel sector cannot participate in the directed yellowfin sole, other flatfish (flathead, etc) or Pacific Ocean perch fisheries in the BSAI in the month of July.~~

~~Option 2:~~ The qualifying vessels in the trawl catcher vessel sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July.

Pacific cod fishery

~~Option 1: Qualifying vessels in the trawl catcher vessel sector can fish in the BSAI Pacific cod fishery in the month of July and would be limited, in aggregate, to the historic average catch of those vessels in the BSAI Pacific cod fishery based on the retained catch as a percentage of retained catch in the catcher vessel trawl fishery in July during the qualification years 1996 to 2002.~~

~~Option 2:~~ The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July without any sideboard limit.

AFA non-GOA exempt CVs qualified under this program are subject to the restraints of AFA sideboards and their coop agreement, and not subject to additional sideboards under this program.

18.2 Catcher processor options

West Yakutat and Western Gulf Primary Rockfish Species

~~Option 1: For fisheries that close on TAC in the Gulf, the qualified vessels in the trawl catcher processor sector would be limited, in aggregate, in the month of July to the historic average catch of those vessels based on the retained catch as a percentage of the retained catch in the fishery in the month of July during the qualification years. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.~~

~~Option 2:~~ For catcher processors, no sideboard limits will apply to the West Yakutat and Western Gulf primary rockfish species fisheries (rockfish eligible catcher processors that are also Amendment 80 participants would continue to be limited by Amendment 80 sideboards).

Non-Amendment 80 catcher processors will be prohibited from West Yakutat and Western Gulf rockfish species fisheries for the month of July.

Halibut PSC

~~Option 1: For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in the trawl catcher processor sector would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex as a Gulf wide cap.~~

~~Option 2:~~ For catcher processors, no July GOA halibut sideboard limit (rockfish eligible catcher processors that are also Amendment 80 participants would continue to be limited by Amendment 80 sideboards) ~~sideboard limits will apply to Gulf 3rd season halibut PSC.~~

Suboption: Limit all CPs to the deep water halibut complex fisheries in the CGOA for the month of July.

Note: IFQ halibut and sablefish are exempt from sideboard provisions.

Standdown for vessels that opt out of the rockfish fisheries

~~Option 1: CP vessels may decide to opt out of the CGOA cooperative program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level in the GOA as described in the general provisions.~~

~~The history of CP vessels which opt out will remain with the sector.~~

~~CPs that opt out of the rockfish cooperative program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering other GOA fisheries in which they have not previously participated. Participation shall be defined as having been in the target fishery during the first week of July in at least two of the qualifying years. For purposes of qualifying under this provision, history from area 650 (SEO) will be considered the same as history from~~

~~area 640 (WY). The following weekending dates will be used for determining participation in a target fishery:~~

~~1996 – July 6~~
~~1997 – July 5~~
~~1998 – July 4~~
~~1999 – July 10~~
~~2000 – July 15~~
~~2001 – July 7~~
~~2002 – July 6~~

Opting out is an annual decision. CP vessels which do not join cooperatives will be assigned opt out status ~~choose to opt out must so notify NMFS~~. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.

~~Option 2:~~ No standdown for vessels that opt out of the rockfish fishery.

Standdown for vessels that join cooperatives

~~Option 1: For the CP sector, the cooperative program fishery participants must either:~~

~~1) start fishing in the target rockfish fisheries at the same time as the opening of the CGOA rockfish limited access fisheries (in July) and harvest 90% of their CGOA rockfish allocation prior to entering any other GOA non-pollock groundfish fishery, or~~
~~2) standdown for two weeks from the opening of the CGOA rockfish limited access fishery prior to participating in any other GOA non-pollock groundfish fishery.~~

~~A vessel which has met either standdown requirement can then move into the GOA open access fisheries subject to the sector level limitations in the GOA in the general sideboard provisions.~~

~~To the extent permitted by the motion, history may be leased between vessels. Each member of a cooperative that transfers its history to another CP or CV must still refrain from operating in any other GOA groundfish fishery until the earlier of:~~

~~1) 90% of all of the CGOA rockfish allocation on the stacked vessel is harvested in the CGOA, provided fishing of the allocation began on or after the opening of the limited access fishery~~
~~2) two weeks from the opening of the limited access fishery prior to participating in any other GOA groundfish fishery.~~

~~Members of a cooperative will be subject to all limitations and restrictions described in the general sideboard provisions and CP specific sideboard provisions except that cooperative members shall not be subject to any standdown in the GOA groundfish fisheries, if all vessels in the co-op maintain adequate monitoring plan during all fishing for CGOA rockfish sideboard fisheries.~~

~~In addition to the other limitations and restrictions described above, each cooperative will be limited in the aggregate:~~

~~1) for fisheries that close on TAC in the GOA in the month of July, to the historic average total catch of the cooperative members in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish, and~~
~~2) for flatfish fisheries in the GOA that close because of halibut bycatch in the month of July, to the historic average halibut mortality taken by cooperative members in the target flatfish fisheries in the month of July by deep and shallow complex.~~

~~Option 2:~~ No standdown (or alternative cooperative limit) for vessels that join cooperatives in the rockfish fishery.

~~Standdown for vessels that join the limited access fishery~~

~~Option 1: The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). For vessels that account for less than 5% of the allocated CP history in the Pacific Ocean perch fishery that participate in the limited access rockfish fishery, there are no additional intrasector sideboards. For vessels that account for greater than or equal to 5 percent of the allocated CP history in the Pacific Ocean fishery that participate in the limited access rockfish fishery and GOA standdowns are in place until 90% of the limited access Pacific Ocean perch quota is achieved.~~

~~Option 2: No standdown for any vessels that join the limited access rockfish fishery.~~

19 Observer Coverage

Shoreside observer coverage

Shoreside processor observer coverage requirements for all rockfish program deliveries will be:

Option 1: An observer will be on duty whenever program deliveries are made. No observer will be allowed to work more than 12 hours per day.

Option 2: Same observer coverage requirement for shoreside processors as in other groundfish fisheries.

Catcher vessel observer coverage

Fishing days and observer coverage under the rockfish program will be separate from and not count towards meeting a vessel's overall groundfish observer coverage requirement.

Saint Paul Draft Motion
April ~~7~~9, 2010

Regional Landing Exemption

This action would establish an emergency relief exemption for the regional delivery requirement under the BSAI crab program. Component One specifies the eligibility requirements for the exemption and the contracting parties. Component Two establishes reserve pool certification and periodic reporting requirements. Component Three establishes how the emergency relief regulation is to be administered. Component Four establishes a Council review process.

Component One. The Contract Parties.

Option1: To be eligible to apply for and receive an exemption from a regional landing requirement, the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into a framework agreement, including mitigation requirements and a range of terms of compensation.

If compensation is to include compensatory deliveries in the year following the granting of an exemption, the community entity or entities in the region from which the compensatory deliveries will flow may also be parties to the framework agreement.

SuboOption 1: prior to the opening of the season.
SuboOption 2: by a fixed date (to be determined).

To receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into an exemption contract prior to the day on which the exemption is sought.

Option 2:

To be eligible to receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall have entered into an exemption contract prior to the day on which the exemption is sought.

The entity that will represent communities shall be (options):

(a) the entity holding or formerly holding the ROFR for the PQS,
(b) the entity identified by the community benefiting from (or formerly benefiting from) the ROFR,
(c) a regional entity representing the communities benefiting from the ROFR or formerly benefiting from the ROFR.

The entity or entities determined by the Council to be the community representatives in a region shall develop an allocation or management plan for any PQS issued without a ROFR in that region by a date certain established by the Council.

Component Two. Reserve Pool and Reporting Requirements.

A reserve pool can provide industry wide, civil contract based delivery relief without regulatory or administrative intervention; therefore, regulatory relief is an explicit incentive available only to Class "A" participants who are members of approved reserve pools, to matched IPQ holders and to affected community entities.

Harvest sector reserve pools do not require NMFS approval; however, on an annual basis, before a date certain established by NMFS through regulation, participants in the BSAI crab fisheries must certify to NMFS their establishment of or membership in an existing reserve pool to be eligible for regional landing requirement relief. The certification shall name the Class A IFQ holders who have established or are members of the reserve pool. Subject to the other terms and conditions of this action, the parties to a reserve pool shall be eligible for regional landing requirement relief if: 1) their reserve pool certification states that the reserve pool agreement commits each party to be bound by the rules of the reserve pool; and 2) the parties to the reserve pool identified on the certification represent not less than (60%, 70%, 80%) of the "A" share IFQ held by (a) unaffiliated cooperatives and unaffiliated IFQ holders not in a cooperative, in the aggregate; or (b) held by affiliated cooperatives and affiliated IFQ holders not in a cooperative, in the aggregate.

Reserve pool representatives shall provide an annual Regional Landing Exemption Report to the Council which will include the following:

1) a comprehensive explanation of the membership composition of the reserve pool and the measures in effect in the previous year,
2) the number of times a delivery relief exemption was requested and used, if applicable,
3) the mitigating measures employed before requesting the exemption, if applicable,
4) an evaluation of whether regional delivery exemptions were necessary, and their impacts on the affected participants, if applicable.

Reserve Pool Representatives shall circulate the annual Regional Landing Exemption Report to communities that are parties to framework agreements with the reserve pool representatives two weeks before submission to the Council. Communities may submit to the Council a Community Impact Report that responds to the annual Regional Landing Exemption Report.

Component Three. Administration of the Exemption.

Administration of the exemption

Option 1:

In accordance with Component One, the three parties will file an affidavit with NMFS affirming that a framework agreement has been signed, and, if applicable, subsequently file a second affidavit affirming that an exemption contract has been signed. In the affidavits, the parties shall affirm that the framework agreement includes mitigation requirements and a range of terms of compensation, and that the exemption contract describes the conditions under which the exemption is being or would be requested, including mitigation requirements and terms of compensation specific to the exemption being sought.

Option 2:

In accordance with Component One, the three parties will file an affidavit with NMFS affirming that an exemption contract has been signed. In the affidavit, the parties shall affirm that the exemption contract describes the conditions under which the exemption is being or would be requested, including mitigation requirements and terms of compensation specific to the exemption being sought.

Exemption

Option 1:

An exemption shall be granted upon timely submission of a framework agreement affidavit and subsequent filing of an exemption contract affidavit by the Class "A" IFQ holders, the matched IPQ holders and the affected community entity or entities that are parties to the framework agreement that they have entered into an exemption contract, and that the exemption contract describes the conditions under which the exemption is being requested, including mitigation requirements and the terms of compensation. Pursuant to Component Two, above, the Class A IFQ holder that is party to the framework agreement and the exemption contract must be identified as having established a reserve pool or as a reserve pool member on a timely filed reserve pool certification that meets the requirements of Component Two.

Option 2:

An exemption shall be granted upon timely submission of an exemption contract affidavit by the Class "A" IFQ holders, the matched IPQ holders and the affected community entity or entities that they have entered into an exemption contract, and that the exemption contract describes the conditions under which the exemption is being requested, including mitigation requirements and the terms of compensation. Pursuant to Component Two, above, the Class A IFQ holder that is party to the exemption contract must be identified as having established a reserve pool or as a reserve pool member on a timely filed reserve pool certification that meets the requirements of Component Two.

The exemption contract affidavit shall result in the regional tag being removed from the requested amount of Class "A" IFQ and the matched IPQ; and the requirement that NMFS apply any IPQ used at a facility through a custom processing arrangement against the IPQ use cap of the owners of that facility shall be suspended for all Class A IFQ and matched IPQ included in the exemption.

If an exemption contract includes an obligation to make compensatory deliveries, an exemption making such deliveries possible shall be granted upon submission of an affidavit by the Class A IFQ holders, the matched IPQ holders and the affected community entity or entities that the exemption is being requested to make compensatory deliveries pursuant to the terms of an exemption contract under which regional landing relief was previously granted and used.

Component Four. Council Review.

The Council will review the Regional Landing Exemption Program within:

(a) two years
(b) after the first season in which an exemption is granted.

Thereafter, the Council will review the Regional Landing Exemption Program as part of its programmatic review, and, based on the record, may amend or terminate the Regional Landing Exemption Program.

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Eric A. Olson
Chairman
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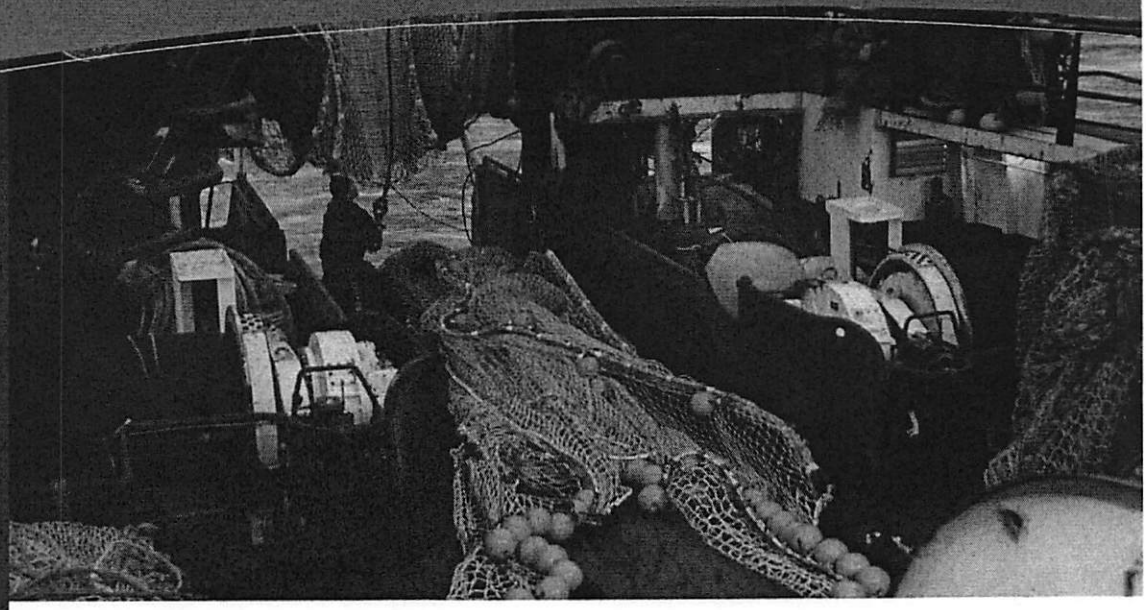
News & Notes

North Pacific Fishery Management Council
April 2010



Two New Members Appointed to Plan Teams

Karla Bush (ADFG) was appointed to the Crab Plan Team. Ms. Bush has been attending Council meetings as Lead Fisheries Biologist and is familiar with the Council process. Additionally, Joseph Stratman has been appointed to the Scallop Plan Team. Mr. Stratman is a shellfish biologist for the State of Alaska and is stationed in Petersburg.

Governor Sean Parnell Addressed the Council

The Governor of Alaska addressed the Council meeting on Thursday. He praised the Council for effective management of fish resources, and highlighted the cooperative efforts between the states of Oregon, Washington and Alaska. He thanked Council members for their dedication to ensure viable and sustainable fisheries off Alaska.

HAPC Proposals

At the April Council meeting, the Council set **skate nurseries** as a HAPC priority, and initiated a call for proposals for candidate sites to meet this priority and potentially be identified as HAPCs. Habitat Areas of Particular Concern (HAPCs) are geographic sites that fall within the distribution of EFH for the Council's managed species. The Council has a formalized process, identified in the FMPs, for selecting HAPCs, which begins with the Council identifying habitat priorities. Candidate sites must be responsive to the Council priority, rare (defined as uncommon habitat that occurs in discrete areas within only one or two Alaska regions), and must meet one of three remaining considerations: provide an important ecological function, be sensitive to human-induced degradation, or be stressed by development activities. The Council adopted evaluation criteria, included in the proposal package, to guide proposers and reviewers as to how the three considerations will be assessed.

The 2010 Request for HAPC Proposals and HAPC Proposal Application package is posted on the Council website, www.alaskafisheries.noaa.gov/npfmc. Proposers should specify the geographic delineation of the proposed HAPC, as well as its purpose and objectives, any proposed management measures for the site, and effects that may be expected from such measures. Identified in the proposal package are web resources that may be helpful in completing the proposal application.

The Council deferred a decision on whether to identify Bristol Bay red king crab spawning habitat as a HAPC priority pending the completion of a discussion paper, initiated under the EFH agenda item, considering the effects of fishing on crab stocks. Rather than identifying sablefish pre-recruit sites as a HAPC priority, the Council requested NMFS prepare a discussion paper on all factors that may be affecting sablefish recruitment. Finally, the Council identified the timing of the HAPC consideration process to occur every 5 years, to synchronize with the EFH 5-year review. Staff contacts are Diana Evans and Sarah Melton.

GOA Chinook Bycatch

The Council reviewed a draft discussion paper on Chinook salmon bycatch in the GOA groundfish fisheries, and asked that it be revised and expanded. The revised paper will update and map bycatch patterns in the groundfish fisheries, and will discuss what would be required to implement full retention of salmon in the GOA groundfish fisheries. Background information will also be expanded with respect to Chinook salmon stock assessment data, environmental variables affecting the abundance of salmon, stock of origin information, and the limitations of using GOA observer data for inseason management of Chinook bycatch. The Council will also request NMFS to accelerate analysis of GOA Chinook salmon bycatch samples, which can be used to help identify stocks of origin. Staff contact is Diana Evans.

Upcoming meetings

Crab Plan Team meeting. May 10-14, 2010. Alyeska Hotel, Girdwood, AK. Agenda to be posted shortly on Council website.

Notice of statewide public teleconference on alternatives under consideration to limit non-Chinook (chum) salmon bycatch in the Bering Sea pollock fishery. **May 4, from 9 am – 11 am. Please call: (888) 248-0699, code: 9589.** This teleconference is open to the public. Council analysts will be on the line to share information and answer questions. The call will be recorded and moderated. Details are posted on our website.

Groundfish Plan Team conference call to review proposals for Pacific cod stock assessments: 12:30 pm, May 6. *The meeting will be available via webex: Meeting Number: 572 132 778; Meeting Password: pcod; To join the online meeting (Now from iPhones too!) 1. Go to https://akfsc.webex.com/akfsc/j.php?ED=142165952&UID=1126352982&PW=NYTUzZjEyYzcz&RT=MiM0 2. Enter your name and email address. 3. Enter the meeting password: pcod 4. Click "Join Now". To join the audio conference only 1-866-762-1812 access code 5367175*

Observer Advisory Committee meeting. May 25-26, AFSC, Seattle.

Groundfish Plan Teams – week of September 20, Seattle

Wakefield Symposium November 8-11, Anchorage

Groundfish Plan Teams – week of November 15, Seattle

Groundfish Annual Catch Limits

The Council recommended amendments to the BSAI and GOA Groundfish Fishery Management Plans to comply with requirements of the Magnuson-Stevens Act to end and prevent overfishing, rebuild overfished stocks, achieve optimum yield, and to comply with statutory requirements for annual catch limits (ACLs) and accountability measures (AMs). Species and species groups must be identified in the fishery for which ACLs and AMs would be required. An ecosystem component (EC) may also be included in the FMPs for species and species groups that are not targeted for harvest, or likely to become overfished or subject to overfishing, and are not generally retained for sale or personal use. The Council selected Alternative 2 as its preferred alternative. The preferred alternative would (1) manage target species "in the fishery"; (2) eliminate the other species category and manage (GOA) squids, (BSAI and GOA) sculpins, (BSAI and GOA) sharks, and (BSAI and GOA) octopuses separately "in the fishery"; (3) manage prohibited species and forage fish in an ecosystem component category; and (4) remove the non-specified species category from the FMPs. The Council also adopted housekeeping amendments to the FMPs and amendments to federal regulations for consistency with the FMP amendments.

The Council discussed specific cases where new group level ACLs based on tier 6 (average catch) may constrain directed fisheries, noting particular concern regarding octopus and shark bycatch in the Pacific cod longline fisheries. The Council requested that the SSC schedule a discussion of tier 6 methodologies on its June 2010 agenda, with the goal of developing new methods for determining tier 6 for those groups that are poorly sampled by the bottom trawl surveys. After its June discussion, the SSC may schedule a workshop during Summer 2010 to develop new Tier 6 approaches for possible application for 2011 or later. Recommendations from a report from a 2009 SSC/Plan Team workshop on groundfish stock identification and splitting assemblages, which also may be germane to the management of tier 6 stocks, will be scheduled for review by the Groundfish Plan Teams in September 2010 and SSC in October 2010. Contact Jane DiCosimo for more information.

Scallop Annual Catch Limits

The Council took preliminary review of an analysis to meet ACL requirements for the Scallop FMP. Compliance with ACL requirements for the Alaska Scallop FMP will require substantive changes to the FMPs primarily in order to incorporate an ABC control rule into the annual specifications process as well as to address the necessary approach to manage non-target scallop stocks. The analysis considers four alternatives: Alternative 1: Status Quo, Alternative 2: Set ACL equal to the upper end of the Guideline Harvest Ranges (GHRs) ; Alternative 3: Set ACL equal to 90% of the upper end of the GHR and Alternative 4: Set ACL equal to 75% of the upper end of the GHR. For alternatives 2-4, two options are considered for each; establishing a statewide ACL, and establishing ACLs by region. Three additional options are included for the treatment of non-target scallop stocks: option 1: remove non-target stocks from the FMP; option 2: move non-target scallop stocks to an ecosystem component category under the FMP (and do not establish ACLs for these stocks); and option 3: Set ACLs for non-target scallop stocks. The Council approved the suite of alternatives under consideration and endorsed the comments by the SSC with respect to re-estimating the OFL to include estimates of total mortality. Initial review is scheduled in June, with final action scheduled in October. Staff contact is Diana Stram.

Scallop SAFE: The 2010 Scallop Stock Assessment and Fishery Evaluation (SAFE) report was compiled by the Scallop Plan Team, which meets annually to review the status of stocks and to update the SAFE report. The SSC reviewed the SAFE report and made a number of suggestions for inclusion in the document the next year. During the 2008/09 season, 8 of 9 registration areas were open for scallop fishing. Of these 8 areas, 7 had fishing effort occurring in them. Scallop harvests within these areas are limited by the Guideline Harvest Levels (GHLs) established by the State. Information on scallop stocks is provided by biennial surveys in two regions and by the statewide scallop observer program. New video survey technology is being utilized to provide additional information on scallop stocks. The scallop stocks in Alaska are neither overfished nor approaching an overfished condition. The 2010 Scallop SAFE report and the minutes from the Scallop Plan Team are available on our website. Staff contact is Diana Stram.

Pribilof Islands blue king crab rebuilding plan

The Council took preliminary review of a draft EA/RIR/IRFA to evaluate proposed alternative rebuilding measures for the Pribilof Islands blue king crab (PIBKC) stock. The PIBKC stock remains overfished and the current rebuilding plan has not achieved adequate progress to rebuild the stock by 2014. This revised rebuilding plan considers five alternatives. Four of the alternatives are different closure configurations to restrict groundfish fisheries in the areas of the stock distribution. The fifth alternative considers a prohibited species bycatch cap on the groundfish fisheries. The Council endorsed comments from the SSC and AP at this meeting as well as explicitly added alternatives that would use a range of PSC caps to trigger the area closure configurations included in the preliminary suite of alternatives. Revisions to the analysis will include analysis of these triggered closures as well as requested information from the SSC such as the uncertainty surrounding biological reference points for this stock, issues of stock separation between the PIBKC and St. Matthew blue king crab stocks, the extent of halibut fishing (and related PIBKC mortality) in the Pribilof Region, the breakout of annual PIBKC bycatch by gear type and fishery historically, and an option for increased observer coverage on groundfish fisheries in that area. Initial review for this analysis is scheduled for October 2010. Staff contact is Diana Stram.

BSAI Crab ACLs and Rebuilding

The Council took preliminary review of a combined analysis of amendments to address BSAI Crab annual catch limits (ACLs) and Snow and Tanner crab rebuilding plans. The Tanner crab rebuilding plan currently contained in the preliminary review analysis will proceed through review in a separate analysis. Two proposed actions will remain. The first proposed action is to specify the method by which ACLs will be established to meet the requirements of the revised Magnuson Stevens Act. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 includes provisions intended to prevent overfishing by requiring that FMPs establish a mechanism for specifying ACLs in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability (accountability measures or AMs). All crab fisheries must have ACL and AM mechanisms by the 2011/2012 crab fishing year. The MSRA includes a requirement for the Science and Statistical Committee (SSC) to recommend acceptable biological catch (ABC) levels to the Council, and provides that ACLs may not exceed the fishing levels recommended by the SSC.

The ACLs are to be established based upon ABC control rules which account for the uncertainty in the overfishing limit (OFL) point estimate. To meet the ACL requirements, the ABCs for each stock will be established under the FMP such that ACL = ABC and the total allowable catches (TAC) and guideline harvest levels (GHLs) must be established sufficiently below the ABC so as not to exceed the ACL. Determinations of TACs and GHLs are Category 2 management measures and are deferred to the State following the criteria in the FMP. ABCs must be annually recommended by the NPFMC SSC.

Two alternative means of establishing the ABC control rule are considered: 1) a constant buffer approach where the ABC for each stock would be set by application of a constant pre-specified buffer value below the OFL; and 2) a variable buffer approach where the ABC would be established based upon a pre-specified percentile of the distribution for the OFL which accounts for scientific uncertainty regarding the OFL. A range of constant buffers and probabilities are considered under each alternative approach.

The second proposed action is a revised rebuilding plan for the eastern Bering Sea (EBS) snow crab stock. The EBS snow crab stock will not rebuild by the end of the rebuilding time frame of 2009/2010, thus a revised rebuilding plan must be developed for this stock. Both of these proposed actions must be implemented prior to the start of the 2011/12 crab fishing year. These actions are considered together in this analysis as the implementation timing is identical and the actions themselves are related in the interplay between rebuilding plan catch constraints and ACL catch constraints for the EBS snow crab stock. For the remaining eight BSAI crab stocks for which rebuilding provisions are not considered in this analysis, only Action 1 (establishment of ACLs) applies. The Council endorsed recommendations from the SSC and Crab Plan Team in directing staff to revise these documents for initial review in June. The Council further requested that staff begin to consider crab bycatch limits in the BSAI groundfish fisheries as a possible means to address accountability measures understanding that any analysis of these measures would be a separate amendment process from the combined ACL package under consideration at this time.

Staff will prepare a discussion paper on crab bycatch in groundfish and scallop fisheries for review by the Crab Plan Team at the May 10-14, 2010 meeting. The discussion paper will be reviewed by the Council at a future meeting. Initial review for the BSAI Crab ACL and snow crab rebuilding analysis is scheduled for June, with final action in October. Staff contact is Diana Stram.

Amendment 80

At this meeting, the Council received a year-end report from Best Use Cooperative (BUC). The report summarized its catch for the 2009 fishing year, and the processes implemented to ensure that catch limits are not exceeded.

During staff tasking, the Council added a new option to the Amendment 80 lost vessel replacement action that is scheduled for final action in June. The new alternative would allow Amendment 80 replacement vessels to have a length overall that is 50, 100, or 150 feet greater than the original qualifying length of the vessel. The Council also requested that NMFS report to the Council on the status of monitoring, enforcing, and prosecuting the Groundfish Retention Standard (GRS) Program in June. Specifically, the Council has requested enforcement and prosecution concerns that were raised by NMFS during development of the GRS Program, Amendment 80, and Amendment 93 in addition to any new concerns about monitoring and enforcing the GRS program that have been identified by the agency or industry participants, and any potential concepts for refining the GRS Program to address these concerns. Staff contact is Jon McCracken.

Community Quota Entity Program

During staff tasking, the Council reviewed two separate letters from residents of Game Creek and Naukati Bay in southeast Alaska, requesting that the Council initiate an analysis to evaluate the eligibility of these communities in the GOA Community Quota Entity (CQE) Program. During the development of this program in GOA Am. 66, these communities did not appear to meet the halibut or sablefish landings criteria, due to the fact that community residents' mail is sent to and distributed from other communities. Thus, the permit holders' landings were not attributed to their communities in the CFEC data. The Council was also informed that the communities of Cold Bay and Kupreanof, while not petitioning the Council for inclusion, are also potentially eligible for the program. No other communities in the GOA appear to meet the eligibility criteria. Upon review, the Council initiated a regulatory amendment to assess the eligibility of Game Creek, Naukati Bay, Cold Bay, and Kupreanof in the CQE Program. If determined eligible, these communities would need to form a CQE in order to participate in the program. This analysis is tentatively scheduled for Council initial review in October 2010. Staff contact is Nicole Kimball.

Northern Bering Sea Research Area

The Council received a progress report on the efforts to develop a research plan for the Northern Bering Sea Research Area (NBSRA), including a community and subsistence workshop that occurred February 24-25 in Anchorage. The NBSRA was established and closed to bottom trawl fishing in 2008, with the purpose of creating a research plan that would evaluate the effects of bottom trawling habitat in the area and inform the development of future protection measures and potential commercial fishing. The Council reviewed the main concerns voiced by community and tribal representatives at the workshop, recognizing that a written report from the workshop will be available prior to June. Some of the primary concerns include: the need for NMFS to foster ongoing communication and participation with communities and tribes throughout the development of the plan; the need for tribal consultation and outreach with the agency prior to commercial bottom trawling in the NBSRA, including the scheduled 2010 summer trawl survey; and the need to slow down the process for developing the research plan.

The Council also reviewed a letter from AFSC/NMFS to workshop participants relative to NMFS' plan to extend the annual eastern Bering Sea shelf bottom trawl survey to the northern Bering Sea in 2010. The letter outlines the objectives of the survey (to understand the impacts of the loss of sea ice on groundfish, shellfish, and marine mammals), the timing (late July/early August), and the total seafloor area to be trawled by the research trawl (1.75 nm^2, or 0.003% of the total northern Bering Sea survey area). The letter also includes an invitation for one or two biologists representing communities to participate as part of the scientific field staff. NMFS also plans to host an open house on one of the survey ships in Nome during the survey.

Finally, the AFSC provided a revised schedule, which would add four months to the timeline for development of the NBSRA research plan. The delayed schedule would accommodate a science meeting in January 2011, allow incorporation of the results from the summer 2010 trawl survey, as well as provide additional time to engage with Alaska Native tribes and rural communities, including a follow-up community workshop in March 2011. Upon review at this meeting, the Council approved the revised schedule, and recommended that the science meeting include community and subsistence stakeholders. The Council also recommended that the next progress report to the Council schedule for April 2011 be moved to June 2011, while the Council is in Nome. This would allow rural stakeholders to more easily participate. The revised schedule is posted on the Council website. Staff contacts are Nicole Kimball and Diana Evans.

Rockfish Program

At the April meeting, the Council conducted an initial review of the Central Gulf of Alaska rockfish analysis and released it for public review. The Council, by striking specific options and the catcher processer limited access alternative, suggested that it would not include these as part of its preferred alternative during final action. Specific analysis associated with most of the stricken provisions will remain in the public review analysis, however, should the Council elect to revisit those provisions or the alternative in its preferred alternative. Finally, the Council modified several options under consideration and added a few new options for consideration. The more significant modifications and additions include:

- Inclusion of an option to allocate 1.5 to 5 percent of the TAC to harvesters that participated in the pilot program entry level fishery. Distribution of this allocation amongst those that qualify would be either: 1) in proportion to the number of years a license was used to make a delivery to an entry level processor from 2007 to 2009, or 2) equally to all eligible entry level license holders.
- Expanding the shore based processor cap to include 10 percent with a provision that would adjust the cap and the grandfather amount in the event a grandfathered processor is not available for processing or the cap might prevent fully processing rockfish catch.
- Exempt catcher vessels that participated in the West Yakutat rockfish fishery in 2006, 2007, and 2008 and participated in the entry level pilot fishery for a least one year, from a sideboard prohibition on directed fishing for West Yakutat primary rockfish species. Exempt vessel will be sideboarded at their catch history from 2006-2008. An option to opt-out of the rockfish program is also included for vessels that qualify for an allocation of shares due to participation in the entry level pilot program.

A revised copy of the elements and options is provided on the Council website. The Council has scheduled final action for the rockfish program for the June Council meeting. Staff contacts are Mark Fina and Jon McCracken.

Steller Sea Lion BiOp Update

The Council was originally scheduled to review the draft Steller Sea Lion Biological Opinion, that NMFS had planned to release for public review on March 1, 2010. Prior to the scheduled release date, NMFS announced that the release of the BiOp would be delayed. In April, the Council discussed with NMFS the potential timing of the BiOp release, and the extent of the Council's involvement in the review process and designing any needed mitigation measures.

NMFS indicated that the Council's and public's involvement in the Center for Independent Expert's (CIE) review process could be truncated, given the delay in the release of the BiOp, if new rules need to be implemented for the 2011 fisheries. In addition, NMFS indicated that if a jeopardy situation exists that could be exacerbated by the 2011 groundfish fisheries, the agency could be compelled to take immediate action. Again, such emergency action would limit the extent of Council's and public's involvement in the process of reviewing the BiOp and developing any additional mitigation measures. NMFS indicated that it will proceed with the development of the BiOp, but that it is likely that the BiOp will not be released before the June 2010 Council meeting.

The Council asked NMFS if 2010 Steller sea lion aerial survey data would be incorporated into the draft BiOp. In 2010, NMFS plans to conduct non-pup counts at all Western stock trend sites, including five rookeries and haulouts in the Western Aleutians that were not surveyed during pup counts in 2009 due to logistical issues. Typically, NMFS provides the Council with a memorandum summarizing the annual survey results at the December meeting. Depending on the timing of the release of the draft BiOp, these data could potentially be included in the draft BiOp.

The Council requested NMFS prepare a short white paper that clearly describes the methodology it is using to determine the current status (total count) of Western Distinct Population Segment (DPS) Steller sea lions relative to the downlisting criteria in the Final Steller Sea Lion Recovery Plan. The Council made this request at the February 2010 meeting, and NMFS had indicated that this information would be incorporated in the draft BiOp. Staff contact is Jeannie Heltzel.

BSAI Crab Program

At its April 2010 meeting, the Council took final action selecting a preferred alternative that would create an exemption to west region landing requirements in the Western Aleutian Island golden king crab fishery and advanced a set of alternatives to create an emergency exemption to regional landing requirements in all fisheries for analysis.

In the Western Aleutian Islands golden king crab fishery, fifty percent of the Class A catcher vessel individual fishing quota (IFQ) is required to be landed west of 174° West longitude (the West region). Since the second year of fishing under the Bering Sea and Aleutian Island crab rationalization program, participants in the Western Aleutian Island golden king crab fishery have voiced concerns that the absence of available processing capacity in the West region of that fishery could prevent harvest of the West region quota. This season, the bankruptcy of the operator of the Adak shore plant increased these concerns, leading the Council to recommend that NOAA Fisheries undertake emergency rulemaking to remove the landing requirement for the current (2009-2010) season. An emergency rule creating an exemption for the season went into effect earlier this year. The Council's action at this meeting would allow for an exemption to the regional landing requirement in the future. The exemption would be created annually by contractual agreement annually of any quota share holders whose holdings exceed 20 percent of the West region pool, any PQS holders whose holdings exceed 20 percent of the West region pool, and the communities of Adak and Atka. Once established by the agreement, the exemption would be applicable to all West region QS and West region PQS in the fishery.

The Council also advanced an emergency exemption from regional landing requirements in other fisheries for analysis. The amendment package would create an exemption that would be established by contractual agreement of the holders of the IFQ and IPQ receiving the exemption and a regional representative, which could be from either: a) the community holding the right of first refusal on the subject PQS, or b) the region as a whole. Several aspects of the exemption and its administration could be defined under the alternatives, including a requirement for harvesters to establish a "reserve pool" to coordinate use of IFQ to avoid need for the exemption and a requirement that parties develop a framework agreement defining the terms of the exemption by a date certain as a prerequisite for the exemption. Staff contact is Mark Fina.

Lowell Wakefield Symposium

A call for papers has been announced for the 26th annual Lowell Wakefield Symposium, the theme of which is "Ecosystems 2010: Global Progress on Ecosystem-based Fisheries Management". The meeting will occur from November 8-11, 2010, in Anchorage. The goals of Ecosystems 2010 are to (1) evaluate global progress toward Ecosystem-based Fisheries Management (EBFM) by reviewing regional case studies, development of new analytical tools, and practical approaches toward future progress; and (2) offer explicit, practical advice for future progress in ecosystem-based fisheries management implementation. Abstracts will be accepted through June 4, 2010. More information is available at http://seagrant.uaf.edu/conferences/2010/wakefield-ecosystems/.

AI Ecosystem Team

The Council reviewed and approved Terms of Reference for the AI Ecosystem Team. The Terms of Reference will be posted on the Council website, and address the purpose of the Team, the purpose of the FEP, and the relationship of the Team with other aspects of the Council management process. Staff contact is Diana Evans.

GOA Tanner Crab Area Closures

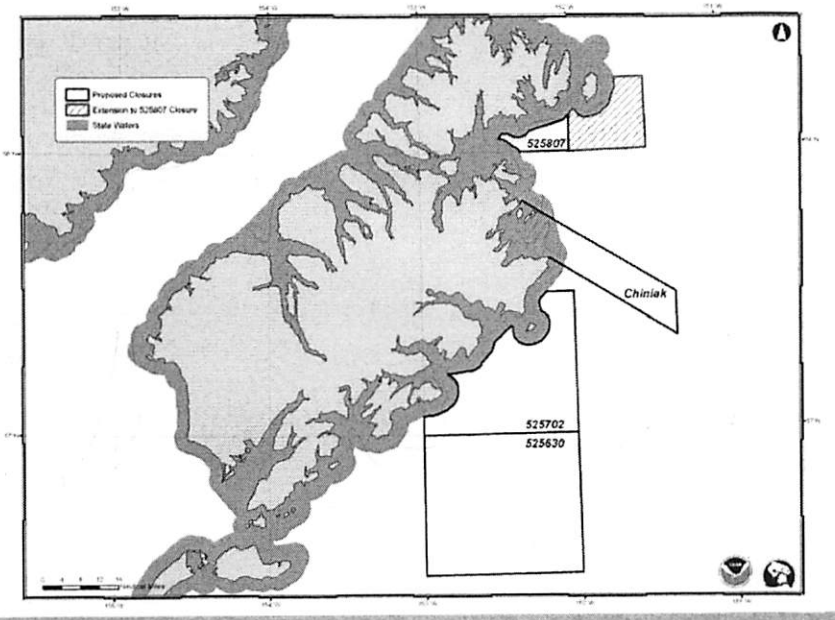
The Council reviewed an analysis to close areas around Kodiak Island to the groundfish fishery to protect Tanner crab. Four areas are proposed for closure, all on the northeastern side of Kodiak Island. The alternatives include options to apply the closures year-round or seasonally, and to different gear types. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or a 100% observer coverage requirement.

At this meeting, the Council clarified the problem statement, modified the alternatives, and requested additional information to be included in the analysis. The primary changes to the alternatives are the following:

- limit the gear types that may be affected by the closures to trawl and pot gear (by removing longline gear from the analysis);
- clarify that the areas in the analysis may be selected individually at final action;
- expand the boundary of the Marmot Bay closure; and
- modify the option to exempt vessels from the closures: pot vessels must meet a 30% observer coverage requirement, trawl vessels must meet 100% coverage requirement.

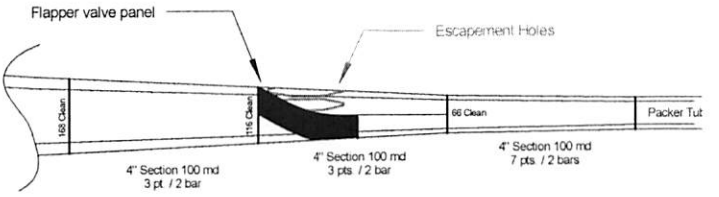
Additional information to be addressed in the analysis, to the extent that data allows, will include mapping the distribution of Tanner crab abundance in the proposed area closures, using VMS data to see how many unobserved vessels may be fishing in the closed areas, effects of displacing vessels on catch per unit effort of target fish and bycatch of other prohibited species, sex and age composition of Tanner crab bycatch, and differing definitions used to enforce nonpelagic trawling prohibitions in Federal and State waters.

Once the Council's requested changes are made, the analysis will be released for public review, with final action scheduled for the October 2010 meeting. The revised alternatives are also available on the Council website. Staff contact is Diana Evans.



Chinook Salmon Excluder Experiments

The Council reviewed recent results from Chinook salmon excluder experiments in the Bering Sea pollock trawl fisheries, conducted under an exempted fishing permit. Results show that the newly redesigned flapper excluder consistently achieved Chinook escapement ranging from 25-34%, while minimizing pollock escapement to 0.4-1.6%. More information is available from John Gauvin, working on behalf of the North Pacific Fisheries Research Foundation, or John Gruver, of United Catcher Boats.



EFH 5-year Review

The Council reviewed the summary report of the 5-year review of essential fish habitat (EFH) provisions. The report addresses new habitat information available since the last comprehensive review of EFH, documented in the 2005 EFH EIS, and how it pertains to the EFH provisions of the Council's fishery management plans (FMPs) for BSAI and GOA groundfish, BSAI crab, scallop, and salmon. Based on the review, the Council initiated amendments to revise EFH individual species descriptions, the description of nonfishing impacts on EFH, and EFH research priorities, in all five Council FMPs.

Additionally, the Council asked staff to prepare a discussion paper to further examine the Crab Plan Team's recommendation to re-evaluate the effects of fishing on crab stocks. The discussion paper will provide clarification on the issues raised by the Plan Team with respect to the methodology that was used in the 2005 evaluation of fishing effects, and whether the appropriate parameters for crab stocks are included in that analysis (such as the importance of spawning and larval distribution relative to oceanographic currents for crab settlement). The paper will also look at the importance of southwestern Bristol Bay for red king crab populations, and whether and how interactions with the trawl fisheries in that area may be impacting the crab stock. Finally, the paper will evaluate existing crab protection areas in light of new information about shifting populations. Staff contact is Diana Evans.

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 4/20/10

June 7, 2010 Sitka, AK	October 4, 2010 Anchorage, AK Captain Cook	December 6, 2010 Anchorage, AK Hilton Hotel
	Joint Protocol Committee (T)	
SSL Biological Opinion: ***Review and comment (T)***	SSL Measures: ***Action as necessary***	SSL Measures: ***action as necessary***
Am 91 Proposed Rule: ***Review***	Research Priorities: ***Finalize***	
AM 80 GRS program: ***Report and action as necessary***		Annual AFA Reporting Requirements: ***Initial Review (T)***
	BS&AI P.cod Split: ***Discuss plan/action as necessary (T)***	
GOA P.cod sideboards for crab vessels: ***Initial Review***	GOA P.cod sideboards for crab vessels: ***Final Action***	
		P.cod Jig Fishery Management: ***Discussion Paper (T)***
GOA Halibut PSC Discussion Paper: ***Preliminary Review***	GOA Halibut PSC Discussion Paper: ***Review disc. paper***	
	CQE area 3A D class purchase: ***Initial Review***	CQE area 3A D class purchase: ***Final Action***
	CQE in Area 4B: ***Review Discussion paper***	
Am 80 Lost Vessel Replacement: ***Final Action***	Area 4B D shares on C vessels: ***Initial Review/Final Action***	Four new CQE eligible communities: ***Initial/Final Action(T)***
CGOA Rockfish Program: ***Final Action***		
	Electronic Monitoring Research: ***Receive report***	
Observer Program Restructuring: ***OAC report; Initial Review***	Observer Program Restructuring: ***Final Action***	
	BSAI Crab ROFR: ***Initial Review***	BSAI Crab ROFR: ***Final Action***
		BSAI Crab Rationalization 5-year review: ***Receive report***
	BSAI Crab Emergency Relief: ***Initial Review***	BSAI Crab Emergency Relief: ***Final Action***
	Economic Data Collection: ***Review discussion papers***	AI P.cod Processing Sideboards: ***Initial Review***
BSAI Chum Salmon Bycatch: ***Review Disc paper; finalize alts.; Outreach Update***	BSAI Chinook salmon bycatch EDR: ***Review regulations and forms***	
Salmon Bycatch Genetics: ***Receive update on research***		
Arrowtooth Flounder MRA: ***Initial Review***	Arrowtooth Flounder MRA: ***Final Action***	
		GOA Chinook Salmon Bycatch: ***Discussion paper***
	GOA Tanner Crab Bycatch: ***Final Action***	
		BBRKC Spawning Area/fishing effects: ***Discussion paper (to Feb.)***
	BSAI Crab SAFE: ***Review and Approve***	
BSAI Crab ACLs/snow crab rebuilding: ***Initial Review***	BSAI Crab ACLs/snow crab rebuilding: ***Final Action***	
	Pribilof BKC Rebuilding Plan: ***Initial Review***	Pribilof BKC Rebuilding Plan: ***Final Action***
		Sablefish Recruitment Factors: ***Discussion Paper (T)***
Alaska MPA System Briefing: ***Review***	MPA Nomination Discussion Paper: ***Review***	
Scallop ACLs: ***Initial Review***	Hagemeister Island: ***Initial Review***	Hagemeister Island: ***Final Action***
	Scallop ACLs: ***Final Action***	
Groundfish Tier 6 methodology discussion (SSC Only)	Groundfish Specifications: ***Receive Plan Team Reports Adopt Proposed Catch Limits***	Groundfish Specifications: ***PT reports; Approve SAFE; Adopt Final Catch Limits***
	HAPC: ***Review Proposals for Analysis***	
		EFH Amendment: Initial Review (T)

ACL - Annual Catch Limit
AI - Aleutian Islands
GOA - Gulf of Alaska
SSL - Steller Sea Lion
BKC - Bue King Crab
BOF - Board of Fisheries
FEP - Fishery Ecosystem Plan
CDQ - Community Development Quota
VMS - Vessel Monitoring System
EFP - Exempted Fishing Permit
BiOp - Biological Opinion
MRA - Maximum Retainable Allowance
PSC - Prohibited Species Catch
TAC - Total Allowable Catch
BSAI - Bering Sea and Aleutian Islands
IFQ - Individual Fishing Quota
ROFR - Right of First Refusal
GHL - Guideline Harvest Level
EIS - Environmental Impact Statement
LLP - License Limitation Program
SAFE - Stock Assessment and Fishery Evaluation
MPA - Marine Protected Area
EFH - Essential Fish Habitat
HAPC - Habitat Areas of Particular Concern

Future Meeting Dates and Locations

June 7 - , 2010 in Sitka
Oct 4-, 2010 in Anchorage (Captain Cook)
Dec 6- 2010 in Anchorage Hilton
January 31-February 8, 2011-Seattle
March 28-April 5, 2011-Anchorage
June 2011 - Nome
September 26-, 2011 in Unalaska

(T) Tentatively scheduled

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Charter Halibut Permit Endorsements

The Council recommended an amendment to the charter halibut limited entry (moratorium) program to revise the approach used to assign angler endorsements to charter halibut permits held by businesses that receive more than one permit in Area 2C or Area 3A. The effect of the action is to more closely align angler endorsements with the distribution of highest client loads for vessels used by qualifying applicants. The Council selected Alternative 2, Option 3 for *businesses that would be issued multiple permits. One* permit would be issued to a business with an endorsement equal to the greatest number of charter vessel anglers onboard any vessel used by the business to generate a permit as reported to ADF&G on any bottom fish logbook trip in 2004 or 2005, but not less than 4. *Each subsequent* permit issued to the same business would be issued with an endorsement equal to the next greatest number of charter vessel anglers onboard any other vessel used by the business to generate a permit, whose catch history has not already been used by the business to determine an angler endorsement, as reported to ADF&G on any trip in 2004 or 2005, until all permits are issued. The Council deleted the following language from its original motion for analysis, "The year selected for determining angler endorsements must be the year selected by the applicant for permit qualification." The effect of the action is to reduce the number of permit endorsements by approximately 400 in both areas. The Council intended that this amendment be implemented in regulation prior to issuance of charter halibut permits to businesses that would be issued multiple permits.

The Council also initiated a discussion paper to amend the charter halibut permit program to promulgate regulations to prohibit leasing of charter halibut permits. The Council noted that its highest priority for staff tasking remains implementation of the halibut catch share plan that was adopted by the Council in October 2008. The Council's next priorities would be two commercial IFQ analyses initiated in February 2010. Four commercial IFQ discussion papers were also initiated in February. The priority of the discussion papers will be identified in the future by the Council. Contact Jane DiCosimo for more information.

Rural Outreach

The Council reviewed the Rural Community Outreach Committee report from its February meeting, and the draft outreach plan for proposed action on non-Chinook (chum) salmon bycatch in the Bering Sea pollock fishery. The committee had received updates on ongoing efforts to improve overall outreach and communications with rural stakeholders, as well as tribal consultation issues from NMFS. The committee also discussed a regional partnership approach, which will be a primary agenda item at a future meeting. The committee also reviewed and made recommendations on the draft outreach plan for the Bering Sea chum salmon bycatch action. The Council approved the committee's recommendations to: 1) formalize contact with NMFS, such that the Council would receive a report on tribal consultations; and 2) support an effort to develop an educational workshop for rural communities on environmental law and the Council process, proposed by the Alaska Sea Grant Marine Advisory Program and World Wildlife Fund.

The Council also approved moving forward with the draft outreach plan for chum salmon bycatch, recognizing that the plan continues to be refined. As part of that plan, staff is holding a **Statewide public teleconference on May 4**, from 9 am – 11 am, to discuss the current suite of alternatives proposed for chum bycatch limitation measures. To participate, please call (888) 248-0699, code: 9589. Details are provided on the Council website. Both the February committee report and the chum salmon bycatch outreach plan are also on the Council website. Finally, the Council approved a future committee meeting, which will likely be a half-day teleconference scheduled for early June or fall 2010. Staff contacts are Nicole Kimball and Sarah Melton.

Public Testimony Reminder

The deadline for written public comment is announced along with the agenda, and the deadline is usually a week before the Council meeting. If a member of the public would like to submit written testimony as part of the "public record," **it needs to be submitted to the Council before the deadline**, or handed out during the testifier's time at the table during oral public comment. Letters passed out at any time during the meeting are not part of the public record.