

North Pacific Fishery Management Council

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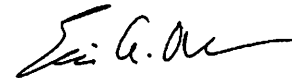
FINAL MINUTES

198th Plenary Session
North Pacific Fishery Management Council
June 9 – 15, 2010
Harrigan Hall, Sitka, Alaska

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APPROVED: _____

DATE: October 6, 2010

FINAL MINUTES

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June 9-15, 2010
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The North Pacific Fishery Management Council met June 9-15 at Harrigan Hall, in Sitka Alaska. The Scientific and Statistical Committee met June 7-9, and the Advisory Panel met June 7-12 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
Capt. Mike Cerne

NPFMC Staff

Gail Bendixen
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
Ray Webster

Troy Buell
Anne Hollowed
Kathy Kuletz
Lew Queirolo

* Absent: 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
Theresa Peterson
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 who provided reports and public comment during the meeting.

Mr. Fields moved, which was seconded, to approve the minutes of April 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 8:06 am on Wednesday, June 9, 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); NOAA Enforcement Report (B-4); USCG Report (B-5); USF&W Report (B-6); and Protected Species Report (B-7).

Executive Director's Report:

Chris Oliver, Executive Director, reviewed his written report, highlighting the recent Council Coordination Committee meeting that was held in Anchorage mid-May. There was brief discussion regarding NOAA's Arctic Vision and Strategy guide, and it was generally agreed that Mr. Oliver would monitor its progress. The evening agenda was briefly reviewed, and there was a short discussion on the tentative August Steller Sea Lion biological opinion meeting. It was noted further discussion and decision would come under the Staff Tasking agenda item.

NMFS Management Report

Ms. Sue Salveson briefly reviewed an overview of regulatory action and NMFS in-season management report. Gretchen Harrington gave an overview of Amendment 91 regulation.

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

Sherrie Meyers gave a report and provided a presentation on NOAA Enforcement issues, and gave a powerpoint presentation showing enforcement priorities in relation to pending and existing regulations.

USCG Report

Lt. Cmdr. Justin Forbes of the USCG provided the Coast Guard Enforcement Report, following a brief address by Captain Cerne.

U.S. Fish and Wildlife Report

Don Rivard of USF&W provided an update as well as a written report on current issues relevant to the Council.

Protected Species Report

Jeannie Heltzel gave the protected resources report. There was discussion of the timeline of the review process for the Stellar Sea Lion Biological Opinion to be released and the special August meeting the Council has planned for review.

COUNCIL DISCUSSION/ACTION

Public comment was heard on all B Agenda items.

Amendment 91

Gretchen Harrington (NMFS) reviewed the revisions to the proposed rule to implement BSAI Amendment 91. There was brief discussion regarding calculations for the Chinook salmon threshold amounts.

Mr. Henderschedt moved, which was seconded, that NMFS change the way the annual threshold amount is calculated so as to deduct an opt-out vessel's portion of the opt-out allocation from the annual threshold amount. Motion passed without objection.

Mr. Henderschedt also moved, which was seconded, that the Council recommend NMFS change the final rule to improve the implementation of sector entities by addressing the potential for more than one entity application and to better align the IPA and sector entity participation. He noted that this change in the rule would better prevent vessels from disrupting the orderly allocation of that sectors' cap among the participants of the IPAs and entity in that sector. Motion passed without objection.

There was discussion among the Council members regarding timing of the August special meeting, and the Council's and Agency's roles for action in the proposed timeline. Mr. Lloyd re-iterated that the State will continue to question the validity of having an August meeting, given the tentative late release of the

Biop. Mr. Henderschedt noted similar concerns, as did many of the other Council members. Mr. Oliver stated the Council would receive a suite of alternative management measures that would be put in place. The primary purpose of the August meeting would be to refine/identify the alternatives to move forward, in order to focus the analysis that the Council would receive in October. Dr. Balsiger confirmed that the August meeting would allow the Agency to have regulations in place for the 2011 fishing season.

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

Each agenda item will begin with a brief background from part of the "Action Memo" from the Council meeting notebook. This section will be set in a different typeface and size than the actual minutes. Expanded portions and background of any agenda item are available in the Council notebooks and upon request. Following the Action Memo will be a very brief summary of the Staff, Advisory Panel, and Scientific and Statistical Committee Reports. Last will be a section describing Council **Discussion and Action**, if any.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 BSAI Chum Salmon Bycatch

BACKGROUND:

(a) Receive update on outreach initiatives

The Rural Community Outreach Committee (committee) and the Council reviewed the outreach plan for the Bering Sea non-Chinook (chum) salmon bycatch action earlier this year, and provided input and suggestions. One of the recommendations was to conduct a statewide public teleconference, thus, this effort was added to the outreach plan in April.

(b) Review discussion paper and finalize alternatives for analysis

The discussion paper summarizes current trends in chum salmon bycatch as well as the current suite of alternatives under consideration by the Council in the forthcoming chum salmon bycatch management measures analysis. The Council most recently reviewed the alternatives in December 2009 and February 2010. The Council's specific requests for additional analysis and clarification are included in the discussion paper. At this meeting, the Council will review and revise the current suite of alternatives for chum (non-chinook) salmon bycatch in the EBS pollock fishery.

(c) Update on chum and Chinook salmon genetics research and sampling design

Preliminary genetic stock identification results for chum salmon bycatch from the groundfish trawl fishery in 2009 is provided at this time both to update the Council on stock composition results for 2009 as well as to indicate the relative aggregate groupings that will be employed in the impact analysis for the Council's chum bycatch measures given the limitations on the regional break-outs for chum stock identification at this time. Dr. Jeff Guyon from the Auke Bay Laboratory at the Alaska Fisheries Science Center will provide an overview of these reports as well as an update on the sampling design proposed to provide additional genetic sampling in conjunction with Amendment 91 implementation.

Diana Stram gave a brief overview of scheduling on the C-1 items, and Dr. Jeff Guyon (AFSC) gave a presentation on the genetic research and sampling design. Dr. Guyon fielded specific questions from the

Council members, and discussed his future projects on genetics research. Additionally, he gave a presentation on Chinook stock sampling and composition. Nicole Kimball gave a report on the outreach efforts, and specifically an update on the recent teleconference. Lori Swanson gave the AP report, Pat Livingston gave the SSC report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Ms. Moreland participated in this portion of the meeting for Mr. Lloyd

Ms. Moreland read through a written motion based on the the AP's motion, noting the changes. A copy of this is attached as APPENDIX 4. Ms. Moreland spoke to her motion, noting that the rationale of bookends are just reference points for the analysis, and the Council will still have all the options available to them for record building and for the final decision on numbers for sector distribution. Ms. Moreland answered questions from the Council members, as did Council staff. The Council went through the motion page by page, voting on amendments.

Mr. Henderschedt moved, which was seconded by Mr. Benson, in Alternative 3, Component 1, "Application of a trigger cap" strike c) Apply trigger to all chum bycatch in a specific area.

Mr. Henderschedt noted that a Bering sea-wide application of a trigger is the alternative, and eliminating this option would remove having to track numbers in an area smaller number than the Bering Sea. The Council would design caps that would trigger the closures from the entire Bering Sea, not just a specific area. There was discussion regarding identifying and monitoring different areas and zones for bycatch accrual and trigger caps for each zone. **Motion passed noting one objection from Mr. Cotten.**

Mr. Henderschedt moved to amend, which was seconded, on page 3: Component 4, c) 40% and 60%, qualitative impacts of area closures and for 50% a detailed, quantitative description of impacts.

Mr. Henderschedt noted his intent is to focus the analysis on a middle range, but to not limit the ability of the Council to go either direction, resulting in a streamlined analysis, specific impacts on the 50% historical rate, and addressing in a more qualitative fashion the impacts of 40% or 60%. There was discussion regarding the ability of the Council to make an informed decision using just the 50% as a qualitative analysis. **The amendment passed 7/4 with Cotten, Dersham, Fields and Olson voting against.**

Mr. Henderschedt moved to amend, which was seconded, on page 3 Component 4 "Timing Options" delete option c) and delete the sentence that refers to zone subareas in b). Motion passed without objection.

Mr Henderschedt moved to amend, which was seconded, to re-insert 1. from Component 6 and replace language "That do not maintain a certain level of rate-based chum salmon bycatch performance," with "a rate in excess of 200% of the base rate." Mr. Henderschedt noted that 200% left a natural break, and would be analyzed in the document. There was brief discussion, and the amendment passed with Mr. Cotten objecting.

Mr. Henderschedt moved to amend, which was seconded, to delete parenthetical in "additional items for review" in 3c. "i.e. how do fine amounts compare to total income for vessels/companies participating in the RHS program." Mr. Henderschedt noted that looking for income for vessels and

companies may cause problems. There was brief discussion noting that this would relieve the pressure of developing a specific data collection program. **Motion passes without objection.**

Mr. Fields moved to amend, which was seconded, to add in next to the above language “meaningfulness of fines, including histograms of the number and magnitude of fines over time...” Mr. Fields noted that adding this information would give the Council information as to the “meaningfulness” of fines. There was brief discussion regarding available information from the industry. **Motion passed without objection.** Ms. Smoker noted that even voluntary data collection can trigger the paperwork reduction act. Capt. Cerne commented briefly on enforcement issues and information related to ICA reports. He also requested an in-depth description of the rolling hot spot regulations, and situations under the current ICA agreement, be included in the analysis.

The Council members noted final comments. Mr. Fields stated he felt the focus was narrowed too much and would not be voting for the package. Ms. Moreland noted that there were changes to her original motion that streamlined the alternatives, but didn't take options off the table, and that the Council would be able to make informed decisions and future refinements when it comes before the Council in February. **Main motion passed with Mr. Fields objecting.**

Mr. Henderschedt moved which was seconded by Mr. Benson, to reconsider the prior motion, which passed without objection.

Mr. Henderschedt moved to adopt 2 alternatives: On the table showing options of cumulative vs. monthly limits for trigger area closures, assuming a trigger cap of 100,00 fish, monthly limit based on minimum of monthly cumulative value, and a 150% of monthly historical proportion, add: Alternative 1 : Monthly alternative is cumulative
Alternative 2: Cumulative and monthly limit Mr. Henderschedt spoke to his motion noting that the cumulative is the method that was proposed and kept in the analysis as an alternative. However, because of circumstances, there may be a large amount of bycatch before the trigger is hit. With the monthly and cumulative approach, each month the sector would have to have met both the cumulative and monthly limits.

Ms. Moreland moved to amend the amendment, adding that for discussion in the analysis, the cumulative monthly apportionment be the historical percentages, and for each month, + or – 25% on each side. Ms. Moreland noted that the range would highlight the monthly range, and have varying options to choose from. **Amendment passed without objection.**

Main motion passed with Mr. Fields objecting.

C-2 BSAI Crab ACLs and Snow Crab Rebuilding Plan

(a) Initial review of BSAI Crab Annual Catch Limit analysis and BSAI snow crab rebuilding plan.

BACKGROUND:

At this meeting, the Council will take initial review of an analysis of amendments to address BSAI Crab ACLs and the snow crab rebuilding plan. This environmental assessment evaluates two actions to amend the BSAI Crab FMP.

Diana Stram gave the staff presentation on this issue, and Brian Garber-Yonts gave the economic overview. Pat Livingston gave the SSC report, the AP did not address the issue, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Hull, to recommend Alternative 1, status quo, as the preliminary preferred alternative, and recommend the analysis reflect the recommendations of the SSC. Mr. Lloyd spoke to his motion noting that there are ways that state management could satisfy the legal requirements of the ACLs and avoid the complex proposals under the other alternatives. Mr. Lloyd also suggested that the analytical package also include sigma b at the 0.1 level. Additionally, he asked that the analysts expand on the SSC's recommendations. Mr. Lloyd noted that although requested, a special meeting of the SSC is unnecessary. There was lengthy discussion regarding existing programs and processes as well as analysts' role in determining legal determinations and compliance. It was agreed that NOAA GC could work with Council staff.

Mr. Tweit moved to amend, which was seconded, by Mr. Henderschedt, to strike the reference to the term "Preliminary Preferred Alternative" in the motion. He noted that the record has not been built and notice has not been given to Alternative 1, and it may be premature to choose an alternative at this time. There was brief discussion, and discussion regarding the state's existing program of setting TACs and its applicability to the Magnuson-Stevens Act. **The amendment failed 8/3, with Tweit, Balsiger, and Henderschedt voting in favor.**

Discussion resumed regarding the analysis and its ability to provide new and substantial information on Alternative 1. **The motion passed 10/1, with Mr. Henderschedt objecting.**

Mr. Lloyd moved, which was seconded, to move the snow crab rebuilding package forward for initial review, acknowledging the SSCs comments that coming out of an overfished designation could be achieved within 1 year, rather than the current designation of two years. Additionally, he requested recognition of the joint NMFS/industry survey, and that the results of those surveys be released at the earliest possible dates in time for the quota setting process. **Motion passed without objection.**

(b) Approve Crab SAFE report/OFLs for some stocks.

BACKGROUND:

The Crab Plan Team met in Girdwood, AK from May 10-14, 2010 to review draft BSAI Crab stock assessments and provide recommendations for the model parameterizations and tier establishments for BSAI Crab stocks as well as OFL recommendations for 4 of the 10 stocks. There are 10 crab stocks in the BSAI Crab FMP and all 10 must have annually established OFLs. Six of the ten stocks will have OFLs established following the summer survey information availability. Two of the ten stocks (Norton Sound red king crab and AI golden king crab) have OFL recommendations put forward at this time in order to have approved OFLs prior to the summer fisheries for these stocks. The remaining two stocks (Adak red king crab and Pribilof Islands golden king crab) have OFLs recommended based on Tier 5 formulation (average catch) and OFLs are recommended in the spring. Much of the CPT's stock assessment and OFL recommendations are contained within the Crab SAFE Introduction while some additional recommendations and discussions are included in the CPT Report.

(c) Review PSC discussion paper

BACKGROUND:

As noted in the paper, following approval of Amendment 24 to the BSAI Crab FMP, all crab stocks now have annually-specified overfishing limits (OFLs). For all stocks for which information is available, these OFLs are intended to cover total removals from the stock, including bycatch in groundfish and scallop fisheries. As discussed under agenda item C-2(a), additional requirements for catch removals for crab stocks will be necessary to comply with Annual Catch Limits (ACLs). The Crab Plan Team discussed relative bycatch management measures in groundfish and scallop fisheries at the May 2020 meeting and their minutes are attached under agenda item C-2(b) above. The Team continues to recommend that the Council consider measures to restrict bycatch in groundfish fisheries. The Team reiterated its request and discussed specific bycatch concerns related to individual in conjunction with ACLs and Accountability Measures (AMs) at the March and May 2010 meetings. This paper intends to provide the Council with the information necessary to determine whether or not to initiate an analysis at this meeting to restrict bycatch of crab stocks in groundfish and scallop fisheries in order to prevent exceeding an annually specified ACL or OFL by crab stock due to catch outside of the directed crab fisheries.

The Council had heard the SSC's report on these agenda items (b and c) and took public comment.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Hull, to adopt the following problem statement and alternatives for analysis:

Problem Statement

Total catch overfishing levels (OFLs) are specified annually for the ten crab stocks included in the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP); these OFLs account for all sources of fishing mortality including directed crab fishery discards and bycatch mortality caused by groundfish, scallop, and Pacific halibut fisheries. Requirements to comply with Annual Catch Limits (ACLs), addressing uncertainty in OFL estimates, include Accountability Measures (AMs) that trigger a management action if an ACL is exceeded.

Crab bycatch in the directed crab and scallop fisheries is controlled by the State of Alaska, however current management structure does not link the crab and groundfish FMPs; if a crab ACL is exceeded due to bycatch mortality in a groundfish fishery the resulting AM would reduce directed crab fishery harvest the following year. Crab bycatch management measures were first adopted for BSAI groundfish trawl fisheries in 1986. These measures, established in the BSAI groundfish FMP, consist of triggered or fixed time and area closures and prohibited species catch (PSC) limits; PSC limits apply only to Bristol Bay red king, Bering Sea Tanner, and Bering Sea snow crab. There are no PSC limits for the remaining seven FMP crab stocks and the existing closure areas do not circumscribe the full distributional range of stocks they are intended to protect, thereby allowing bycatch mortality to occur without accrual towards PSC limits. Furthermore no bycatch management measures are imposed on the fixed gear groundfish or Pacific halibut sectors. In order to address crab bycatch in all BSAI groundfish fisheries ~~control crab bycatch in BSAI groundfish fisheries~~, the BSAI groundfish FMP must be amended.

Alternative 1 - No action

Maintain existing crab PSC limits and closure areas.

Alternative 2 - Fixed PSC limits

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Crab PSC limits would be fixed in the BSAI groundfish FMP.

Alternative 3 - Variable PSC limits

Crab PSC limits would be set annually based on crab abundance. Note: Different alternatives may be chosen for each FMP crab stock.

Components with options that could be applied to alternatives 2 and 3:

Component 1: Closure areas

- a) Existing closure areas
- b) Expand triggered closure areas to include full distribution of each crab stock
Option: Triggered closure areas encompassing distribution of vulnerable size/sex components of crab stock

Component 2: Timing of closure areas

- a) Fixed
 - i. Year-round
 - ii. SeasonalOption: based on vulnerable life history or gear susceptibility
- b) Triggered
 - i. Full
 - ii. Stair-stepped (area closed expands as bycatch triggers are reached)

Component 3: Groundfish sectors/target fisheries included

- a) All trawl sectors
- b) All fixed gear sectors
- c) Halibut IFQ

Component 4: Overfished stocks

- a) Overfished/overfishing determination would trigger more restrictive PSC limits
- b) Overfished/overfishing determination would trigger more restrictive time and area closures

Component 5: Accountability measures

- a) Crab bycatch would accrue inseason towards groundfish sector PSC limit and an overage would trigger accountability measures during the subsequent season for that groundfish sector

Component 6: Catch accounting issues

- a) Account for PSC limit accrual against time/area closure thresholds on a crab fishing year (June-May)

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

Mr. Henderschedt moved, which was seconded, to change language in the problem statement from “to control crab bycatch in BSAI groundfish fisheries”, to “address crab bycatch in all BSAI groundfish fisheries.” Mr. Henderschedt noted that the Council presently controls some bycatch of crab in certain groundfish fisheries, and there should be a linkage between the plans and the mortality in all the groundfish fisheries. **Motion passed without objection.**

Mr. Henderschedt moved, which was seconded, to add under Component 6, Catch Accounting Issues: b) Account for PSC limit accrual against time area closure thresholds on a groundfish fishing year (January – December). Mr. Henderschedt noted that there is value at looking at differing accounting years for crab bycatch mortality, and will ensure an adequate range of alternatives under component 6. **Motion passed without objection.**

It was generally agreed that sector designations could be defined further under Component 3, Item (b) "All fixed gear sectors," that the analysis would identify all potential gear types, and would leave it open to future refinement. There was brief discussion regarding caps in numbers, or weight, and it was generally agreed that that issue would be evaluated in the analysis, but that NMFS regional staff would like to move toward weight.

Mr. Benson moved to amend in Component 5: Accountability measures "...during the subsequent season or year." He noted that with various seasons in some fisheries, the whether the intent is to measure from one season to the next, or in the next year, it should be measured both ways. **Amendment was seconded, and passed without objection.**

Main motion passed without objection.

C-3 Scallop Annual Catch Limits

BACKGROUND

In June 2009 the Council tasked staff to begin analyses necessary to bring FMPs into compliance with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of federal fisheries under the revised guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Compliance with ACL requirements for the Alaska Scallop FMP requires substantive changes to that 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. At this meeting the Council will take initial review of this analysis with final action scheduled for October 2010 in order to meet the statutory requirements for implementation by the start of the 2011 scallop fishing season.

Diana Stram gave the staff report on this issue and fielded questions from the Council. The SSC had previously given their report, there was no public comment, and the AP did not address this issue.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Fields, to release the document for public review, and to include the SSC's comments/recommendations from their written minutes, as well as expand the description of State of Alaska management under Alternative 1: status quo. He noted that the analysis could illustrate how the least divergent alternative under state authority could accommodate the Magnuson Act requirements for provisions of ACLs. Additionally, he noted that the discussion would be similar to that of crab ACLs. **Motion passed without objection.**

C-4 Observer Program

BACKGROUND

The existing North Pacific Groundfish Observer Program (Observer Program), in place since 1990, establishes coverage levels for most vessels and processors based on vessel length and amount of groundfish processed, respectively. In general, the program would be restructured such that NMFS would contract directly with observer providers for observer coverage, and this would be supported by a broad-based user fee and/or direct Federal funding. Concerns with the existing program arise from the inability of NMFS to determine when and where observers should be deployed, inflexible coverage levels established in regulation, disproportionate cost issues among the various fishing fleets, and the difficulty

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to respond to evolving data and management needs in individual fisheries. Council initiated a new observer restructuring analysis (EA/RIR/IRFA), with a revised problem statement and suite of alternatives.

Note that final action is tentatively scheduled for October 2010. The current schedule, if action is recommended by the Council and subsequently approved by the Secretary of Commerce, provides for implementation no sooner than 2013.

Nicole Kimball and Darrell Brannan gave an overview of the economic analysis. Martin Loefflad and Craig Faunce of the Alaska Fishery Science Center gave a report on the sample design and implementation section of the analysis. The SSC and AP gave their reports, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved the following alternatives and directed staff to include new options (underlined below), address SSC and Observer Advisory Committee recommendations to the extent practicable, and release the analysis for public review. The motion was seconded.

Alternatives

Alternative 1: Status quo; continue the current service delivery model.

Alternative 2: GOA-based restructuring alternative. Restructure the program in the GOA, including shoreside processors; and include all halibut and <60' vessels participating in groundfish fisheries in the GOA and BSAI. Vessels in the restructured program would pay an ex-vessel value based fee. Retain current service delivery model for vessels $\geq 60'$ and shoreside processors in the BSAI.

Alternative 3: Coverage-based restructuring alternative. Restructure the program for all fisheries and shoreside processors with coverage of less than 100 percent. Vessels in the restructured program would pay an ex-vessel value based fee. Leave vessels and processors with at least 100 percent coverage under the current service delivery model.

Alternative 4: Comprehensive restructuring alternative with hybrid fee system. Restructure program for all groundfish and halibut fisheries off Alaska. Vessels and shoreside processors with 100 percent or greater coverage would pay a daily observer fee; vessels and shoreside processors with less than 100 percent coverage would pay an ex-vessel value based fee.

Alternative 5: Comprehensive restructuring alternative that would assess the same ex-vessel value based fee on all vessels and shoreside processors in the groundfish and halibut fisheries in the GOA and BSAI.

Option (Alternatives 2-5): For halibut fishery landings and landings by vessels less than 60' participating in groundfish fisheries (fisheries and sectors not currently subject to the observer program), vessels and shoreside processors would pay one half the ex-vessel value based fee established under the alternative.

Option (Alternatives 2-5): The agency shall release a draft observer program sampling design and deployment plan annually by September 1, available for review and comment by the Groundfish Plan Team at their September meeting. The SSC and Council shall review and approve the plan annually.

Mr. Lloyd spoke to his motion and fielded questions and added clarification. He noted that while the Council cannot make decisions on each aspect of the program, that they have made prior decisions on

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what the focus of the observer program should be. He noted that the current package does not outline in sufficient detail the levels of coverage for each fishery the agency is striving for and that his motion would set up an ongoing review and approval mechanism complete with public comment. There was general discussion regarding potential approval processes and timeline as well as funding. Electronic monitoring was briefly discussed, and Mr. Lloyd noted as abilities increase and advance for collecting data, opportunities and tools like electronic monitoring can be included in the program at a later date. The current analysis provides a funding mechanism for human observer and/or electronic monitoring.

Mr. Fields moved to amend, which was seconded by Mr. Cotten, the first sentence of the first option, to change "landings by vessels less than" to a range of 40'50'60' feet participating in groundfish fisheries. Mr. Fields noted that a larger range would help make a more informed opinion. Motion passed without objection.

Mr. Henderschedt moved to amend, which was seconded by Mr. Hyder, to add an option: For halibut landings and IFQ landings for vessels less than 60' vessels and shoreside processors, would pay ½ ex vessel based value fee established under the alternative, plus the difference of 3% and the actual percentage charged as a management and enforcement fee up to a total percentage equal to the ex-vessel percentage established in the alternative. Mr. Henderschedt spoke to his motion noting that 3% is a big percentage, but that the current fee is usually smaller and that the intent is to provide a suboption that provides a middle ground between extreme options. There was brief discussion regarding how the fee would apply. The amendment to the motion failed 6/5, with Benson, Cotten, Dersham, Hull, Lloyd and Olson voting against.

Mr. Hull moved to amend the motion which would delete #7 in the summary of decision points on page 72: "nominal prices could be adjusted by the producer price index to help remove inflation effects when prices from prior years are used to determine the fee." The motion to amend was seconded by Mr. Lloyd. Motion passed without objection.

Mr. Tweit moved to amend the motion by removing alternative 5. It was seconded by Mr. Henderschedt. Mr. Tweit noted that the alternative would take too long to generate start-up funds, and on an annual basis, if revenues dip, there may be less funding and a smaller observer program (e.g. fewer observer days could be funded). Mr. Lloyd noted that the main motion deals with equity of payment equal across the board, and that the alternative should remain for analysis. The motion failed 3/8, with Tweit, Benson and Henderschedt voting in favor.

Mr. Hull moved to amend the motion to request that regional prices that RAM publishes be used as the ex-vessel price basis in the analysis. He noted that the analysis assumes a single price will be applied across all regions, however prices vary by gear type for IFQ halibut and sablefish. Motion passed without objection.

Mr. Fields noted interest in providing a discussion of linking selection to an IFQ holder as opposed to a vessel. Mr. Hyder was concerned about the opportunity to include electronic monitoring, and it was generally agreed to address the issue after discussion and vote on the main motion.

Main amended motion passed without objection.

Mr. Hull moved, which was seconded, to initiate a trailing amendment to develop a pilot program for electronic monitoring as an alternative tool for fulfilling observer coverage requirements, with the intent that this pilot program would be implemented at the same time as the restructured observer program, or as soon after as possible. Mr. Hull spoke to his motion, noting that EM as a tool

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would not be considered as part of this package, but could offer an alternative, and the analysis for the trailing amendment could guide the Council as to how to develop the pilot program. There was lengthy discussion regarding timing, the need for a trailing amendment and its scope, and whether it should include VMS.

Mr. Hull withdrew his motion with concurrence of the second.

Mr. Hull moved, with a second from Mr. Lloyd, to task the Observer Advisory Committee and appropriate NMFS and Council staff to develop electronic monitoring as an alternative tool for fulfilling observer coverage requirements, with the intent that it's possible to implement at the same time as the restructured observer program. Mr. Hull noted that the intent is to make it a useable program at the same time of the new observer program, instead of a new pilot program. Additionally, he stated EM could be used as an alternate tool, or in addition to, or in conjunction with, the restructured observer program. Mr. Fields noted that he intends to be addressing the timing issue under staff tasking. There was lengthy discussion involving timing, the role of the observer committee, electronic monitoring as a tool, and VMS.

Mr. Benson moved to amend, which was seconded, to add the words "VMS" after electronic monitoring. He noted that VMS may be as viable and valuable as cameras. **Motion failed 8-3, with Blasiger, Benson and Hyder voting in favor.**

Motion passed without objection.

Mr. Fields moved, with a second from Mr. Lloyd, that the Council draft a letter letter to NOAA headquarters requesting that NMFS provide \$10M for startup costs to implement a NPFMC restructured observer program and an annual appropriation of approximately 50% of observer costs incurred by any participants in a North Pacific Fishery catch share program.

Mr. Fields noted that the program will need startup costs, and the Council should be clear and communicate needs early, and to emphasize equity for observer costs throughout the nation.

Mr. Cotten moved to amend, which was seconded by Mr. Lloyd, to \$17.7M, or the full portion of start-up funds under Alternative 5. It was generally agreed to try and secure necessary start-up funds by the year 2013, without specifying the amount. **The amendment passed without objection.**

Main amended motion passed without objection.

Mr. Hull brought up concern regarding how "A" shares in the halibut and sablefish IFQ program will be handled in regard to coverage and assessment, since many CPs act as CVs. Staff noted that the analysis will be revised such that the vessel will be treated by activity, rather than share designation.

Additionally, Mr. Hull noted that criteria for exemption for vessels 40'-58' should be more specific. Staff noted that will be discussed in further detail in the next draft.

There was brief discussion regarding working with the Alaska Department of Revenue to assess whether they would be interested in collecting fees for NMFS. Staff was asked to explore the possibility.

Additionally, it was generally agreed that the OAC would convene again before the October council meeting.

Mr. Lloyd requested a summary table for each alternative by industry segment compared to status quo. Staff noted that this would be possible in the next draft.

C-5 GOA Rockfish Catch Share Program

BACKGROUND

The Council conducted an initial review of the Central Gulf of Alaska rockfish program analysis and is scheduled to take final action on the program. The Council also took the opportunity to signal its intent to include certain elements in (and exclude others from) its preferred alternative for the Central Gulf rockfish program. Many of these choices are not reflected in changes in the analysis, as the Council chose not to establish its preferred alternative at the April meeting, but only to provide notice concerning elements that it may (or may not) include in the preferred alternative.

Mark Fina and Jon McCracken gave the staff report on this agenda item. The AP report was given by Lori Swanson, and public comment was heard.

Ms. Sue Salvesson sat in during this portion of the meeting for Dr. Balsiger.

COUNCIL DISCUSSION /ACTION

Mr. Fields forwarded a 16 page motion which was seconded, and is attached as APPENDIX 5.

It was generally agreed that the Council would review the motion page by page. Mr. Fields spoke to his motion, answered questions, and added clarification.

Amendments were addressed element by element:

Ms. Salvesson moved to amend in section 2.2 (on page 2), that the “fixed gear only” second part should say “...set aside would be increased the following year by...” The motion was seconded, and she noted the additional wording helps clarify the intent. **Motion passed without objection.**

Mr. Henderschedt moved to amend section 4.2 to re-insert the stricken option 1) 1996-2002 and to choose it as the preferred alternative. It was seconded by Mr. Benson. Mr. Henderschedt spoke to his motion noting from a policy standpoint, 2006 may be reflected as the most recent year and reflection of participation in the rockfish fishery. Participants who chose to not fish from 2000-2006 may be now penalized, and that Option 1 is a more appropriate set of qualifying years. Mr. Benson noted that the rockfish program was designed with the intent that if successful, it would continue. There was noted concern about changing the dates and redefining the fields by changing qualifying years in regard to policy and administrative issues. **Motion failed 4/7, with Tweit, Benson, Henderschedt, and Hyder voting in favor.**

Mr. Henderschedt moved to amend the motion, which was seconded by Mr. Fields, in section 4.4, that a vessel that qualifies for both the entry level and main program, must opt out of one or the other. This is a one time selection. Opt out qualified catch from the entry level trawl would be re-distributed to the CV and CP sectors. Mr. Henderschedt spoke to his motion noting that whether or not qualifying for the main program by default would disqualify someone to be an entry level vessel if they qualify for that program as well. A choice should be one or the other. Additionally, it was noted that the second change to the language will be to change the way the entry level rockfish was added, by using proportionate amounts from the CP and CV sectors. **Mr. Lloyd moved to amend, with a second from**

Mr. Cotten, to apply to CV only. Mr. Lloyd noted that we can choose to keep where the quota came from: CVs, but CVs and CPs are where they were originally assessed. There was discussion regarding calculations and distribution of the entry level pool. **Amendment to the amendment failed 4/7, with Dersham, Cotten, Fields, and Lloyd voting in favor, and amendment passed without objection.**

Ms. Salveson moved to amend, which was seconded by Mr. Fields to qualify language under Interim License Provision, Element 4.1: For licenses that qualify based on catch of an interim license (and for licenses used on a vessel that previously fished in the rockfish fishery during the qualifying years using an interim license), the basis of the allocation will be the catch history of such vessel using the interim license (plus the history of the vessel using the permanent license) during qualifying period, notwithstanding the invalidity of the interim endorsement under which the vessel operated during the qualifying period. However, 1) no permanent license shall be assigned history from two vessels for any portion of the qualifying period and 2) no history shall be assigned to two licenses. To qualify for this provision, the permanent license must be assigned to the vessel on or before December 31, 2003 and must not be assigned to any other vessel through the date of final Council action. Ms. Salveson noted that there were questions of history relative to other participants in the program and that the language in the motion would clarify qualifications. **Motion passed without objection.**

Mr. Henderschedt moved to amend, which was seconded, to change in the Secondary Species Exceptions (7.2.4) of the CP Sector, a shortraker allocation of the TAC would be 40%, instead of the 30.03% currently in the motion. Mr. Henderschedt noted that in an effort to adequately accommodate natural bycatch in the fishery, prevent harvest beyond harvests set by the Council, balance all those issues and to avoid constraint on the CP sector, he suggests in his motion the midpoint of two hard cap alternatives in the analysis. There was lengthy discussion. **The amendment to the motion passed 6/5, with Tweit, Salveson, Benson, Dersham, Henderschedt, and Hyder voting in favor.**

Mr. Henderschedt moved to amend which was seconded by Mr. Tweit to remove the last sentence in 7.3: "The remaining portion of any allowance will remain unavailable for use." Mr. Henderschedt spoke to his motion noting his concern for allowing the savings to occur, and potentially constraining the fishery by lowering the allocation, and additionally not allowing the harvesters to use any of that savings in the other fisheries. There was brief discussion, and the **motion was withdrawn.**

Mr. Henderschedt moved to amend, which was seconded, in section 7.3, to read:
Prohibited Species (Halibut Mortality)

Allowance to the rockfish cooperative program will be based on historical average usage (during the qualifying years) 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.

Mr. Henderschedt clarified the amendment would strike 75% of historical usage and delete the last underlined sentence. There would be no upfront reduction, and leave in place a 25% reduction of any rollovers. There was lengthy discussion regarding halibut PSC and National Standards. Ms. Salveson advocated a more holistic assessment of all fisheries in the GOA, and within that assessment, take rockfish into consideration. **Motion passed 6/5, with Tweit, Salveson, Benson, Henderschedt, Hull, and Hyder voting in favor.**

Mr. Tweit moved which was seconded by Mr. Dersham to change section 7.3: strike 75% change to 50%. He noted that one of the benefits of the rockfish pilot program is the halibut savings. The most effective way to do that is when the halibut is still in the water. **Motion passed 9/2, with Benson and Fields voting against.**

Mr. Fields amended the amendment and it was seconded by Mr. Cotten: If the CV fleet exceeds 100MT halibut bycatch and/or if the CP fleet exceeds 63 MT in any 2 consecutive years of the program, allowance for the coop program will be based on 75% of the historical average usage (during the qualifying years) 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, and multiplying by 0.75. The difference between the historical average usage and the allowance provided above will remain unavailable for use. Mr. Fields noted that if a portion of the rollover is taken, his motion will ensure that there will still be motivation for halibut savings. There was lengthy discussion, and the motion failed 4/7, with Dersham, Fields, Lloyd, and Olson voting in favor.

Mr. Cotten moved to amend the motion by changing the percentage in Element 7.3 to 40%. His motion was ruled out of order.

Mr. Lloyd moved to amend in Element 9.4, "Coop formation for CVs," Harvesters must join a coop of at least two LLPs to participate in the target fisheries." There was brief discussion, and the motion was withdrawn.

Ms. Salveson moved to amend Element 9.4 by adding the words, "Any CV or CP coop must accept an application that meets the coops...." There was brief discussion, and the motion was withdrawn.

Mr. Tweit moved to amend, with a second from Mr. Lloyd, to add in Section 9.4 "Annual allocation to coops may be transferred between coops of at least two LLPs." Mr. Tweit noted that the coops need to ensure as much as possible that coops are comprised of multiple entities. The ability to transfer between coops is an essential part of the program. The motion passed without objection.

Mr. Henderschedt moved to amend, which was seconded by Mr. Dersham, to change 6% - 8% in the language under Element 13: "No CV may catch more than 8% of the target CV annual cooperative allocations in the aggregate." And strike following language in the option that provides a grandfather option. Mr. Henderschedt spoke to the amendment noting his concern with inappropriately low levels of a harvest cap. Constraints, to a large degree, can undermine the benefits that come with a cooperative management of the fishery. There was general discussion, and the amendment to the motion passed 7/4, with Cotten, Fields, Lloyd, and Olson in opposition.

Ms. Salveson moved that language should be added in three places. Where it says "No processor shall receive more than 30%...should read "no processor shall process or receive more than 30%." She noted the intent is to bring in both fish that may be delivered to a processor, as well as fish that may be received directly from catcher vessels. Motion passed without objection

Mr. Henderschedt moved to amend, which was seconded by Mr. Tweit, in Element 13, page 11 under CP cooperatives: "no person may contribute more than 40% (change from 30%) of the CP sector catch history to annual cooperative allocations using the individual and collective rule." He spoke to his motion noting that percentages higher than 40% can still be held without having direct impact on market and prices internationally. Mr. Fields noted concern about consolidation. The motion passed 7/4, with Benson, Cotten, Fields, and Olson in opposition.

Ms. Salveson moved to amend, which was seconded, in Element 15, to add the language: "In addition to the review requirements of the MSA." She noted while there is no need to specifically outline a review, there will be a 3 year review, in addition to a 5 year review. The motion passed without objection.

Mr. Henderschedt moved to amend which was seconded by Ms. Salveson, in Element 16, to delete the section “program duration.” Mr. Henderschedt spoke to his motion noting his concern with establishing a sunset date, will impede the coops ability to effect measures that would otherwise achieve many of the objectives laid out in the problem statement. Mr. Lloyd noted that there is no entitlement in perpetuity, and the investment is in the cooperative behavior and fishing aspects. There was general discussion, and **the motion failed 3/8, with Benson, Henderschedt, and Hyder voting in favor.**

Ms. Salveson moved to amend, which was seconded, that in Element 18.2 to add language after the sentence (page 14 of the motion) addressing stand down provisions for CPs: Participation shall be defined as having been in the shallow water complex or deepwater flat fish complex or rockfish target fishery...(top of page 15) at the end delete the word “target.” Ms. Salveson noted that a target fishery usually refers to a specific fishery, but in this case a CP also catches other fish other than the target. In expanding the language to other complexes, the vessel will be able to retain other fish caught. **Motion passes without objection.**

Mr. Henderschedt moved to amend, which was seconded, under 18.2, (page 14), under “Standown for vessels that opt out of the rockfish fisheries.”

- **Add in the last sentence: sideboarded at the “Amendment 80” sector level**
- **Strike “as described in the general provisions”**
- **Add “through 2009” after qualifying years (top of page 15)**
- **Strike the underlined “and opt out vessels” (top of page 16)**

Mr. Henderschedt spoke to his motion, noting the tradeoffs in the motion. He noted his concern with existing constraints. There was discussion over concerns of adding another qualification year as well as changing the sideboard levels, and clarification from staff. **The motion failed 3/8, with Tweit, Benson, and Henderschedt voting in favor.**

Ms. Salveson moved, which was seconded, to add “in the aggregate” before the text “will be limited” on the top of page 16. Motion passed without objection.

At this time, the Council reviewed the motion again.

Mr. Hull moved, which was seconded, to reinsert the main paragraph in 7.3, but to replace the percentage with 87.5% and in the second paragraph with .875%. Additionally, in the he rollover provision, which was previously at 50%, change to 55%. Mr. Hull noted that as a goal of the program, and NS 9 which identifies minimizing bycatch to the extent practicable, it would be more appropriate action by the Council to take some portion of the bycatch savings from the initial allowance, as well as to have some of the savings from the rollover. There was lengthy discussion, and **Mr. Fields moved a substitute motion with a second from Mr. Lloyd, to revert to original motion: 75% and 75%.** He noted it was important to take the percentage off the front, and to have the lower rollovers. He also is certain that the higher the percentage rollover is to the fleet, the higher incentive to save halibut. **The motion failed 2/9, with Mr. Fields and Mr. Olson voting in favor. Mr. Hull’s amendment was voted on, and passed 6/5, with Salveson, Cotten, Dersham, Hull, Lloyd, and Olson voting in favor.**

Mr. Tweit moved to amend, with a second by Mr. Benson, to change under Element 13: Cooperative Harvest Use Caps: “No CV may catch more than 9%...” Mr. Tweit spoke to his motion noting that there may be more flexibility needed, the more prescriptive the environment. There was brief discussion, and **the motion failed 5/6, with Tweit, Salveson, Benson, Henderschedt, and Hyder voting in favor.**

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Mr. Fields reviewed the GOA rockfish National Standards and how the Council action reflects them. Most of the discussion has focused on NS4 and does not discriminate between residents of different states. If it becomes necessary to allocate or align fishing privileges among various US fishermen, such allocations shall be (a) fair and equitable to all such fishermen, (b) reasonably calculated to promote conservation, and (c) carried out in such a manner that no particular individual, corporation or other entity acquires an excessive share of such privileges. He applauded the Council's efforts in keeping with the National Standards.

Mr. Tweit noted concerns; specifically that processors would be negatively affected.

Mr. Henderschedt stated he cannot support motion because the selection of years 2000-2006 fails to recognize that most recent participation which includes leasing and treating of quota negatively affects people who chose not to participate in the derby fishery, and there is a 10 year sunset. He emphasized his concern noting this element in combination with qualifying years can significantly reduce small amounts PSC: if you don't catch your own fish you're likely to lose it next time around, and cautioned the Council against making large, wholesale changes, rather than incremental changes.

Mr. Cotten expected benefits through the coop structure and achieving success in that regard, maximizing efficiency and stability, and safety.

NOAA GC John LePore spoke to the Council noting that the rockfish program is considered a limited access privilege program and reviewed specific requirements briefly.

Mr. Lloyd remarked that the Council did an admirable job in satisfying elements in the problem statement; reduce bycatch, enhance productivity and efficiencies especially through fishing in a cooperative pattern. He noted that the program may achieve many of the benefits without incorporating privatization of the package, with a conscious awareness that the program itself should not take center stage, but rather the fishing practices themselves.

There was brief discussion regarding the Deeming motion and regulatory timeline. It was generally agreed that the Council will be able to review the regulatory package prior to submission to the Secretary.

Mr. Tweit moved to amend, with a second from Mr. Lloyd, that the Council requests to see the proposed draft regulations prior to submission to the Secretary, hopefully at the December meeting. Additionally, staff will provide progress on development of regulations at the October meeting. Motion passed unanimously.

The vote on the amended main motion passed 8/3, with Benson, Henderschedt, and Hyder voting in opposition.

C-6 Amendment 80 Program

a. Report on GRS Program

BACKGROUND

At its April 2010 meeting, the Council requested NMFS report to the Council at its June 2010 meeting on the status of monitoring, enforcing, and prosecuting the Groundfish Retention Program (GRS) program. The Council requested that NMFS review the enforcement and prosecution concerns raised during the development of the GRS program, Amendments 80 and 93 to the Fishery Management Plan for

Groundfish of the Bering Sea and Aleutian Islands Area (FMP), 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.

The GRS program requires a minimum retention of all Federal groundfish in the BSAI for non-AFA trawl catcher/processors. The GRS requirement began at 65 percent in 2008, rising to 75 percent in 2009, 80 percent in 2010, and peaking at 85 percent in 2011 and all future years. GRS applies to all non-AFA trawl catcher/processors operating in the BSAI. Under GRS, each vessel participating in the limited access fishery must ensure that it meets the GRS requirements based on the amount of catch retained by that vessel. Vessels participating in a cooperative can aggregate the total catch by all vessels in the cooperative and the total retained catch by all vessels in the cooperative.

Glenn Merrill (NMFS) gave a brief report on the progress of the GRS program and fielded questions from the Councilmembers. The AP report was given by Lori Swanson, and public comment was heard.

Ms. Moreland participated in this section for Denby Lloyd.

COUNCIL DISCUSSION/ACTION

John Henderschedt moved to recommend, which was seconded:

- 1. Temporary suspension of GRS regulations through emergency rule at this meeting.**
- 2. Additionally, the AP recommends initiation of an FMP amendment to come back to the Council in October and explores revising the current GRS program by considering the following alternative approaches:**
 - Revise the current GRS schedule to correlate groundfish retention considered in the Am 79 analysis to groundfish retention calculated with the current GRS enforcement methodology.**
 - Allow the Am 80 sector to engage in internal monitoring and administration of a groundfish retention program to meet Council retention goals described in Am 79. At the October 2010 Council meeting, the Am 80 sector should provide the Council with a unanimous detailed civil contract that would hold each individual entity or cooperative accountable to meet these retention goals.**

Mr. Henderschedt noted that there are two types of problems with GRS currently, calculating the GRS, and enforcing whatever rates are implemented. Mr. Henderschedt noted that the Council has an obligation to provide a record for its designation of an emergency, and there have been economic and social hardships resulting in loss of seafood in global markets. He urged the Council and Agency to begin progression on emergency rule. There was brief discussion regarding priority of items that get re-ordered because of an emergency rule, and it was agreed to discuss during staff tasking. **The motion passed 10/1 with Dr. Balsiger objecting.**

(b) Amendment 80 Lost Vessel Replacement

BACKGROUND

At the October 2008 meeting, the Council initiated an analysis for a proposed FMP amendment to address lost vessels in the Amendment 80 program. The analysis was initiated to address a May 19, 2008, ruling of the U.S. District Court of the Western District of Washington that invalidated the Amendment 80 provisions that limit the vessels used in the Amendment 80 program. In Arctic Sole Seafoods, Inc. v.

Gutierrez, the district court found the statutory language of the Capacity Reduction Program ambiguous as to whether replacement of qualifying vessels with non-qualifying vessels was permissible, and found the agency's interpretation of the statute to be arbitrary and capricious.

Glenn Merrill (NMFS) and CDR Chris Woodley (USCG) gave the staff report on this issue. Lori Swanson gave the AP report, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Dr. Balsiger moved, which was seconded by Mr. Benson, to select the following alternatives and options for final action:

Alternative 3: The owner of an Amendment 80 vessel may replace that vessel with another vessel for any purpose. Only one replacement vessel may be used at any given time (one-for-one replacement).

Vessel size restrictions

A replacement vessel cannot exceed an LOA of 295 feet.

GOA flatfish sideboard restrictions. A replacement vessel that replaces an original qualifying Amendment 80 vessel that is allowed to directed flatfish in the GOA

(b) would be allowed to directed fish for flatfish.

***Golden Fleece* sideboard restrictions. A replacement vessel that replaces the *Golden Fleece*:**

(e) If the replacement vessel for the *Golden Fleece* is greater than the MLOA of the license that was originally assigned to the *Golden Fleece*, then that replacement vessel will be subject to all sideboards that apply to other Amendment 80 vessels, with the catch and PSC use of the *Golden Fleece* added to the existing GOA sideboards. If the *Golden Fleece* replacement vessel is less than or equal to the MLOA of the license that was originally assigned to the *Golden Fleece*, then the *Golden Fleece* sideboards would apply.

- **Assigning QS from lost vessels. Allow the owner of an Amendment 80 vessel to assign a QS permit from an original qualifying Amendment 80 vessel to the replacement vessel or to the LLP license derived from the originally qualifying vessel.**
 - (a) A replacement vessel cannot enter an Amendment 80 fishery without QS being assigned to that vessel or the associated permit.**
 - (b) Persons holding a QS permit associated with a vessel that is permanently ineligible to re-enter US fisheries is eligible to replace the vessel associated with its QS permit.**

Any vessel replaced under this program may be used to replace other Amendment 80 vessels. Vessels not assigned to the Amendment 80 fishery would have a sideboard limit of zero in BSAI and GOA groundfish fisheries.

Vessels must be classed and loadlined or meet the requirements of ACSA to be used to replace other Amendment 80 vessels

The Council recommends any Amendment 80 replacement vessel that is greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower be authorized for use in the EEZ under the jurisdiction of the North Pacific Fishery Management Council. This recommendation is intended to clarify that any Amendment 80 replacement vessel is eligible to receive a certificate of documentation consistent with 46 U.S.C. 12102(c) and MARAD regulations at 46 C.F.R. 356.47.

Requirement under all alternatives: Monitoring and enforcement, permitting, recordkeeping and reporting, prohibitions, and general GOA sideboard measures that apply to original Amendment 80 vessels would continue to apply to all replacement vessels.

Dr. Balsiger spoke to his motion noting that to be consistent with the purpose and needs statement, the motion would allow vessel owners to improve safety, meet class and load requirements, and allow a broader range of processing opportunities. 295' is the size of the largest of the current AM80 vessels, and would allow a limit to the maximum vessel size of the fleet, and provide a level playing field for all participants, as well as giving the Council a maximum LOA in analytical documents. It would allow vessels that are currently active in GOA flatfish fisheries to replace their vessels.

There was brief discussion regarding monitoring and enforcement, and consolidation within the fleet as vessels move towards replacement. There was also discussion regarding development of a trailing amendment or discussion paper that examines further the need for limitations and possible sideboard modifications beyond what is discussed in the analysis, and the interplay between limits on harvests and processing. It was generally agreed that this would be addressed in staff tasking.

Mr. Balsiger noted that the motion is consistent with the National Standards, and addresses fairly directly under Option 1, particularly National Standard 5 (consider efficiency but do not have economic allocation as a sole purpose), 7 (minimize costs and avoid unnecessary duplication) and 10, (promote the safety of human life at sea).

Mr. Tweit amended the main motion, which was seconded, 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. Mr. Tweit noted that in this case the Council staff along with the executive director and chairman would be able to review the regulations. Motion passed without objection.

Main motion passed without objection.

Capt. Cerne noted that in his absence during staff tasking, he would note now any potential unintended consequences on safety issues be addressed in future analyses.

D-1 (a) GOA Pcod sideboards for crab vessels

BACKGROUND

In February 2009, the Council reviewed an initial draft of an amendment package to exempt crab vessels from GOA Pacific cod sideboards from November 1 to December 31 of each year. Given the Council has completed final action on GOA fixed gear recency and GOA Pacific cod sector split, the GOA B season sideboard exemption is scheduled for initial review at this meeting. Under this proposed action, there are three alternatives. Alternative 1 (status quo) would not change the B season GOA Pacific cod sideboard limits. Alternative 2 would permit those non-AFA crab vessels/licenses that are prohibited from targeting GOA Pacific cod to target GOA Pacific cod from November 1 to December 31 absent of any sideboard limits. Alternative 2 would also exempt from sideboard limits from November 1 to December 31 those non-AFA crab vessels/licenses limited by GOA Pacific cod sideboards. Alternative 3 would exempt from

GOA Pacific cod sideboard limits during November 1 to December 31 only those non-AFA crab vessels/licenses that are restricted by GOA Pacific cod sideboard limits. In each of the action alternatives, the Council included two options that would establish a minimum tonnage and/or a percent of TAC that must be available on November 1 for the exemption to apply. These options would be applied individually to both the inshore and offshore components of the western GOA and central GOA.

Jon McCracken gave the staff report on this issue, Lori Swanson gave the AP report, and the SSC had given their report earlier in the meeting. Public comment was heard.

Ms. Moreland participated in this discussion for Denby Lloyd.

COUNCIL DISCUSSION/ACTION

Ms. Moreland moved, which was seconded, to delay further action on this package until after the GOA Pcod sector split final rule is published. Ms. Moreland noted that the purpose is to recognize how this package will work with sector splits and that the Council may need to review and weigh in and provide additional direction to the Agency after they review the draft rule.

Mr. Fields moved a substitute motion, which was seconded, to take no further action. Mr. Fields noted that with the changing patterns in the gulf, and without the options being ready for public review, it is prudent to take no action. There was brief discussion, and the **substitute motion passed without objection, and carries the earlier motion.**

D-1 (b) Adjust MRAs in BSAI Arrowtooth

BACKGROUND

In 1994, the Council set most of the groundfish MRAs at zero, relative to retained amounts of arrowtooth flounder, to prevent vessels from using arrowtooth flounder (a species for which no market existed) as a basis species for retention of more readily marketable species. At that time, there were concerns that fishing vessel operators would target arrowtooth flounder to increase the retainable amounts of valuable species, closed to directed fishing, resulting in increased bycatch amounts of Pacific halibut, salmon, and crab. Increased halibut bycatch rates could have resulted in reaching halibut bycatch limits before the total allowable catches (TACs) established for other trawl target fisheries were harvested. However, since 1997, markets for arrowtooth flounder have developed and this species now supports a viable target fishery. To take advantage of the growing arrowtooth flounder market, the Council, in December 2009, initiated an analysis to consider changes to the MRAs of groundfish in the arrowtooth flounder fishery in the BSAI.

This analysis considers three alternatives. Alternative 1 (no action) would leave the MRAs for groundfish in the arrowtooth fishery unchanged from those in current regulations. Alternative 2 would set the MRAs for incidental catch species at the current Pacific cod level. Alternative 3 would set the MRAs for incidental catch species at the current flathead sole level.

Jon McCracken gave the staff report on this issue. Lori Swanson gave the AP report, and the SSC gave their report earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt moved, which was seconded, that the Council adopt the AP motion with the following revisions:

- **Delete alternative 4 proposed by the Advisory Panel**
- **Addition of suboption to alts 2, and 3 of an MRA of Greenland turbot of 15%**

Mr. Henderschedt spoke to his motion, noting that the bycatch rate for Greenland turbot was 10% in 2008 and 2009, and managing by averages by itself can result in thresholds set too low. Mr. Henderschedt outlined that the intent is to establish a benchmark for analysis, and to flag that species as one to pay attention to when the Council drafts a motion to establish higher MRAs. **Motion passes without objection.**

D-2 (a) GOA Halibut PSC Limits

BACKGROUND

At the December 2009 meeting, the Council requested a discussion paper on the process for changing the halibut PSC limits in the GOA and the BSAI. In February 2010, the Council reviewed a NMFS discussion paper which described how PSC limits for halibut are established in both the BSAI and the GOA, and how PSC limits in the GOA could be modified under the current GOA Groundfish FMP. Halibut mortality PSC limits are specified annually as a component of the proposed and final GOA groundfish harvest specifications rulemakings. However, the actual amount of the trawl and non-trawl halibut PSC limits are discretionary, consistent with the considerations set forth in the FMP and implementing regulations. The FMP identifies criteria for the annual PSC limits that must be considered by the Council for setting or amending apportionments of halibut PSC.

The Council may choose to 1) take no action; 2) initiate an amendment (EA) to the GOA Groundfish FMP to revise the PSC setting process to mirror the regulatory process (RIR/IRFA) as in the BSAI, as needed; 3) initiate an analysis of halibut PSC limits to support the harvest specifications EA for 2012; or 4) include an analysis of halibut PSC limits in the next harvest specifications EA. The earliest that GOA halibut PSC limits could be revised is coincident with rulemaking for the annual groundfish specifications for 2012. The next step under any action alternative, if that is the Council's intent, would be for the Council to identify 1) a problem in the fishery, 2) goals and objectives for addressing the problem, and 3) management alternatives. If the Council chose to take no action to initiate a separate analysis, it always has the option to incorporate halibut PSC limit reductions in other proposed actions, as it did with BSAI Amendment 80. Even under no action, more widespread (mandatory or voluntary) use of halibut excluder devices would continue to result in a "win/win" situation whereby less halibut are taken as bycatch in groundfish fisheries thus leading to 1) potential increases in halibut abundance and commercial longline fishery catch limits and 2) increased GOA groundfish target harvests.

Chris Oliver gave the staff report on this agenda item. Gregg Williams of the IPHC fielded questions from the Council. Lori Swanson gave the AP report, and the SSC did not discuss this issue. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Cotten moved the AP motion: to request an expanded discussion paper be presented at October 2010 and requests this as a priority. It was seconded by Mr. Hull:

Additionally, the Council requests the following to be included in the document:

1. Hull: Include discussion on basis of PSC limits
2. Hull: whether the Council can set PSC limits by area

3. Hyder: How mortality rates are established on discards, in relation to determining that fishing behavior matches requirements and what is the discard potential for bycatch reduction
4. Fields: Description of use of crucifers by fishery over time; is there a direct correlation to mortality (e.g., P cod)
5. Henderschedt: examine at least in a general sense, management practices that drive mortality: presorting, etc. affect end result
6. Tweit: Two-prong approach to paper: 1) outline simple measures to reduce halibut bycatch in near term; and 2) action list of where to work with industry to reduce bycatch in the long term
7. Olson: Generate a discussion of what Canadians have done in regard to IPQ analysis, and what has changed over the years.
8. Invite BC fishermen to describe industry efforts to reduce bycatch
9. Invite DFO (Tamee Mawani) to describe fishery/bycatch reduction
10. Effects of restructuring observer program
11. Information on (exempted) jig fisheries (Pcod and rockfish), with ramp up levels from State.

Motion passed without objection.

D-2 (b) Receive briefing on Alaska MPAs and fishery overlap

BACKGROUND

In December 2009, the Council tasked staff to prepare a brief report with an initial evaluation of the "avoid harm" provision relative to fishing impacts on resources protected by the four MPAs off Alaska that are already part of the National System of MPAs. These are all managed by the Department of Interior, and include:

- *The Alaska Marine National Wildlife Refuge,*
- *The Arctic National Wildlife Refuge,*
- *Glacier Bay National Park and Preserve, and*
- *The Yukon Delta National Wildlife Refuge. This analysis examined fishery overlap with MPA sites by gear type (longline, pot, pelagic trawl, and non-pelagic trawl). The figures indicate virtually no overlap with the MPA System sites, although there may be a minimal amount of fishing effort by all gear types (at the lowest category of effort of 4-10 tows/hauls over a ten year period) within state waters on the north side of Kodiak Island. The DOI sites in question tend to be terrestrial or nearshore in nature, while most fisheries managed by NMFS and the NPFMC are outside state waters. The Council may wish to forward the results of this evaluation to the MPA Center and applicable DOI agencies (USFWS, NPS).*

David Witherell gave a brief report, and it was generally agreed that the Council will draft a letter with the results from the evaluation to the MPA centers and other partners. There was no public comment.

D-2 (e) AFA Preliminary Report removal

BACKGROUND

The Council is scheduled to take initial/final action on a proposed amendment to remove the requirement for AFA cooperatives participating in the directed pollock fishery to prepare and submit the preliminary annual report. Currently, a preliminary AFA cooperative report is due to the Council by December 1 of the year in which the pollock fishing occurred. The Council originally recommended a preliminary report, because it wanted to have this report available for its December Council meeting when it adopts annual groundfish harvest specifications for the upcoming fishing year. The preliminary report is followed by a final report, due by February 1 of the following year, to update or add any information that

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NPFMC MEETING
June 2010

became available after December 1. However, the Council may not be relying on the preliminary cooperative annual report to develop its recommendations on final groundfish specifications as much as it originally thought it would. Therefore, this action assess whether the existing final annual report submitted before February 1 of the following year is sufficient for the Council's and public's needs for information under section 210(a)(1) of the AFA.

Sue Salveson gave the staff report on this issue and Lori Swanson gave the AP report. The SSC did not address this issue. There was no public comment.

COUNCIL DISCUSSION / ACTION

Mr. Henderschedt moved, which was seconded, to adopt alternative 2 as its preferred alternative. He noted Ms. Salveson has provided rationale in her staff presentation, and does not affect timing of report and that it is appropriate that to streamline process.

Mr. Tweit moved to amend, which was seconded, 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. The amendment passed without objection. The main motion passes unanimously via roll call vote.

D-3 STAFF TASKING

Chris Oliver reviewed the three meeting outlook and reviewed items the Council highlighted throughout the meeting. Public Comment was taken.

COUNCIL DISCUSSION/ACTION

Plan Team Nominations

Mr. Fields moved to approve appointments to the Groundfish Plan Teams: Peggy Murphy and Chris Lundsford. Mr. Balsiger seconded. Mr. Fields noted that the candidates are qualified, and the SSC had recommended the appointments. **Motion passed unanimously.**

Emergency Rule to repeal AM79

There was brief discussion regarding the Emergency Rule, and Mr. Balsiger noted that help from Council staff is available, and that the analysis and regulations will be completed within the scheduled timeline.

AM 80 Trailing Issues

Mr. Henderschedt commented on the Council's Vessel Replacement Action, and that it may not be adequate to address replacement vessels and participation in GOA flatfish fisheries. Use of replacement of vessels as motherships, and general movement of vessels within the fishery in different capacities was also briefly mentioned.

Mr. Henderschedt moved, which was seconded by Mr. Fields, that the Council initiate discussion paper with 3 parts:

1st part: start with issue of AM 80 vessel replacement vessel's access to GOA flatfish, examine broader range of ways to address that, as well as tangential issues. Possibly using MLOA threshold levels.

2nd part: CP sideboards as they apply to program participants and opt out vessels in WYAK and WGOA. Possibly review the downstream impacts of the Council's action, and how vessels have been affected that move into the rockfish pilot program.

3rd part: Identify areas of overlap and interrelationship between these, and other potentially outlying issues.

Mr. Henderschedt noted that he is committed to examining these issues. Mr. Fields noted that timing would be up to the discretion of the executive director and staff availability. **Motion passed without objection.**

WAG AIGKC Extension of Emergency Relief

NOAA GC John LePore reviewed provisions for emergency action. **Mr. Lloyd moved, with a second by Mr. Cotten, to have the Agency extend the emergency rule, until final regulations can be put in place.** Mr. LePore noted that the extension can only be extended 180 days, and is also dependent on the fact that the Council is moving forward on a permanent solution. **The motion passed with Mr. Balsiger objecting.**

Special August Meeting

Mr. Fields requested Mr. Balsiger update and clarify for the Council progress on the BiOp and upcoming timing for the proposed August meeting. Mr. Balsiger noted that the agency intends to have a draft biop done in time for the August meeting, then should the Council have comments they could then be reviewed in time for the October meeting, with intent to be in place by January 2011. There was brief discussion regarding the necessity of the SSL Mitigation Committee meeting in conjunction with the Council, and it was generally agreed that it was unnecessary at this time.

Chairman Eric Olson gave brief closing comments, and recognized the reappointment of Mr. Fields and Mr. Cotten.

The meeting adjourned at 11:50.

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NPFMC MEETING
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Toys for 6- to 9-month-olds

Reviewed by the BabyCenter Medical Advisory Board

En español



Your baby's play is becoming much more vigorous. When she picks up a spoon now she bangs it against pots and pans, and she furiously rattles the bunch of keys she finds. She can now grab two toys at once and slam them together. But her movements are also becoming more precise; thanks to her growing dexterity, she can pick a raisin off the floor.

She is becoming aware that objects still exist even when she can no longer see or feel them. This means she'll miss a favorite stuffed animal if she can't see it, and try to search for it. It also means you can begin playing hide-and-seek games with objects. Hide her teddy bear while she's looking, and she'll find it right away — and be very proud she did.

This is the age at which most babies go mobile. From sitting, it's a short developmental step to scooting around on her stomach, to rocking back and forth on her hands and knees, and then to crawling. By the time she's 8 months old she may be pulling herself up to a standing position and climbing your stairs. The following toys can help her explore her quickly developing senses.

Busy board: Many babies adore these activity boards that can be attached to a crib rail. They come with parts that move and spin, giving your baby a place to practice coordinating her hands with sensory experiences. She's also getting the idea that you can make things happen to objects — so poking, twisting, squeezing, shaking, dropping, and opening things will fascinate her.

Soft dolls or stuffed animals: Babies this age often develop an attachment to a "lovey," or favorite toy or blanket. And pediatricians encourage this connection, saying a familiar object can ease transitions later on. Still, some dolls and stuffed animals make more suitable loveys than others. Avoid ones with ribbons, plastic eyes, yarn, or anything that can be pulled off and put into your child's mouth. And don't get dolls so big they're hard for your baby to pick up and explore.

Balls: Balls are fun for just about any age. Lightweight fabric balls suit this particular crowd well. Roll one back and forth between the two of you on the floor, or when she's older, toss it across the room so she can crawl after it.

Household items: Look no farther than your kitchen cabinet for some of your baby's favorite items. A plastic bowl, some measuring cups, and wooden spoons will entertain your baby for a long time. Open the cupboard while you're preparing a meal and your baby will pull out a few utensils of her own and whip up something alongside you.



How your baby gets ready to achieve his first big developmental milestone.

Wood or soft blocks: Show your baby how to stack a few blocks, and then knock them down. Pile them into containers for her — and dump them out. She'll get the idea. Stacking blocks and filling and dumping games are wildly popular in this age group.

Moving toys: As your baby begins to crawl and move around, she'll be more interested in toys that do the same. Find some sturdy cars she can push around the rug. Or toys that pop up when your baby pushes just the right spot.

Books: This is the age at which reading becomes more interactive and fun for both of you. (Find out more about reading to your child.) Cloth or board books work well now. After you read the book, you can pass it to her so she can take a turn flipping the pages and "reading" to you. For more ideas, see our recommended books for babies.

MEETING ATTENDEE SIGN-IN SHEET

June 9, 2010 N.P.F.M.C. MEETING

PLEASE REGISTER ATTENDANCE FOR MEETING RECORDS

PLEASE PRINT - THANK YOU!

NAME	AFFILIATION
Don Rivaard	USFWS/osm
Michael Sloan	Kawerak, Inc.
Frank Kelly	City of Umatilla
Kenn Down	Freezer Longline Coalition
JOHN GAVIN	Best Use Corp
Tom Gemmill	Marine Conservation Alliance
Todd Loomis	Cascade Fishing, Inc.
Neil Rodriguez	Coastal Villages
Simeon Sweetser Jr.	CITY OF ST. PAUL
Glenn Roth	PSPA
Arnie Thomson	ACC
DEMMIS ROBINSON	CITY OF UMATILLA
Kris Nonosz	Teide
Rob Sanderson Jr.	CCHITA
Kenn Kaldestad	MeHe
David Edick	Alaskan Observers, Inc.
BRENT PAINK	UCB
FRANK O'HARA Jr	O'HARA Corp

MEETING ATTENDEE SIGN-IN SHEET
_____ , 20__ N.P.F.M.C. MEETING

PLEASE REGISTER ATTENDANCE FOR MEETING RECORDS

PLEASE PRINT - THANK YOU!

NAME	AFFILIATION
Luci Roberts	APICDA
Susan Ribison	Fishermen's Front
Richard D. Smith	Richard D. Smith
Eric Blumhagen	Teasen Maritime Consultants
JERRY DZUGAN	COMM. FISH INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE
Heather McLarty	McLarty & Associates
SHAWN GREGG	BANK MORGAN SOUTHSEA
Margaret Hall	Rondys, Inc.
Mike Szymanski	FCA
PAUL Mac GREGOR	AT-SEA PROCESSORS ASK.
Matt Pohut	US Seafoods
STEPHEN GRABACKI	GRAY STAR

Wednesday, June 9, 2010

0:00:01	8:06:40	call to order
0:01:55	8:08:32	Approval of minutes
0:03:31	8:10:10	Chris Oliver ED Report
0:13:26	8:20:45	Ed Poulsen, Arni Thompson, Jim Stone, Jenny Kline, Brent Paine
0:14:17	8:21:03	Report on Robinson Crusoe Island relief
0:17:45	8:24:18	B-2 NMFS Management Report
0:17:51	8:24:21	Sue Salveson
0:47:22	8:54:08	Gretchen Harrington, Review Letter on Implementation of AM91
1:09:29	9:15:38	standown
1:16:23	9:22:27	resume
1:16:46	9:23:13	Karla Bush Alaska Department of Fish and Game Report
1:27:33	9:33:39	Sherrie Meyers NOAA Enforcement Report
2:22:28		break
2:22:31	10:39:56	USCG Report
2:40:08	10:57:25	Justin Forbes
2:51:54	11:09:10	Don Rivard USFW
2:57:07	11:14:26	Jeannie Heltzel Protected Species Report
3:19:50	11:37:00	Public Comment, Dave Benton
3:38:09	11:55:03	break for lunch
3:38:19	13:19:33	resume
3:40:03	13:21:26	Larry Cotter Public Comment B Reports
3:54:22	13:35:39	John Gauvin, Best Use Cooperative
4:04:41	13:45:56	Stephanie Madsen AM91 proposed rule
4:13:10	13:54:15	Michael Lavine, Jon Warrenchuck
4:26:24	14:07:30	Tim Meintz, Todd Loomis Cascade Fishing
4:32:34	14:13:28	Kenny Down
4:44:12	14:25:00	break
4:57:47	14:38:32	resume
4:58:31	14:39:14	John Henderschedt
4:59:24	14:40:05	Motion
5:31:08	15:11:40	Diana Stram C-1
5:42:56	15:23:22	Dr. Jeff Guyon
6:36:43	16:16:57	Nicole Kimball Outreach
6:47:57	16:28:53	Diana Stram
7:15:47	16:56:57	Recess for the day

Thursday, June 10, 2010

0:00:39	8:10:40	Call to order
0:00:42	8:10:45	Diana Stram C-1
0:01:30	8:11:32	Jim Ianelli
1:15:49	9:25:23	Pat Livingston, SSC report
1:25:11	9:34:40	Lori Swanson, AP report
1:46:03	9:55:20	break
1:46:14	10:13:03	resume
1:47:07	10:14:00	Public testimony – Becca Robbins Gisclair
1:53:34	10:20:33	Michael Sloan, Kawerak
2:06:25	10:33:09	Heather Brandon WWF
2:18:35	10:45:16	John Gruver, Brent Paine
2:48:30	11:14:58	Glenn Reed
2:54:40	11:21:05	Ed Richardson
3:07:05	11:33:25	Council Discussion action
3:28:02	11:54:13	Break for Lunch
3:34:34	13:14:36	resume
3:34:39	13:14:46	amendments to motion
4:41:52	14:21:51	break
4:42:49	14:40:07	Henderschedt move to reconsider
4:56:17	14:53:32	Diana Stram Staff Report C-2
4:56:52	14:54:08	Crab ACLs and snow crab rebuilding
6:33:57	16:30:35	SSC report (10 min earlier)
6:34:07	16:30:38	Public comment
6:35:27	16:32:03	Mateo Paz Soldan
6:37:55	16:34:24	Frank Kelty
6:48:05	16:44:33	Arni Thompson
6:49:50	16:46:14	Ed Poulsen
6:53:22	16:50:01	recess for evening

Friday, June 11, 2010

0:00:01	8:04:45	Call to order
0:00:24	8:05:10	Pat Livingston SSC report
0:22:38	8:27:16	C2(a) Denby Motion
0:22:45	8:27:20	ACL
1:15:22	9:19:59	C2(c) crab bycatch paper
2:04:25	10:34:26	John Gauvin
2:04:34	10:34:38	Public Comment C-2 (b and c)
2:24:57	10:54:47	Ed Poulsen
2:57:18	11:26:59	Jim Stone out of order testimony
3:00:08	11:29:47	C-3 Scallop ACLs
3:00:15	11:29:53	Diana Stram
3:12:14	11:41:47	Nicole Kimball C-4 observer
3:24:54	11:54:16	Stop Recording [11:54:16 AM]
3:24:54		break for lunch
3:25:01	13:08:36	resume
3:25:46	13:09:23	Nicole Kimball
4:47:57	14:32:09	Martin Lloefflad, Craig Faunce
5:09:58	15:09:51	resume
5:56:38	15:56:12	Nicole Kimball
6:19:04	16:18:51	Wendy Alderson
6:23:23	16:22:46	Bob Alverson
6:24:52	16:24:20	Public testimony out of order
6:30:32	16:29:54	Joe Childers AP report
6:46:29	16:45:46	Recess for evening

Saturday, June 12, 2010

0:00:01	8:00:45	call to order
0:01:03	8:01:54	Roy Hyder Enforcement Committee Report
0:04:33	8:05:18	Public Comment Observers
0:04:39	8:05:22	Bert Bergman
0:13:53	8:14:32	Linda Benhken
0:35:51	8:36:20	Glenn Reed
0:49:24	8:49:49	Paul MacGregor
1:03:50	9:04:07	Steve Fish
1:16:44	9:17:00	Julianne Curry
1:31:27	9:31:33	Dan Falvey
1:44:32	9:44:34	Bob Krueger
1:59:46	9:59:41	Break
2:03:10	10:18:10	Ocean Mayo
2:06:21	10:21:21	Todd Loomis
2:12:01	10:26:58	Noah Mayo
2:21:45	10:36:38	Jeff Farvor
2:26:12	10:41:12	Nick Nekeferoff
2:30:32	10:45:27	Cale LaDuke
2:38:44	10:53:30	Mike Mayo
2:42:57	10:57:41	kathy hansen
3:01:54	11:16:31	Rltchie Davis
3:16:02	11:30:34	Tory O'Connell
3:16:06	11:30:37	Julie Bonney
3:33:53	11:48:20	Kenny Down
3:38:04	11:52:36	John Rob Bruce
3:40:48	13:06:29	resume
3:41:23	13:07:10	C-4 Observer Program Action
6:16:16	15:40:54	break
6:29:18	15:53:56	Public comment out of order
6:30:10	15:54:49	Eric Blumhaugen C6 B
6:35:31	16:00:02	Denny Smith
6:45:39	16:10:07	Glenn Merrill
6:45:44	16:10:21	C-6 A1 GRS program
7:07:40	16:32:01	Lori Swanson AP report
7:14:00	16:38:17	Public Comment
7:14:05	16:38:27	Jason Anderson, Bill Orr, Dave Wood
7:26:16	16:50:37	Mary Beth Tooley, John Gauvin
7:46:20	17:10:23	recess for day

Sunday, June 13, 2010

0:00:05	8:11:50	C-6 AM80 vessel replacement
0:00:16	8:11:52	Glenn Merrill
0:15:50	8:27:38	CDR Chris Woodley
1:29:22	9:40:24	AP report Lori Swanson
1:41:52	10:14:55	Roy Hyder enforcement committee report
1:45:04	10:18:04	Brent Paine, public comment out of order
1:56:17	10:29:19	Jerry Dzugan Public comment c-6 b
2:04:01	10:36:55	Dave Wood
2:04:10	10:37:01	Paul MacGregor
2:04:24	10:37:13	Bob Krueger
2:11:05	10:43:50	Clem Tillion
2:15:34	10:48:18	Mike Szymanski
2:19:33	11:06:05	Bill Orr
2:33:32	11:06:09	Susan Robinson
2:44:55	11:17:29	Helena Park
2:47:43	11:20:14	Mary Beth Tooley
2:53:11	11:25:42	Frank Ohara
3:06:33	11:39:04	Bob Hezel Paul Ison
3:20:21	11:52:39	Lori Swanson
3:29:27	13:07:33	Jim Balsiger motion vessel replacement
4:01:34	13:39:29	Mark Fina Rockfish c-5
5:16:12		break
5:20:56	15:14:28	AP report Lori Swanson C-5
5:50:50	15:44:10	Public Comment Dave Wood
5:59:06	15:52:20	David Dahl
6:00:35	15:54:01	John Iani
6:11:38	16:04:46	Helena Park
6:15:58	16:09:09	Patrick O Donnell
6:22:58	16:16:02	Jason Chandler
6:36:30	16:29:30	Bob Krueger
6:51:19	16:44:12	Lori Swanson
6:58:57	16:51:51	Bill Orr/Paul Ison
7:04:19	16:57:11	Curt Waters
7:07:51	17:00:40	Gabriel Saravia
7:10:18	17:03:04	Susan Robinson
7:19:31	17:12:12	Gregg Williams
7:30:48	17:23:26	Margaret Hall
7:38:50	17:31:29	Kurt Cochran
7:55:31	17:48:00	Stoian Iankov
7:58:32	17:50:57	Don Ashley
8:08:20	18:00:42	break for evening

Monday, June 14, 2010

0:00:02	8:03:44	Call to order
0:02:14	8:05:27	Matt Hegge public testimony C5 GOA Rockfish
0:04:42	8:07:44	Bob Hezel
0:11:11	8:14:23	Dan Hees c/o George Hall
0:13:29	8:16:29	Chuck McCallum
0:29:15	8:32:09	Mike Szymanski
0:37:55	8:40:49	Linda Behnken
0:48:21	8:51:07	Heather McCarty
1:02:03	9:04:44	Julie Bonney
1:30:46	9:55:28	Fields motion
3:35:00	13:05:42	break for lunch
3:35:12	13:05:46	resume
6:07:02	15:36:39	Motion continued
8:19:23	18:24:27	Second read through of motion
8:27:43	18:32:42	final thoughts
8:36:26	18:41:29	National Standards applicability
8:36:54	18:41:48	Twit amendment
8:51:16	18:56:05	Deeming motion
9:13:38	19:18:18	adjourn for the day

Tuesday, June 15, 2010

0:00:01	8:07:32	Call to order
0:32:14	8:39:39	Jon McCracken
0:32:25	8:39:46	AP report D-1 (a) Lori Swanson
0:33:41	8:41:01	Public comment
0:33:55	8:41:11	Mike Shelford
0:40:33	8:48:00	Sue Salveson
0:55:45	9:03:00	D-1 (b) MRA Arrowtooth
0:55:55	9:03:04	Jon McCracken
1:06:39	9:13:42	AP report
1:08:47	9:15:53	Public Comment - Lori Swanson
1:50:50	9:57:44	Gregg Williams IPHC D-2 (a)
1:55:27	10:02:11	AP Report
2:00:14	10:07:44	Jeff Fujioka
2:16:29	10:23:19	David Witherell Briefing on D-2 (b)
2:20:10	10:26:44	AP took no action
2:25:37	10:32:11	Sue Salveson, D-2 (e) AFA – prelim report removal
2:25:42	10:32:23	Lori Swanson D-2 (e) AP report
2:42:46	10:49:16	D-3 Staff Tasking
2:43:01	10:49:25	D-3 Public comment
2:53:36	11:00:05	Everett Anderson APICDA
3:18:01	11:24:16	discussion regarding August meeting

DRAFT

DRAFT

DRAFT REPORT
of the
SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 7-9, 2010

The SSC met during June 7-9, 2010 at the Centennial Hall, Sitka, Alaska. Members present were:

Pat Livingston, Chair <i>NOAA Fisheries—AFSC</i>	Farron Wallace, Vice Chair <i>Washington Depart of Fish and Wildlife</i>	Troy Buell <i>Oregon Department of Fish and Wildlife</i>
Robert Clark <i>Alaska Department of Fish and Game</i>	Keith Criddle <i>University of Alaska Fairbanks</i>	Anne Hollowed <i>NOAA Fisheries—AFSC</i>
George Hunt <i>University of Washington</i>	Gordon Kruse <i>University of Alaska Fairbanks</i>	Kathy Kuletz <i>US Fish and Wildlife Service</i>
Seth Macinko <i>University of Rhode Island</i>	Franz Mueter <i>University of Alaska Fairbanks</i>	Lew Queirolo <i>NOAA Fisheries—Alaska Region</i>
Terry Quinn <i>University of Alaska Fairbanks</i>	Ray Webster <i>International Halibut Commisson</i>	Doug Woodby <i>Alaska Department of Fish and Game</i>

Members absent were:

Sue Hills
University of Alaska Fairbanks

Plan Team Nominations

The SSC approves the nomination of Peggy Murphy to serve on the Scallop Plan Team and Chris Lunsford to serve on the GOA Groundfish Plan Team.

C-1 (b) Chum salmon PSC alternatives

Diana Stram (NPFMC), Jim Ianelli (AFSC), and Alan Haynie (AFSC) presented details from discussion papers concerning analysis of alternatives for addressing chum salmon prohibited species catch (PSC) in Bering Sea groundfish fisheries. Topics discussed were analytical techniques for evaluating area closures, estimation of AEQs derived from chum salmon PSC for various stock groupings, and evaluation of groundfish fleet behavior and economic effects under status quo chum salmon PSC management. Public testimony was given by Ed Richardson (Pollock Conservation Cooperative).

The analysis of area closures is much improved with a simple ranking of ADF&G statistical areas based on chum salmon PSC and pollock catch. Selection of 10 statistical areas based on this approach was straightforward and easy to understand. In the example provided, combinations of the 10 statistical areas into four geographical regions, with closures keyed to a three week “look ahead” of chum salmon PSC, provided a method of determining areas for closure that was robust to the temporal and spatial variability in PSC. The AEQ analysis will attempt to estimate removal rates of chum salmon in groundfish fisheries by individual stock of origin grouping to assess the impact of PSC on the inriver runs of chum salmon. The status quo analyses will attempt to model groundfish fleet behavior to assess the impact of particular closure scenarios on this fleet.

The SSC commends the authors for their hard work on all aspects of this analysis. **The SSC agrees with the ranking approach used to select 10 statistical areas for potential closure and the concept of**

grouping statistical areas and temporal trends in PSC to identify regions for closure that are reactive to past trends and robust to variability in these trends. The SSC recommends that the analysis also consider the effect of cold versus warm years in the Bering Sea as an additional indicator of particular statistical areas or regions to potentially close. The AEQ analysis appears sound, using an age-length key to expand the age composition data and accounting for uncertainty in survival rates, maturation rates, and run sizes of stock groupings. The SSC also found the description of procedures for the status quo analysis sufficient for assessing the impact of closures on the groundfish fleet. This issue involves presumptive entitlements on the part of stakeholders regarding the distribution of costs and benefits of salmon management. The SSC recommends that the analysis also address economic, social, or other relevant impacts of both the status quo and closures to reduce chum salmon PSC in groundfish fisheries on salmon-directed commercial and subsistence fisheries across regions identified in the analysis. This might require consultations with USFWS/Office of Subsistence Management, the State of Alaska, and stakeholders in these fisheries. Assessment of impacts, which may accrue to U.S. domestic salmon fisheries, will require adoption of plausible assumptions regarding the disaggregation of projected AEQ chum salmon to the scale of individual drainages, assumptions about state harvest management strategies, and assumptions about the numbers of fish that would be harvested by commercial, sport, personal use, and subsistence fishermen. The SSC recommends thorough examination of these potential impacts.

C-1(c) Chum Salmon Genetics/analysis

Jeff Guyon (AFSC) reviewed the results of a genetic stock composition analysis of the 2009 chum salmon bycatch samples and compared these with the results of previous analyses. The temporal and spatial mismatch between the distributions of the samples and the bycatch was discussed. Guyon noted that methods for adjusting results to reduce potential biases caused by this mismatch are under investigation. The SSC suggested the use of post-stratification as one approach to adjust for the mismatch and Guyon noted that the large sample sizes for chum salmon gives this approach more potential than for other fish stocks. The issue of sample sizes required to undertake the statistical analysis on a finer scale is being examined. The SSC agrees with the direction researchers are taking to reduce bias, both through improvements in future sampling and in considering changes to the analysis. **The SSC recommends that results based on the analysis of eight loci be presented in the future and suggested two changes to the future sampling design. The first suggestion is to deviate from a completely representative design by increasing samples taken in area/time strata, if precision in the estimates increase, or to gain a finer geographic resolution for regions of origin or of particular interest. We note, however, that this may be difficult to achieve, due to the geographic concentration of bycatch. The second suggestion is to consider a two-stage sampling program, in which large numbers of physical samples are taken, but only a subset is initially submitted for genetic analysis. Additional samples could be analyzed later if required to improve the results of subsequent analyses (e.g., AEQ).** Finally, the SSC notes that the AYK-SSI subsistence demand report (Wolfe et al., in preparation) may inform this issue.

C-2 (a) Initial review crab ACL and snow crab rebuilding

Diana Stram (NPFMC) presented the Initial Review Draft of the Environmental Assessment for two proposed amendments to the FMP for the Bering Sea and Aleutian Islands king and Tanner crab fisheries. Jack Turnock (AFSC) provided additional clarification and revision of the snow crab analyses, including alternative snow crab models and rebuilding analysis. Public testimony was provided by Edward Poulsen (ICEPAC) and Arni Thomson (Alaska Crab Coalition).

The proposed actions in this EA consist of: (1) establishing ACLs for 10 crab stocks 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).

The SSC has reviewed several iterations of the analyses contained in this Initial Review Draft and provided comments and guidance on the analyses several times, most recently in April. We appreciate the tremendous amount of effort that went into revising the analyses and note that the analysts have been very responsive to our comments and concerns in a very short time frame. **The SSC recommends that the Initial Review Draft be released for public review after the comments and suggestions below have been addressed. The SSC also requests an opportunity to comment on the final draft document in October, 2010.**

The EA document, while providing adequate information for decision making, is highly technical and could benefit from simplified explanations and illustrations of the Alternatives. The document should clearly articulate to the Council and to the public how the proposed approaches differ, for example, from the current groundfish control rule and from crab control rules. Graphics depicting the control rules could be included in the document to illustrate the different approaches.

The document should emphasize that the choice of the probability that ABC exceeds OFL (P^*), which reflects the overall degree of risk aversion, is a policy choice by the Council. While it would facilitate the comparison of alternatives if the Council was to select a single P^* to apply to all stocks, the Council's degree of risk aversion could depend on the economic or social importance of particular fisheries. The Council needs to clearly communicate its rationale for specification of P^* . Similarly, the degree of uncertainty in the estimate of OFL needs to allow for flexibility to reflect our evolving understanding of uncertainty. Choosing an appropriate level of uncertainty is the primary means by which the P^* approach provides for precautionary management. One advantage of this approach, as opposed to a constant buffer, is that it provides a strong incentive to reduce uncertainty in the estimates of OFL.

As part of the P^* approach, the SSC endorsed the inclusion of low, medium, and high levels of additional uncertainty to reflect sources of uncertainty that are not accounted for within the stock assessments. For the analyses to be finalized, values for the additional uncertainty (σ_b) have to be chosen by the SSC and will become defaults under the P^* approach. However, the default values should be evaluated annually by the assessment authors, CPT, and SSC to reflect our evolving understanding of the true magnitude of uncertainty in the OFL. The level of uncertainty is expressed as the standard error of the log-transformed OFL, which is approximately equal to the coefficient of variation (CV) of OFL over the range of values considered here. The current draft uses values of $\sigma_b = 0.2, 0.4, \text{ and } 0.6$, but following much SSC discussion **the SSC accepted the May 2010 CPT recommendation to use values of 0.2, 0.3, and 0.4 for stocks with low, medium, and high levels of additional uncertainty, as classified in Table 2-5.** We note that these levels are considerably lower than the uncertainty levels chosen for groundfish by the Pacific Council (0.367, 0.72, and 1.44 for groundfish stocks classified as data-rich, data moderate, and data poor, respectively), but are comparable to estimates of σ_b by Hanselman (2009) for North Pacific groundfish stocks, which ranged from 0.04 to 0.51 among stocks and between two different methods.

The SSC provides the following rationale for the choice of $\sigma_b = 0.2, 0.3, \text{ and } 0.4$:

- The CPT advised that levels up to 0.6, which implies a 95% confidence interval for OFL that ranges from $0.3 \cdot \text{OFL}$ to $3.3 \cdot \text{OFL}$, were too large.
- These values are default values that can and should be changed as our understanding of uncertainty changes over time. In particular, uncertainty for stocks in the lower tiers (e.g., Tier 5) should be re-evaluated, if the P^* approach is adopted, and may warrant different levels of uncertainty, particularly as new methods for determining the extra uncertainty are developed.

Key results of the analyses are included in Tables 2-11 and 2-12. Interpretation of results may be complicated by the fact that a given level of P* or a constant buffer could be associated with a probability of overfishing ($ABC > OFL$) that exceeds 50%. This is, in part, a consequence of the asymmetric distribution of OFL (long right tail of the distribution), which implies that the median is smaller than the mean and $Pr(ABC > \text{mean OFL})$ is larger than 50%. There is further confusion resulting from inconsistencies among chapters in the use of either the mean or the median to describe central tendency. While consistent use of the median would avoid some of these issues, the interpretation of OFL as a median is not consistent with current practice, which interprets OFL as the mean of an assumed or estimated distribution. The SSC would like to see a brief explanation, including a graph, of the effects of skewness in the distribution of OFL on the resulting buffer values and P* values to help readers interpret the results, as well as an explicit paragraph on whether the mean or the median was used in computing buffers in the individual chapters (with rationale).

While the results in Tables 2-11 and 2-12 appear to preclude the use of certain P* values or buffers for some stocks, because they would result in a 50% or greater chance of overfishing, the SSC notes that this problem could be avoided by specifying a P* value no greater than 0.x or a buffer no less than x%. Adjustments for individual stocks could then be made to assure that the probability of overfishing does not exceed 50%.

The SSC discussed the alternatives and options and has the following recommendations:

- Regarding the alternatives, the SSC notes that the P* approach directly accounts for uncertainty in setting ACLs below the OFLs, as mandated by the MSA, and provides a strong incentive to reducing the uncertainty in OFL through improvement to our understanding of stock dynamics. The SSC recommends the P* approach, because it is more directly responsive to changes in our understanding of uncertainty. The constant buffer approach provides a simpler and more easily understood approach to setting ABC below OFL and could be structured to provide an incentive to improve stock assessment by using increasing buffers for lower tiers. If the Council is not comfortable with the P* approach for data-poor stocks, a hybrid approach could be adopted that uses P* for Tier 1 through Tier 3 stocks and a constant buffer approach for stocks in the other tiers. However, such an approach would have to be carefully designed, to ensure that the implied buffer increases with the tier level to reflect higher levels of uncertainty for data poor stocks and provide a continued incentive to move stocks into higher tiers.
- Regarding options for the review process, the SSC felt that option 3, which requires an additional SSC meeting, either in person or via teleconference, may not be viable due to scheduling difficulties. With regard to option 4, setting OFL in June may be a viable option for some stocks, but should not be used as a general approach for all stocks, because of the lack of recent summer survey information in the determination of stock status.

Regarding the discussion of accountability measures, the SSC reiterates concerns that there is currently no mechanism to limit bycatch in other fisheries for any of the crab stocks. Hence, if an ACL is exceeded, any necessary adjustments would currently come out of the directed fishery. The SSC was encouraged to see that the Council is considering an analysis of PSC limits in groundfish fisheries and we look forward to seeing an analysis of such limits.

Snow crab rebuilding

The snow crab rebuilding analysis was folded into the ACL analyses to evaluate ACL alternatives under different rebuilding scenarios. The SSC notes that the rebuilding analyses should be updated with results

from model 5, the recommended model for OFL determinations. The SSC discussed the choice of declaring stocks rebuilt after one or two years of exceeding the reference level. The 2-year requirement was selected in the original rebuilding plan, because of the high inter-annual survey variability that was used at that time to assess stock status in the absence of an assessment model. **We recommend the use of a 1-year requirement for rebuilding, because the stock is now assessed using a size based model that dampens inter-annual variability in spawning biomass.** Thus, the rationale for the 2-year requirement no longer applies. Moreover, the 1-year requirement is standard in other rebuilding plans.

All alternatives in the rebuilding plan include a provision to annually update F to maintain the specified probability of rebuilding. The SSC requests that additional information be provided in the document on how these adjustments would be made.

The SSC offers the following minor/editorial comments to the authors of the Initial Review Draft:

- Under Alternative 2 (constant buffer approach), please clarify that $ABC = (1 - \text{buffer}) * OFL$. In the listed options, it would be useful to clarify the implied buffer value in parentheses, e.g.,
Option 3: $ABC = 80\%$ of OFL (20% buffer)
Please check to make sure that ‘buffer’ is consistently used throughout the document. The text still uses ‘buffer’ instead of ‘1-buffer’ in some places (e.g., 2.3.2.1). The use of “buffer level of 80%,” when referring to the multiplier (= 100% - buffer), should be avoided.
- The structure of the Tanner crab chapter 5 should be made consistent with other chapters
- Plots of the probability of overfishing as a function of the buffer and the additional uncertainty (e.g., Fig. 6-7/6-8 on p. 149/150) should be made more legible, by increasing the size of the graphs or using a 2-D contour plot instead of the 3-D surface.
- Text under 2.2.3 (top of p. 15) is erroneous or unclear. We suggest replacing this text with corresponding text from the executive summary or similar language.
- Section 2.3.1.2: Briefly explain how σ_b was determined in the analysis of groundfish stocks (p.19). Also, the columns labeled “buffer” actually contain “1-buffer” values, so should be relabeled.
- Section 5.2.1 (p. 116): Correct the calculation of σ_{tot} . If $\sigma_w = 0.14$ and $\sigma_b = 0.4$, then $\sigma_{tot} = \sqrt{0.14^2 + 0.4^2} = 0.424$, which is different from the stated value (=0.403).
- P. 19 under Table 2-6: The estimated values σ_b do not agree with the table (should be 0.04 to 0.40 and 0.09 to 0.51). The value 0.09 comes from GOA ATF, not EBS pollock.
- Regarding the Pr(Overfished), briefly note what A and B refer to in each table header (e.g. Table 5-3).
- Fig. 5-4 appears to be identical to Fig. 5-3
- P. vii, first sentence of 2nd paragraph: Change “the most precise estimates of within assessment uncertainty” to “the lowest assessment uncertainty”.
- Fig. 2-2: Use same x-axes in both panels for comparison.
- Table ES-3 and Table 2-4 have incomplete headers.
- P. 22: ‘where x is the buffer level selected’ should be replaced with “where 1-x is the buffer level selected”.
- Fix references to other sections, which were frequently outdated.

Economic analyses

The SSC appreciates the efforts made by authors of the economic analyses to address our concerns with earlier drafts. The caveats pertaining to interpretation and application of the projected potential foregone gross revenues are critical additions to the narrative and should reduce the likelihood of misunderstanding of reported numerical results. The SSC recommends that the tabular displays of the relative economic performance of the competing alternatives, as projected in the model, be arrayed as percentage changes, rather than gross discounted present value estimates of foregone revenue. Before the ACL and overfishing analyses are released for public review, care needs to be taken to ensure that discussion of anticipated economic impacts are included for each stock and that ‘placeholder’ text be removed once the economic discussions have been added to the text.

C-2(b) Crab SAFE/OFLs

SSC recommendations June 2010 (Note diagonal fill indicates parameters not applicable for that tier level, blank indicates section to be filled out for the final SAFE in September 2010) (Bold indicates SSC changes)

Chapter	Stock	Status Tier (a,b,c)	F _{OFL}	B _{MSY} or B _{MSYproxy}	Years ¹ (biomass or catch)	2010 ² MMB	2010 MMB / MMB _{MSY}	γ	Mortality (M)	2010/11 OFL mill lbs [retained]	
1	EBS snow crab	3			1979-current [recruitment]				Male-estimated Female – 0.23		
2	BB red king crab	3			1995-current [recruitment]				0.18 default, estimated otherwise ³		
3	EBS Tanner crab	4		183.6	1969-1980 [survey]			1.0	0.23		
4	Pribilof Islands red king crab	4			1991-current [survey]			1.0	0.18		
5	Pribilof Islands blue king crab	4		9.28	1980-1984; 1990-1997 [survey]			1.0	0.18		
6	St. Matthew Island blue king crab	4			1989-current [model estimate]			1.0	0.18 (1978-98, 2000-08); 1.8 (1999)	[total male catch]	
7	Norton Sound red king crab	4	a	0.18	3.12	1983-current [model estimate]	5.44	1.7	1.0	0.18	0.73
8	AI Golden king crab	5				SSC formula ⁴					11.0
9	Pribilof Island golden king crab	5				Plan team formula					0.18
10	Adak red king crab	5				1995/96-2007/08					0.12

¹ For Tiers 3 and 4 where B_{MSY} or B_{MSYproxy} is estimable, the years refer to the time period over which the estimate is made. For Tier 5 stocks it is the years upon which the catch average for OFL is obtained.

² MMB as projected for 2/15/2011 at time of mating.

³ Model male mature biomass on 7/1/2010

⁴ Additional mortality males: two periods-1980-1985; 1968-1979 and 1986-2008. Females three periods: 1980-1984; 1976-1979; 1985 to 1993 and 1968-1975; 1994-2008. See assessment for mortality rates associated with these time periods.

⁵ SSC formula $OFL_{TOT} = (1 + RATE_{96/97 - 08/09}) * OFL_{RET(85-86 - 95/96)} + MGF_{96/97 - 08/09} - 9.18 * 1.2 + 0.3 = 11.0$

General comments:

The SSC requests that the Crab Plan Team and stock assessment authors for red king crab chapters either justify differences between stocks in handling mortality rates for crab pot discards, or adopt a single rate. In order to have greater consistency between assessments, the SSC recommends that catch statistics reported in the executive summary section contain both metric tons and pounds (millions).

It would be useful to consider presenting results from the newly developed projection models for stocks during the next assessment cycle. For example, the SSC notes that the projection model for Pribilof red king crab could be interpreted as an indication that the stock is approaching an overfished condition. This information should be provided in the SAFE when the assessments are finalized in the fall, even though OFL determinations will be based on Tier 4 considerations.

Snow crab

Public testimony was provided by Edward Poulsen (ICEPAC) and Arni Thomson (Alaska Crab Coalition).

We have reviewed several updates to the snow crab model since last year's SAFE in the context of ACL analyses and rebuilding. For this year's SAFE, the authors presented results from 7 models that address many of the recommendations previously made by the CPT and the SSC. We commend the authors on a clearly structured analysis that focused on incorporating incremental changes to the model and evaluating the consequences. The base model includes the BSFRF survey data, estimates the probability of maturing, estimates separate selectivity curves for males and females, and excludes small crab (< 40 mm) from the model. Important variations on the base model assess the effects of: fixing selectivity at the Somerton estimated curve, estimating M (with prior), and estimating growth-per-molt.

The current models generally improve on previous model fits, but there is still much uncertainty about selectivity and natural mortality. The authors carried forward two models that fixed selectivity at the estimated "Somerton curve" (as requested), but the model fits to survey biomass and other data components deteriorate substantially, with or without estimating natural mortality and growth. Other models fit the data reasonably well, with models 1 and 5 providing the best statistical fits. **The SSC concurs with the CPT that Model 5 provides the best overall fit and supports the use of this model for stock status determinations and specifications.**

The SSC offers the following comments and suggestions for further model improvements during the next assessment cycle:

- The SSC agrees with the recommendations of the CPT on page 9 of the SAFE Introduction. Specifically, the consequences of not placing penalties on M should be explored in Model 5 and/or other models. For model runs that constrain M, a clear rationale for the constraint should be provided.
- With regard to selectivity, we encourage further exploration of changes to the model that improve the fit to other data components, if selectivity is fixed at the Somerton curve or that result in a more realistic selectivity curve, if selectivity is estimated.

- Catchability (q) for females in model 5 is considerably lower than for males; therefore a discussion about the biological basis that may explain this difference should be included, if catchabilities are estimated separately.
- The model currently estimates both q and M and it would be useful to include a plot of the bivariate distribution of M against q . This would help clarify the influence of q and M in the model to test the contention that q and M are less confounded in this kind of model than is typically the case in age-structured assessments (as per CPT minutes).
- We encourage and look forward to the further development of a spatial model for snow crab that may help resolve issues such as selectivity, poor fits to some length-frequency data, differential fishing mortalities, and the possibility of differential contribution to recruitment of local populations.
- The SSC requests some discussion and clarification on the possible influence of using NMFS survey data from within the “study area” (where experimental trawling was done) twice in the analysis: once to fit selectivities for the entire trawl survey area and once to fit selectivities within the “study area”.
- Improvements in the snow crab model continue to be hampered by a lack of basic biological data on the stock and we encourage continued research on reproductive potential, movement, aging, growth, and other biological parameters.

The SSC also requests that analysis from the 2010 BSFRF survey be brought to the SSC, as early as possible, to provide us with an opportunity to review the results and provide suggestions on how to incorporate results in the assessment model for next years’ assessment cycle.

Bristol Bay Red King Crab

The assessment is a straightforward update of the approach used last year. The model is a length-based population dynamics model using trawl survey, commercial catch, and observer data. Nine model scenarios were evaluated involving combinations of additional time-varying natural mortality for males and females (to the baseline of 0.18), an additional survey conducted by BSFRF, and estimation of molting probabilities. The selection of years for additional natural mortality was more consistent among males and females than last year. The authors were very responsive to CPT and SSC recommendations over the last year. Model selection was based on maximum likelihood.

The SSC agrees that Model 3 is suitable for basing stock status determination after the summer survey data are incorporated later this year. This model estimates additional natural mortality for males and females, uses the BSFRF survey, and does not estimate molting parameters. However, the SSC notes that Model 5, which sets additional mortality for females to 0, has a higher likelihood. This should not be possible, because Model 5 has one less parameter. This needs to be rechecked. It may be that these sex-specific differences in additional natural mortality are not needed. Also, the SSC recommends that the authors consider using AIC for model comparison for the sake of parsimony. (This can only be done when the same data are used.)

The SSC concurs with the CPT that the stock is in Tier 3. The SSC also agrees with the selected range of years, 1995 to the current year, for average recruitment and $B_{35\%}$. The SSC agrees with the authors’ plan to continue to refine the model in terms of likelihood profiles for M and q , sensitivity to data weighting, use of Bayesian methods, and other topics described on pages 137 – 142 of the May 2010 SAFE.

The SSC notes that the time periods used for estimating survey selectivity do not match the time periods used for estimating survey catchability q . This does not seem realistic, since shifts in gear would be expected to influence both selectivity and q . The SSC requests that the authors examine a model with common time periods for q and selectivity.

On page 165, the author states that one explanation of the extra female mortality during 1976 through 1979 and 1985 through 1993 was increased bycatch (among other things). If the primary cause of the additional mortality is thought to be bycatch mortality, then this should be modeled as female fishing mortality, rather than natural mortality, because the fishery impact would be over a discrete season, rather than an entire year. At a minimum, it should clarify and justify how the additional mortality was modeled.

On the bottom of page 166, the SSC notes that the pot male fishing mortality rate in the SAFE is not correct. This value should be 0.2.

The SSC notes that the values for 2009/10 OFL in the SAFE chapter and the ACL document do not match. The author should explain the reason for the difference.

For the Ecosystem Considerations chapter, the importance of king crab consumption of fish discards should be examined. This has been observed in the Barents Sea, where king crab distribution overlaps intensive fishing activity (G. Hunt, pers. comm.). Thus, it would be interesting to examine trajectories of crab populations in relation to the amount of groundfish discards.

If time permits, it would be useful for the CPT and SSC to see the CIE review report at their September/October 2010 meetings.

Eastern Bering Sea Tanner crab

Public testimony was received from Edward Poulsen (ICEPAC) and Ed Richardson (Pollock Conservation Cooperative).

It appears that Tanner crab abundance has fallen below the MSST, which will require a rebuilding plan to be developed. As explained in the SAFE summary (p.12), a stock assessment model is under development, but not yet ready for review. The plan is to get CPT and SSC review in September/October 2010, for use in the rebuilding plan to be drafted by May 2011. The SSC agrees that a workshop to aid model development would be useful. The SSC would like the authors to develop a model capable of handling two different minimum size limits, one in the eastern and another in the western areas as the Alaska Board of Fisheries may take such action at their next on BSAI crabs; this might be beneficial for optimal harvesting.

Lacking a stock assessment model, stock status determination continues to be based on the trawl survey. This year the revised survey estimates (corrected survey net width) were used for the first time. Final determination will be made after the summer survey.

The SSC concurs with the CPT that the stock is in Tier 4, given the survey series and an estimate of M , and with the use of a default value for γ of 1 to set OFL. The SSC requests that the authors and CPT reconsider the choice of years to be used in calculating B_{msy} , currently 1969 through 1980. The two issues of data quality and regime shift need to be more fully addressed. Regarding the latter, is it possible that the generally warmer Bering Sea is in a new regime, with more groundfish predators (e.g., cod) and competitors (e.g., flatfish), which has caused a change in Tanner crab productivity. Two options might be to extend the time period to the current time or start the time period later, depending on identification of the shift.

The CPT recommended that the text for OFL calculation should be revised to represent what was actually done. It might be helpful for the CPT to elaborate on what was incorrect in the SAFE, so that the authors can make the appropriate changes.

Pribilof Islands Red King Crab

Public testimony was provided by Edward Poulsen (ICEPAC).

The Pribilof Islands red king crab fishery has been closed since 1999, due to concerns with high variability in survey estimates of blue king crab, which is taken as bycatch in the red king crab fishery. Results from the 2009 assessment survey indicate that the mature male biomass (at the time of mating for the 2009/10 season) had declined by roughly 60% from the prior year, closely approaching the minimum stock size threshold estimated for the 2008/09 season.

The SSC agrees with the CPT recommendations for continued management of Pribilof Islands red king crab under Tier 4, setting $\gamma=1$, with $M=0.18$, and using the 1991 through current time series for estimating the proxy for B_{MSY} . In regards to stock structure (SAFE page 314) the SSC suggests consulting Seeb and Smith (2005), as described on SAFE page 554 (Adak red king crab chapter), which describes stock structure of red king crab in waters off Alaska. As stated in SSC minutes from June of 2009, the SSC looks forward to the presentation of a catch-survey analysis for this stock in October 2010.

Pribilof Islands Blue King Crab

The Pribilof Islands blue king crab fishery has been closed since 1999, due to low stock levels. The stock was declared overfished in 2002; a revised rebuilding plan is under development.

The SSC agrees with the CPT recommendation for management of Pribilof Islands blue king crab under Tier 4, where $\gamma=1$, $M=0.18$, and using the 1980 through 1984 and 1990 through 1997 time periods to determine the average MMB as a proxy for B_{MSY} . The SSC reiterates our request from June 2009 that an analysis be included in the revised rebuilding plan to examine information on stock separation from the St. Matthew Island blue king crab stock. The SSC continues to look forward to the implementation of a catch-survey analysis for this stock.

St. Matthew Blue King Crab

St. Matthew blue king crabs are assessed by a four-stage catch-survey analysis of males only. Five model scenarios will be analyzed using data updated with the 2010 survey data and 2009-2010 bycatch data, when these become available. The SSC concurs with the CPT and author in the recommendation of a Tier 4 designation and the use of model scenario 1 (i.e., the same as used in the previous year, with M fixed at 0.18 for 1978-1998 and 2000-2009, M estimated for 1999, and q fixed at 1.0). The SSC supports all of the CPT recommendations. With respect to the issue that the model cannot duplicate the large proportion of recruits seen in the pot surveys, the SSC recommends to the authors to attempt to identify the potential source(s) of this bias: 1) errors in the database, 2) mis-classification of shell age by the biologists on the surveys, and 3) different carapace wear/biofouling rates for this particular stock. Seemingly, some of these issues can be addressed by a mark and recapture study, cross-training of staff, or other approaches. Finally, on Figure 15 (p. 410), the year axis should be re-labeled with actual years.

Norton Sound Red King Crab

The assessment updated the length-based model presented in the 2009 SAFE. In response to previous SSC comments, the model now includes discard mortality and pot fishery PSC. In response to SSC comments, the author applied a handling mortality rate of 0.2. **The CPT recommended, and the SSC agrees, that the assessment model output should be used as the basis for estimating biological reference points for the 2010/11 season.**

The author considered seven models. **The CPT recommended, and the SSC agrees, that Model 6 should be used for estimation of the 2010/11 OFL.** While the SSC agrees with the use of Model 6 for the 2010/11 season, we request that the author provides a rationale for why larger crab would have a higher natural mortality rate ($M=0.288$), and why this added mortality at large sizes is applied to only this population. The CPT also recommended, and the SSC concurs, that this stock qualifies for Tier 4 management and that the reference natural mortality rate for estimation of the OFL should be 0.18. The SSC continues to recommend that the reference time period for estimation of B_{MSY} proxy should be 1983 through 2009, and that gamma should be set at 1. **Based on these considerations, the SSC recommends a 2010/11 OFL for Norton Sound red king crab of 0.73 million pounds (total catch OFL).**

The SSC continues to encourage the author to work on the Norton Sound red king crab assessment model, with a long-term goal of moving this stock to Tier 3.

Aleutian Islands Golden King Crab

Public testimony was provided by Dick Tremaine (Norton Sound Economic Development Corporation) and Linda Kozak (F/V Patricia Lee and golden king crab harvesters).

No biomass estimates are available for this stock, as there is no accepted stock assessment model or comprehensive annual surveys. A partial survey planned for 2009 was cancelled. Therefore, the SSC agrees with the CPT recommendation to manage the Aleutian Islands golden king crab stock under Tier 5, using a total-catch OFL. This year would be the first implementation of a total-catch OFL; a retained-catch OFL (9.18 M lbs) had been used through 2009.

In their May 2010 report, the CPT developed three alternatives for computing a total-catch OFL, but could not come to a consensus recommendation. The first two alternatives were developed based on average bycatch mortality rate in the crab fisheries, average retained catch, and mean bycatch mortality in groundfish fisheries, using different time periods to compute these averages. The third alternative was based on the average of total catch for all components, as reported in Table 4 of the stock assessment. The SSC ruled out the third alternative, because it specified a total-catch OFL of 6.8 M lbs, which is significantly lower than the retained-catch OFL of 9.18 M lbs, without any biological justification. In considering the other two alternatives, the SSC discussed the merits of basing the bycatch mortality rate in crab fisheries on averages calculated over 2005/2006 through 2008/2009 (Alternative 1), versus 1996/1997 through 2004/2005 (Alternative 2). In the end, the SSC resolved that basing this bycatch mortality rate on the full time period (1996/1997 through 2008/2009) may be most robust, as it includes the most data. Thus, the SSC recommends its own alternative:

$$OFL_{TOT(4)} = (1 + RATE_{96/97-08/09}) \cdot OFL_{RET(85/86-95/96)} + MGF_{96/97-08/09} = 11.0 \text{ million lbs}$$

where:

$RATE_{96/97-08/09}$ = mean annual rate = (bycatch mortality in crab fisheries)/(retained catch) over the period 1996/97-2008/09.

$OFL_{RET(85/86-95/96)}$ = mean annual retained catch over the period 1985/86-1995/96, and

$MGF_{96/97-08/09}$ = mean of annual bycatch mortality in groundfish fisheries over the period 1996/97-2008/09.

The SSC recommends that this time period be frozen, to stabilize the control rule.

The SSC appreciates the opportunity to examine the stock assessment model, which is still undergoing development. The SSC suggests that Table 2 (page 8-24) would be easier to use and interpret if the values in the footnotes (a-h) were incorporated into the body of the table. The SSC compliments the CPT on their excellent comments to the authors on the assessment model and endorses those recommendations. The SSC anticipates reviewing an assessment model for potential adoption in 2011.

Pribilof Islands Golden King Crab

The Pribilof Islands golden king crab stock has supported small and sporadic fisheries. There was no fishing effort during 2006 through 2009. Although there were trawl surveys in the Pribilof Canyon area in 2002 and 2008, biomass estimates of mature males are unavailable. Therefore, the SSC supports the CPTs recommendation to manage this stock under Tier 5. The SSC also supports the CPTs recommended use of a total-catch OFL = 0.18 M lbs for the first time in the Pribilof District in 2011. This total-catch OFL was derived from a relationship between the previous retained-catch OFL (based on the 1993 through 1998 seasons) and crab bycatch mortality in groundfish and non-directed crab fisheries based on catches in federal reporting areas 513, 517, and 521 during 1991/92 through 2008/09:

$$OFL_{TOT} = 1.05 * OFL_{ret} + 0.006.$$

Adak Red King Crab

There is no assessment model for this stock. The fishery was closed for the 2009/10 season. In response to previous SSC comments, the author estimated non-retained mortality during crab and groundfish fisheries for the period 1995/96 through 2008/09. The author assumed a handling mortality rate of 0.2 for Adak red king crab that were captured and discarded in the AI Golden king crab fisheries. The handling mortality for king crabs captured and discarded by fixed gear and trawl groundfish fisheries was assumed to be 0.5 and 0.8, respectively. The SSC requests that the 2006 and 2009 description of the survey be expanded to include CPUE or biomass estimates for the regions surveyed. **The CPT recommended, and the SSC agrees, that the base time period for estimation of the OFL should be changed to 1995/96 through 2007/08 (this time period will then be fixed) to allow the estimation of a total catch OFL. Based on these considerations, the SSC recommends a 2010/11 OFL for Adak red king crab of 0.12 million pounds (total catch OFL).**

C-2(d) Tier 6 working group/workshop request

The Council requested the SSC hold a special workshop to evaluate and consider new approaches for groundfish Tier 6 ACL estimation. The SSC agrees to hold the workshop this summer and will involve stock assessment authors of Tier 6 stocks and other experts. The workshop will likely be conducted via tele/video conference.

C-3 Scallop ACLs

Diana Stram (NPFMC) provided an overview of the Initial Review Draft of the EA to comply with ACLs for the scallop FMP. Jim Stone (Alaska Scallop Association) provided public testimony.

The SSC last reviewed ACL alternatives in the preliminary review draft at the April 2010 meeting. The most significant changes include the development of alternatives to implement OFLs, based on total catch rather than retained catch (as requested by the SSC), use of P* to evaluate the alternative buffer approaches, and development of alternatives to address non-weather-vane scallop species.

The SSC recommends releasing the document for public review after the issues itemized below have been addressed. The SSC does not request to see the document again prior to final action. The SSC provides two pieces of advice to the Council for their consideration during final action. First, we observe that, since fishery rationalization, quota management has been extremely precise for the scallop fishery, and this high level of precision indicates that management uncertainty for this stock would be low. Second, estimates of P* presented in Table 4-2 indicate that Alternatives 2a and 2b (P*=0.5) are not viable options, because ACL guidelines specify that the probability of overfishing must be less than 50% (however, see SSC comments on this issue below).

The SSC compliments the preparers for addressing previous SSC comments and for a thorough analysis of the ACL issue for this data-limited scallop fishery. The SSC recommends addressing the following comments prior to release of the document for public review:

1. While Table 4-2 indicates P* values of 0.5 (implying a 50% chance of overfishing) under Alternatives 2a and 2b, the rightmost column of the lower section of Table 3-1 (also shown in Table 4-1) indicates that the history of fishery management since 1998/99 has yielded a significant buffer between actual annual catches and MSY (the upper end of the statewide Guideline Harvest Ranges, GHR). Future use of ACLs would seem to imply reduced probability of overfishing. Taken together, this would imply a probability of exceeding a statewide ACL of less than 0.5, in practice, under Alternatives 2a and 2b. The SSC recommends that the analyst consider whether or not the information provided in Table 3-1 may inform the estimation of P* for Alternatives 2a and 2b. At a minimum, it would be helpful to compare the proposed 10% or 25% buffers to the buffers that have been realized historically.
2. The EA provides four alternatives, however, there are a number of instances (e.g., pages i, 1, and others) where it states that there are five alternatives. This should be corrected.
3. The accountability measures are described conceptually on page 9. The SSC recommends that these ideas be stated more fully as options, similar to those developed for the crab ACLs. For instance, it might be expected that an ACL overage in one year would result in a compensatory reduction in catch specifications in the following year.
4. On page 10 (and p. 38), please clarify, if possible, whether the limited personal use and subsistence harvests of other scallop species occurs in State or Federal waters. This information may bear on a future determination of whether these species are “generally retained” in Federal waters and whether they could be considered as ecosystem component species.
5. On page 11, approach #1 should refer to setting of OFLs, not ABCs.
6. On page 13, in the discussion about spatial scales, consider briefly discussing the understanding that scallop stocks are structured meta-populations, in which subpopulations of sedentary individuals are connected with each other through the dispersal of pelagic larvae. This connectivity supports the preparer’s choice to not consider finer-scale management units. The SSC will provide references to the analysts, separately.
7. On page 15, consider labeling the rightmost column in the lower panel as “%MSY”.

8. Please refer to Table 3-3 on the bottom of p. 16.
9. In section 3.5 on page 25, consider clarifying that the P* method was used to evaluate Alternatives 2-4, so that the public does not misconstrue this as a 5th alternative.
10. On page 40, please split Figure 4-2 into two figures. The figure includes too much information and is difficult to interpret, particularly in black and white.
11. Crab bycatch limits are shown in Table 5-1 on p. 46. Consider also presenting recent actual bycatch estimates shown in Table 3 on p. 13 of the 2009 Scallop SAFE.
12. Please fix a couple of typos: (a) fishing season “1999/00” on the bottom of p. 45, and (b) “Merritt” on p. 45 and p. 50.

C-4 Observer Program

Staff presentations were provided by Nicole Kimball (NPFMC), Darrell Brannan (NPFMC), Martin Loefflad (AFSC) and Craig Faunce (AFSC). Public testimony was provided by Richie Davis (Seafood Producers Cooperative), Bob Alverson (Fishing Vessel Owners Association), Kathy Hansen (Southeast Alaska Fishermen’s Association), Linda Behnken (Alaska Longline Fishermen’s Association), and Paul McGregor (At-Sea Processor Association).

Concerns about the limited extent of observer coverage of smaller vessels are well known; solutions have been elusive. The SSC supports renewed attention to this issue and appreciates staff efforts to characterize alternative mechanisms for funding an expansion of the observer program. While the Initial Review Draft EA/RIR/IRFA includes a lot of useful information, **there are a number of issues that should be addressed before the document is released for Public Review.**

1. The analysis should include a discussion that relates the levels of observer coverage anticipated under the action alternatives to levels of coverage needed to meet the Council’s purpose and need, and the requirements of federal statutes and executive orders. This could be accomplished, in part, by: (a) adding an appendix that draws on prior analyses (e.g., Volstad et al. 1997⁵, Miller et al. 2007⁶) to characterize relationships between sample size, sampling strategies, catch/bycatch frequencies, and the precision of estimates; including examples of fisheries (e.g., halibut IFQ) conducted from small, currently unobserved, vessels; and (b) adding a discussion of the motivation for gathering observer data (e.g., bycatch/PSC accounting, biological data, monitoring seabird and marine mammal interactions) and of the levels of observer coverage needed to provide each of these types of information. The degree of observer coverage might differ, depending on sector and fishing location. If there are different observer coverage needs for different fisheries/fleets, these differences should be clearly identified and explained.
2. The document should lay out the process to be used for determining observer coverage, placement, and projects to meet the goals and objectives of the new program. In the past, this has been done mainly with regard to achieving specified levels of precisions (reduced uncertainty), which depend

⁵ Volstad et al. (1997) Analytical and Statistical Review of Procedures for Collection and Analysis of Commercial Fishery Data used for Management and Assessment of Groundfish Stocks in the U.S. Exclusive Economic Zone off Alaska.

⁶ Miller, T. J., Skalski, J. R., and Ianelli, J. N. 2007. Optimizing a stratified sampling design when faced with multiple objectives – ICES Journal of Marine Science, 64, 97–109.

directly on sample size. In the new program, it is equally important to address accuracy (reduced bias) related to nonrandom placement of observers in partially observed fisheries (e.g., 30% covered vessels). Two types of bias have emerged as being important: deployment bias (lack of randomness in placing observers) and behavior bias (vessels changing fishing behavior when an observer is present).

3. The current draft analysis proceeds from a presumption that the number of observer days is insufficient and incorrectly apportioned. The analysis also assumes that the full 2% maximum fee assessment is anticipated in the first year of the program, should the fee assessment structure be selected. Some alternatives start with estimating the maximum fee receipts and maximum number of observer days that would result. While more observer days may lead to improved precision of estimates, without a power analysis, the marginal contribution of additional observer-days is unclear. Moreover, the analysis fails to note the tradeoff between program costs and program benefits. Clearly, the program costs are an increasing function of the number of observer-days, with each incremental increase in observer-days leading to an ever increasing incremental cost. At the same time, while each additional observer-day may improve the precision and reduce the bias of estimates, it is also clear that each additional observer day results in a decreasing contribution to knowledge and the precision of catch/bycatch/PSC estimates, etc. The analysis should provide a discussion of these tradeoffs and should, to the extent possible, quantify these tradeoffs in physical and/or monetary units.
4. The draft RIR needs to be expanded to provide a more thorough discussion of how the costs of the alternatives will be distributed across fleets, communities, and regions. The analysis should also discuss the distributional consequences of using gross revenues as a basis for collecting fees—a gross revenue-based fee is an inherently regressive taxation structure that has a higher marginal impact on low-profit fisheries (or operations within a fishery), than it does on high profit fisheries (or operations within a fishery). The regressive nature of a revenue-based fee could be offset, in part, by setting different fee-rates in different fisheries. Other distributional consequences of a revenue-based fee structure could be addressed through varying the fee-rate across fisheries, in proportion to their total catches or in proportion to the volume and composition of their incidental and prohibited species catches. The draft analysis should also include a section on alternatives considered, but not evaluated, explaining why these alternatives were not carried forward in the analysis (e.g., monitoring from chase boats, use of electronic monitoring, and logbooks).
5. The implications of various treatments of ex vessel prices as bases for fee collection need to be more fully explained: (a) Using a moving average to smooth prices through time is problematic for time series characterized by trends. When the time series trends upwards, the moving average price will always be lower than the most recent price and fees collected based on the moving average price will be less than fees collected under the most recent price. Similarly, when the time series trends downwards, the moving average price will always exceed the most recent price and fees collected based on the moving average price will be more than fees collected under the most recent price. (b) The proposed use of COAR prices as a basis for fee collection is ungainly and, because it relies on lagged time series, will suffer the same problems evidenced by the moving average. That is, when prices are trending upwards (or downwards), reliance on 2-year-old COAR data will lead to lower (or higher) fees, compared to fees that would be collected using current prices. (c) An autoregression on past prices will more closely track time series characterized by a trend, but will miss turn-points in the time series. (d) If the time series of COAR prices behaves as a martingale (a type of stochastic process), moving average and autoregressive models will provide poor predictions of price and will lead to fee collections that will not closely approximate fees that would be collected using current prices. The SSC observed that 2008 was an anomalously “high” value year, while 2009 was an

anomalously “low” value year. Inclusion of the former, without the latter, could bias interpretation of the observer fee revenue impacts. The SSC encourages the use of the most complete and current data.

6. The distinction between decisions about desired coverage levels and decisions about how to pay for those levels should be more clearly articulated in the analysis. A variety of biological, social, economic, statistical, political, and logistical considerations might inform decisions about the former, while the options for the latter have been broadly defined in statute. Thus, a rationale tying coverage levels to catch and/or bycatch levels could be paired with any of the funding options considered in the analysis.

D-1(a) Initial Review of Pacific cod sideboards crab vessels

Jon McCracken (NPFMC) presented an overview of the draft RIR/IRFA. The analysis is suitable for release for public review after it has undergone a thorough proof-reading to fix typographical errors.

D-1(b) MRA Adjustment BSAI Arrowtooth Flounder Fishery

Jon McCracken (NPFMC) presented an overview of the draft EA/RIR/IRFA to revise the maximum retainable amounts (MRA) of groundfish incidentally harvested in the directed fishery for arrowtooth flounder in the BSAI. There was no public testimony on this agenda item.

At issue is the fact the current MRA amounts (set at zero for many species) were established when there was no market for arrowtooth flounder and, thus, no justification for allowing arrowtooth as an MRA basis species. Since that time, a nascent fishery appears to have developed in the BSAI and there may be interest in promoting the development of this fishery. The draft EA/RIR/IRFA describes a range of alternatives the Council may consider in evaluating how to address this developing fishery. The SSC notes some contradiction in the analysis, between suggesting that increased MRA amounts might be necessary to promote development of a directed fishery and the argument that increases in MRA amounts are necessary because of the development of a directed fishery. **The SSC believes the analysis should be released for public review, following some revisions to the assessment of impacts presented in the draft.** Specifically, the draft analysis concludes that there are little to no impacts associated with the various alternatives. However, as the analysis notes, increased MRA amounts can be expected to increase effort in the arrowtooth fishery (whether in pursuit of arrowtooth per se or as part of the MRA basis species for a “topping off” strategy, discussed in the analysis). This increased effort will have a variety of impacts associated with it that should be acknowledged before the analysis is released for public review. These impacts will likely have both distributional and ecological affects. If increased MRA amounts induce topping off on turbot, after the directed turbot fishery has closed, as discussed in the analysis, this will mean less of the overall turbot TAC is available to be taken in the directed turbot fishery. On the ecological side, more fishing (for arrowtooth) will mean more ecological impacts from fishing. The SSC notes that these ecological impacts will include effects on predator/prey relationships and there is room for different societal assessments of the costs and benefits of such effects.

D-2(c) Pacific cod model run proposals

Grant Thompson (AFSC) reported on a special Groundfish Plan Team meeting on May 6 to synthesize desired model scenarios for Pacific cod in the BSAI and GOA, following an SSC recommendation from December 2009. There were 24 proposals from interested parties, the Plan Teams, the SSC, and stock assessment author Thompson. These were grouped into 6 main categories:

1. Current
2. Housekeeping
3. Consideration of informative priors and estimating Q
4. No age data
5. No age data + internal estimation of growth variance
6. No age data + internal estimation of growth variance + time-varying growth.

The Plan Team examined the proposals and either placed them in the categories or left them out. This will result in 6 model sets in the BSAI and 5 in the GOA, which Thompson felt was achievable in the time available.

The SSC supports this suite of models, with two modifications. SSC proposal 3 is to exclude fishery age composition data, because of concerns about the spatial distribution and having only one year of data. SSC proposal 4 is to exclude IPHC survey data in the BSAI, because it conflicts with other data series. The SSC requests that these two proposals be included in the housekeeping category, because achieving stability in the data sources used in a stock assessment is desirable. The conclusion may be that excluding these data sources is not a good idea, but at least an evaluation will have been done.

The SSC encourages continued ageing of the Pacific cod winter fishery age samples and acquisition of length composition from the IPHC survey. The assessment author is encouraged to evaluate these data for inclusion in the model, after a sufficient time series has been acquired.

D R A F T
ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
June 7–11, 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-1(b) Bering Sea Chum Salmon Bycatch

Alternative 1 – Status Quo

Alternative 1 retains the current program of the Chum Salmon Savings Area (SSA) closures triggered by separate non-CDQ and CDQ caps with the fleet's exemption to these closures per regulations for Amendment 84 and as modified by the Amendment 91 Chinook bycatch action.

Alternative 2 – Hard Cap

Component 1: Hard Cap Formulation (with CDQ allocation of 10.7%)

- a) 50,000
- b) 75,000
- c) 125,000
- d) 200,000
- e) 300,000
- f) 353,000

Component 2: Sector Allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
 - 1) Pro-rata to pollock AFA pollock sector allocation
 - 2) Historical average
 - i. 2007-2009
 - ii. 2005-2009
 - iii. 2000-2009
 - iv. 1997-2009
 - 3) Allocation based on 75% pro-rata and 25% historical
 - 4) Allocation based on 50% pro-rata and 50% historical
 - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

Component 3: Sector Transfer

a) No transfers or rollovers

b) Allow NMFS-approved transfers between sectors

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

1) 50%

2) 70%

3) 90%

c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

Component 4: Cooperative Provision

a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

1) 50%

2) 70%

3) 90%

b) Allow NMFS to rollover unused bycatch allocation to inshore cooperatives that are still fishing.

Alternative 3 – Trigger Closure

Component 1: Trigger Cap Formulation

Cap level

a) 25,000

b) 50,000

c) 75,000

d) 125,000

e) 200,000

Application of Trigger Caps

a) Apply trigger to all chum bycatch

b) Apply trigger to all chum bycatch between specific dates

c) Apply trigger to all chum bycatch in a specific area.

Component 2: Sector allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

a) No sector allocation

b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ

1) Pro-rata to pollock AFA pollock sector allocation

2) Historical average

i. 2007-2009

ii. 2005-2009

iii. 2000-2009

iv. 1997-2009

3) Allocation based on 75% pro-rata and 25% historical

4) Allocation based on 50% pro-rata and 50% historical

5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%

Component 4: Cooperative Provisions

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- b) Allow NMFS to roll-over unused bycatch allocation to cooperatives that are still fishing

Component 5: Area and Timing Options

- ~~a. Large area closure~~
- ~~b. Discrete, small area closures identified by staff in February Discussion paper (20 ADF&G statistical areas, identified in Table 4)~~
- c. Groupings of ADFG area closures by month that represent 40%, 50%, 60% of historical bycatch. the small area closures (as presented) (described in Option b above) into 3 zones that could be triggered independently with subarea, rather than statistical area, level closures**

Component 6: Timing Option – Dates of Area Closure

- ~~a) Trigger closure of Component 5 areas when the overall cap level specified under Component 1(a) was attained~~
- ~~b) Under Component 5(b) discrete small closures would close when an overall cap was attained and would close for the time period corresponding to periods of high historical bycatch, considering both number of salmon. a (i.e. Table 11 in February Discussion Paper) Under Component 5(c) Subareas within a zone would close for the time period corresponding to periods of high historical bycatch within the subarea when a zone level cap was attained.~~
- ~~c) Under Component 5, Areas close when bycatch cap is attained within that area (i.e. Table 12 in February Discussion Paper)
 - a. for the remainder of year
 - b. for specific date range~~

Component 7: Rolling Hot Spot (RHS) Exemption – Similar to status quo (with RHS system in regulation), participants in a vessel-level (platform level for Mothership fleet) RHS would be exempt from regulatory triggered closure below.

1. **Modified large area closure (encompassing 90% of historical bycatch).**

- a) ~~Sub-option: RHS regulations would contain an ICA provision that the regulatory trigger closure (as adopted in Component 5) apply to participants that do not maintain a certain level of rate-based chum salmon bycatch performance.~~

In constructing an ICA under this component, the following aspects should be considered:

- **Closures that would address timing & location of bycatch of Western AK chum stocks.**

In addition, include the following items in the initial review analysis:

1. Analyze discrete area approach normalized across years (i.e. proportion of salmon caught in an area in a year rather than numbers of salmon);
2. Discuss how Component 7 ~~and suboption~~ would be applied;
3. In depth description of the rolling hot spot regulations (Amendment 84), focusing on parameters that could be adjusted if the Council found a need to refine the program to meet objectives under Component 7. **Specifically analyze:**
 - a. **the base rate within the RHS program;**
 - b. **the options for revising the tier system within the RHS program;**
 - c. **the Council's options for revising the fine structure within the RHS program. Analysis should include a discussion of the meaningfulness of fines (i.e., how do fine amounts compare to total income for vessels/companies participating in the RHS program) as well as a comparison of penalties under the RHS program to agency penalties and enforcement actions for violating area closures.**
4. Discussion from NMFS of catch accounting for specific caps for discrete areas, and area aggregations described in Component 5 and for areas within those footprints that may have other shapes that could be defined by geographic coordinates [Component 6(c)] Discussion from NMFS on the ability to trigger a regulatory closure based on relative bycatch within a season (with respect to catch accounting system and enforcement limitations) considering changes in bycatch monitoring under Amendment 91.
5. Contrast a regulatory closure system (Components 5 and 6) to the ICA closure system (Component 7) including data limitations, enforcement, potential level of accountability (i.e., fleet-wide, sector, cooperative, or vessel level).
6. Examine differences between high bycatch years (i.e. 2005) and other years to see what contributes to high rates (i.e. timing/location, including fleet behavior and environmental conditions).
7. Examine past area closures and potential impacts of those closures on historical distribution of bycatch and on bycatch rates (qualitative); include 2008 and 2009 data and contrast bycatch distribution under VRHS versus the Chum Salmon Savings Area.

[Motion passed 19/0]

C-4 Observer Program

The AP recommends that the Council select Alternative 3 as the preliminary preferred alternative and that the document be released for public review with the following revisions as well as the recommendations of the Observer Advisory Committee:

1. Defines observer needs by fishery
2. Provides a sampling design by fishery (e.g., what kind of modifications will be required to accommodate an observer , what kind of equipment will be required to accommodate observer; what kind of access the observer must have.)

3. Includes an option that allows vessels/fishermen tasked with observer coverage to fulfill observer requirements through electronic monitoring where EM is an effective means of meeting observer coverage goals. Includes costs and description of equipment and cost of the review of the data.
4. Includes an assessment of economic impacts on industry sectors and communities.
5. Defines “fishing trip” in a manner that addresses the observer effect.
 - a. That in case of IFQ vessels, a trip would include a base amount of pounds to be observed.
 - b. In the case of A/B season the observer manager be able to determine length of observer deployment.
 - c. Duration an observer is deployed on a vessel is not preannounced.
6. Includes fee assessment alternative based on actual prices (i.e., COAR data).
7. To analyze A shares when they are used in a manner other than A shares, as in the case of B, C or D shares.
8. Request from the agency an annual report outlining program elements accomplished and funds expended.
9. Catcher processor will be defined for the 100% coverage strata based on their actual historic activity.
10. NMFS will be able to use fee proceeds to place NMFS staff on vessels to resolve sampling issues and facilitate the collection of unbiased data.
11. Maintain consideration of the 3-year rolling average to determine fees.

OAC Recommendations:

1. The OAC recommends that the Council release the June 2010 draft analysis for public review.
2. The OAC recommends expanding the implementation section (p. 118–119) to include examples of operational control rules that NMFS could implement within the sample design (not regulations) to address the ‘observer effect’.
3. The OAC recommends providing a section in the analysis that details when and how NMFS would provide information to the SSC and Council related to how NMFS deployed observer resources in the previous year and how fee proceeds were used. The approach discussed for consultation was an annual report under an existing item (e.g., NMFS B report, research priorities, etc). The analysis should describe the types of information to be reported and how it would be reported.
4. The OAC recommends that the Council support development of a voluntary pilot program for monitoring on small vessels in the near-term, or on any operational aspects that would assist observer providers in testing a new system prior to implementation. While the committee recognizes that this type of program could be undertaken on a voluntary basis between vessels and observer providers, it recommends the Council promote such efforts and relay that support to NMFS.
5. The OAC recommends that the Council request that NMFS request funding for start-up costs of the restructured program.
6. The OAC recommends that it convene to review the public review draft analysis prior to the Council’s scheduled final action (currently October 2010).

[Motion passed 19/0]

The AP recommends the Council ask NMFS to assess what is feasible to address the existing problems within the current GOA observer program using the existing authority of the agency.

[Motion passed 17/2]

Minority Report (C4 Observer Program): *The original main motion contained an additional recommendation that the analysis include an alternative that "levies a lower fee on fisheries already paying a management and enforcement fee."*

A motion to remove this alternative from the main motion passed 11 to 7. The minority felt that the halibut/sablefish IFQ fleet is already paying a self-assessment fee (up to 3%) that covers management and enforcement and that an additional 2% fee to place observers on this fleet is disproportionate to the observer coverage needs of the Halibut IFQ fleet. Signed by Jeff Favour, Julianne Curry, Tim Evers, Theresa Peterson, Bob Jacobson.

C-5 Central GOA Rockfish Program

The AP recommends the Council approve the following preferred alternatives, elements, and options defining the Central Gulf of Alaska Rockfish Program (**bold/underline** = new language, ~~strikeout~~ = deleted language):

Entry-Level Fishery Alternatives (EL)

- ~~1. No action (revert back to LLP management)~~
- ~~2. Trawl/fixed gear fisheries (the pilot program structure)~~
3. Fixed gear only fishery *[Motion passed 18-0]*

Catcher Processor Alternatives (CP)

- ~~1. No action (revert back to LLP management)~~
- ~~2. Catcher processor cooperative only~~
3. Cooperative or limited access (the pilot program structure) *[Motion passed 12-6]*

Catcher Vessel Alternatives (CV)

- ~~1. No action (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 *[Motion passed 15-3]*

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 rockfish, 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 Allowances

~~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 processor confirming an available market.~~

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

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

The annual set aside will be

~~5 mt + mt—10 mt~~ of the POP TAC

~~5 mt + mt—10 mt~~ of the northern rockfish TAC

~~10 mt— 30 mt~~ of the pelagic shelf rockfish TAC *[Motion passed 18-0]*

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

~~5 mt + mt—10 mt~~ POP

~~5 mt + mt—10 mt~~ Northern rockfish

~~10 mt—30~~ **20 mt** pelagic shelf rockfish *[Motion passed 16-0]*

This increase would be capped at a maximum of:

POP

a. 1%

~~b. 3%~~

~~e. 5%~~

Northern Rockfish

a. 2%

~~b. 3%~~

~~e. 5%~~

Pelagic Shelf Rockfish

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

[Motion passed 17-0]

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 fixed gear 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 is exempt from VMS requirements (Pacific cod VMS requirements continue to apply). *[Motion passed 17-0]*

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.~~

[Motion passed 18/0]

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 determined 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.~~

[Motion passed 18-0]

- 4.2 Catch history will be the history during the following qualifying period (dates inclusive):

- 1) 1996-2002 (drop two) *[Motion passed 16/3]*
- ~~2) 1998-2006 (drop two or four)~~
- 3) 2000-2006 (drop two)

Minority Report (Component 4.2): A motion to adopt #3 as the preferred option failed 6/12. The selection of status quo (1996-2002 drop 2) for this provision means that history generated 10-16 years prior to implementation will be used to determine allocations. The time clip of 2000-2006 drop 2 better reflects the interest of those currently participating in and dependent on this fishery. Significant public testimony supported the selection of the years immediate prior to implementation of the Rockfish Pilot Program because it does a better job of protecting those who are dependent on and currently prosecuting this fishery now and into the future. The undersigned support the selection of Option 3 (2000-2006 drop 2). Signed: Matthew Moir, Theresa Peterson, Timothy Evers

- 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/allocation 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 in 2007, 2008, and 2009.~~
~~Option: 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 2007, 2008, or 2009.

[Motion passed 19/0]

Option: A vessel that qualifies for the entry level allocation under this section may elect to opt out of the rockfish program--**this is a one-time selection. Opt out quota would be reallocated to the main quota pool.**

[Motion passed 18/0]

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

Option: The qualified entry level trawl LLP's, in aggregate, would receive an allocation of QS for the primary rockfish species of 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.

[Motion passed 19/0]

*[Motion to reconsider percentage (1.5%) passed 16/2]
[A motion to change percentage to 2.5% failed 9/9]*

Note: secondary allocations and halibut PSC allowances 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 is 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,
roughey 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 *[Motion passed 11/6]*

~~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.

For the CV sector, shortraker and rougheye will 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 will go on PSC status for that sector.

Minority Report (Component 7.2.4): A motion to manage shortraker and rougheye for the CP sector under a combined 2% MRA failed 7/9. The minority notes that MRA management has proven successful under the existing program and shortraker harvest does not present a conservation concern. The hard cap selected (30.03%) represents less than half of the history of the CP sector prior to the rockfish pilot program. The existing CP cooperative, operating under a hard cap of 30.03%, has leased shortraker to augment the allocation. The cap could be constraining to future CP cooperatives. An MRA provides flexibility for the sector. Signed: Jan Jacobs, Craig Cross, Anne Vanderhoeven, Lori Swanson, Beth Stewart

Sablefish and Pacific cod

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

~~Option 1: No directed fishing for secondary species Pacific cod and sablefish~~

~~Option 2: Manage Pacific cod and sablefish under a modified MRA.~~

[Motion passed 17/0]

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

Full retention of all allocated species is required.

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.~~

[Motion passed 17/0]

7.3 Prohibited species (halibut mortality)

~~Option 1: Allowance to the rockfish cooperative program will be based on historical 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: Allowance to the rockfish cooperative program will be based on the historical 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).~~

[Motion passed 17/0]

The halibut PSC allowance 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 halibut apportionment for trawl gear

~~10 percent, 25 percent, 50 percent, 75% or 100 percent~~ of any allowance 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 allowance will remain unavailable for use.

[Motion passed 11/7]

A motion for 30% failed 6/12; a motion for 50% failed 7/11

Minority Report (Component 7.3): A seven member minority wanted a maximum rollover of 50% and a six member minority preferred a rollover of 30%. The rockfish program claims to reduce halibut bycatch and seafloor contact. The rockfish fishery has achieved these goals. However, if 100% rollover provision of unused halibut prohibited species was rolled over it would undermine the fundamental intent of MSA in reducing bycatch thus something less than a 100% rollover is required. The minority believes that the majority choice of 75% rollover is too high. Bottom trawl time and associated impacts to the habitat have significant impacts to the habitat around Kodiak Island in the fall. Fishing has increased in areas of abundance for Tanner crab and Chinook bycatch has increased in the fall. In order to provide some level of net benefit to the nation, a portion of halibut savings should truly be realized and left in the water. PSC allocations based on preprogram usage. A 30-50% reduction fulfills commitments to reduce bycatch/habitat impacts while achieving program goals. Signed: Theresa Peterson, Jeff Favour, Becca Robbins Gisclair, Chuck McCallum, Tim Evers, John Crowley

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 catch history equivalent to the license's proportion of the total of the sector qualifying catch history.

Secondary Species

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

PSC (Halibut Mortality)

Each LLP holder will receive an allowance of halibut mortality equivalent to the license's proportion of the sector's target rockfish catch history.

Halibut PSC in the CP sector shall be divided between the co-op(s) and limited access fisheries 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 undergo primary processing in the U.S.

Regionalization – Apply to catcher vessel sector only:

All CV CQ must be landed in the 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.~~

~~[Motion passed 17/0]~~

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 (inclusive).~~

~~Option 2 – 250 MT of aggregate Pacific ocean perch, northern rockfish, and pelagic shelf rockfish per year, for 4 years, from 2000 to 2006 (inclusive).~~

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

~~Processor qualifying years~~

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

~~Option 1 – 1996-2000 (drop 1 year)~~

~~Option 2 – 2000-2006 (drop 2 year)~~

~~Suboption 1: (entry level processors): 2007-2009 (drop 1 year)~~

~~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.~~

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

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

~~A holder of catcher vessel harvest history 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 intercooperative transfers of annual allocations with 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 and secondary species and halibut PSC allowances 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 and secondary species and halibut PSC allowances 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.~~

~~A holder of catcher vessel harvest history or processor histories 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 intercooperative transfers of annual allocations with 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 C - Harvester cooperatives with severable processor associations and no forfeiture (CV-4)

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

A holder of catcher vessel harvest history 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 intercooperative transfers of annual allocations with other cooperatives.

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

[Motion passed 19/0]

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~~

Under the LLP/open access fishery option, the LLP's historical 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%, sablefish—3%, shortraker/rougeye—2%, and thornyhead—4%. All other species would be managed with MRAs at their current levels.

[Motion passed 17/0]

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 allowance, as may be adjusted by intercooperative transfers.

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

Cooperatives will **submit a written** report annually to the Council, ~~as per AFA.~~

[Motion passed 18/0.]

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 were initially issued harvest shares~~

~~Option 2: Those processors who have processed at least 100 metric tons to 250 metric tons of rockfish delivered by catcher vessels within any two year period during the new program~~

~~———— Suboption 1: a shorebased processing facility in the 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% to 5%~~ of the CV QS (~~including any shares allocated to processors~~), using the individual and collective rule (~~Option: with grandfather provision~~).

Control of harvest shares 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%~~ **8% 10%** of the target CV allocation in the aggregate.

(~~Option: with grandfather provision~~ **applicable to LLP**).

[Substitute motion passed 13/5]

~~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).~~

In the event a license history exceeds the applicable cap on initial allocation, this person holding that license will be grandfathered for the initial allocation. The initial holder may sever the portion of the history that exceeds the cap on transfer, provided that severed history is transferred to a qualified CV license holder, after which that history will attach to the license of the recipient. After the transfer the recipients must comply with all caps.

The grandfather clauses apply at the time of final action by Council.

[Motion passed 17/0]

CP cooperatives

No person may hold or use more than ~~20%, 30%, or 40%~~ 50% of the CP historical shares, using the individual and collective rule

(~~Option:~~ with grandfather provision).

[Motion passed 12/6]

Minority Report (Component 13): The minority believes that the vessel cap of 10% may result in consolidation resulting in loss of crew jobs and a loss of boats on the water. The minority recommended a vessel cap of 8%. Vessels caps that are set too high in catch share programs can be barriers to entry in these programs. Signed: Theresa Peterson, Becca Robbins Gisclair, Jeff Farvour, Chuck McCallum

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. [motion passed 18/0]

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. [Motion passed 18/0]

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

No processor shall receive more than 25% of Pacific cod allocated in the CV sector.

[Motion passed 18/0]

~~Option:~~ Eligible processors will be grandfathered for the processing cap based on the CQ allocated to the processor affiliated cooperatives during the pilot program ~~total processed catch during the qualifying years.~~

[Motion passed 18/0]

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

14 **Harvesting provisions**

The cooperative season start date 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.** [Motion passed 18/0]

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:

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.~~

MOVED TO 7.2.4

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, thereafter, 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.~~

~~[Motion passed 14/3]~~

~~A substitute motion for program expiration after 15 years, failed 3/14.~~

Minority Report (Component 16): A minority believes that a hard sunset for the entire rockfish program is important. Both ten and fifteen year sunsets were supported by the minority. The first line of the problem statement is "The intent of this action is to retain the conservation, management, safety, and economic gains to the extent practicable..." and it is notable that the program has achieved the benefits of a rationalized fishery without giving away the 'property rights' in the fishery.

The rockfish program began as a two year pilot program which was extended through an act of congress. In complying with the reauthorized MSA it has undergone fundamental changes such as no processor association. This program is a part of a piece meal attempt to rationalize fisheries in the Gulf of Alaska in allocating a small rockfish fishery along with valuable secondary species. We have no idea what things will look like ten years down the line; especially with the number of council agenda items addressing bycatch issues with crab, salmon, and halibut on the horizon. A program duration will create incentives to keep the program working so Council may choose to continue the program and the fleet will not have the expectation that the program will exist in perpetuity.

All that is required for a limited access program to deliver the benefits of a rationalized program is that there be a meaningful quantifiable limit or a set quota on the amount of the fishery resource that can be harvested. The public has zero incentive to design programs in such a way as to maximize the bottom line asset value of the resource quota. Quite the opposite in fact because the greater the value of the quota the greater the negative impact on communities through the higher barriers to entry into the fishery. Limited program duration can serve to achieve the benefits of rationalization while delivering adequate business stability and trying to keep the barriers to new entrants lower than would otherwise be the case. Signed: Theresa Peterson, Becca Robbins Gisclair, Chuck McCallum

17 Cost recovery

A fee, not to exceed 3% of ex vessel value, will be charged on all program 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 Western Gulf rockfish.~~

~~Option 2: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species **in the month of July.**~~

~~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 passed 11/0/5 (abstentions)]

Halibut PSC

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

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

[Motion passed 17/0]

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 may not 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 may participate in the limited access yellowfin sole, other flatfish, or Pacific ocean perch fisheries in the BSAI in the month of July.~~

[Motion passed 17/0]

Pacific cod fishery

~~Option 1: Qualifying vessels in the trawl catcher vessel sector may fish in the BSAI Pacific cod fishery in the month of July and would be limited, in aggregate, to the historical 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 qualifying years.~~

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

[Motion passed 17/0]

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

18.2 Catcher processor options

Non-Amendment 80 catcher processors will be prohibited from WYAK and WGOA rockfish species fisheries for the month of July.

IFQ halibut and sablefish are exempt from sideboard provisions.

No sideboard limits apply to West Yakutat and Western GOA primary rockfish species complexes except as outlined below (rockfish eligible catcher processors that are also Amendment 80 participants would continue to be limited by Amendment 80 sideboards).

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).

Catcher-processor coop sideboards

Members of a cooperative will be limited to the aggregate rockfish history of the cooperative during the qualifying years in West Yakutat & Western GOA.

Limited access sideboards

The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). Vessels that account for greater than or equal to 5% of the allocated CP history in the Pacific Ocean Perch fishery that participate in the limited access rockfish fishery are subject to a stand down in West Yakutat & Western GOA until 90% of the limited access POP quota is achieved.

Opt-out sideboards

CP vessels may decide to opt out of the CGOA rockfish 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.

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

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

CPs that opt out of the rockfish program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering WYAK & WGOA rockfish fisheries or shallow or deep-water flatfish complexes 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 of two of the years from the qualifying period through 2009. For purposes of qualifying under this provision, history from area 650 (SEO) will be considered the same as history from area 640 (WYAK). Week ending dates will be used as contained in the analysis.

Amendment to add "and Western GOA" passed 14/4.

[Amended motion passed 18/0]

OLD 18.2 TEXT IS BELOW:

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 historical 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 are the West Yakutat and Western Gulf primary rockfish species fisheries.~~

~~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 PSC, the qualified vessels in the trawl catcher processor sector would be limited, in the aggregate, in the month of July, to the historical average halibut mortality taken by those vessels in the target groundfish fisheries in the month of July, by deep water and shallow water complex targets, 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).~~

~~Suboption: Limit all CPs to the deep water 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 week ending 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
2003 July 5
2004 July 10
2005 July 9~~

~~Opting out is an annual decision. CP vessels which do not join cooperatives will be assigned opt out status. 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 plans 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 historical 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 PSC in the month of July, to the historical average halibut PSC mortality taken by cooperative members in the target flatfish fisheries in the month of July, by deep water and shallow water complex fisheries.~~

~~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 intra-sector sideboards. For vessels that account for greater than or equal to 5 percent of the allocated CP history in the Pacific ocean perch 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.~~

Option 3: Employ a CMCP Monitor to oversee deliveries

[Motion passed 18/0]

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.

Final motion as amended passed 15/3.

C-6(a) GRS Program

The AP passed the following motion 16 to 0, with 1 abstention.

NMFS has identified two issues with the current GRS program. First, implementation of the GRS calculation does not correlate with historic groundfish retention rates in front of the Council at the time of Am 79 final action, and requires groundfish retention well beyond those considered by the Council. The current GRS calculation schedule may impose economic hardships to the Am 80 fleet well beyond those considered in the Am 79 analysis. Second, NMFS enforcement has significant concerns with the cost of enforcing a GRS violation, which may hinder their ability to enforce the current GRS program. For these reasons, the AP recommends that the Council reconsider Am 79.

Because the ability for a vessel to comply with the GRS may influence annual co-op formation negotiations, these negotiations must be considered in a timely manner to meet the November 1 annual Am 80 co-op formation deadline, and the AP recognizes that co-ops increase the Am 80 sector's ability to increase groundfish retention, the AP recommends the following actions:

1. Temporary suspension of GRS regulations through emergency rule at this meeting.
2. Additionally, the AP recommends initiation of an FMP amendment to come back to the Council in October and explores revising the current GRS program by considering the following alternative approaches:
 - Revise the current GRS schedule to correlate groundfish retention considered in the Am 79 analysis to groundfish retention calculated with the current GRS enforcement methodology.
 - Allow the Am 80 sector to engage in internal monitoring and administration of a groundfish retention program to meet Council retention goals described in Am 79. At the October 2010 Council meeting, the Am 80 sector should provide the Council with a unanimous detailed civil contract that would hold each individual entity or cooperative accountable to meet these retention goals.

C-6(b) Am 80 Lost Vessel Replacement

The AP recommends that the Council approve the following elements and options for final action on Amendment 80 vessel replacement:

Alternative 3: The owner of an Amendment 80 vessel may replace that vessel with another vessel for any purpose. Only one replacement vessel may be used at any given time (one-for-one replacement).

- Option 1: Vessel size restrictions
 - (e) No length restriction on replacement vessels (the MLOA requirements on LLP licenses assigned to an Amendment 80 vessel would not apply).
- Option 2: GOA flatfish sideboard restrictions. A replacement vessel that replaces an original qualifying Amendment 80 vessel that is allowed to directed flatfish in the GOA
 - (b) would be allowed to directed fish for flatfish.
- Option 3: *Golden Fleece* sideboard restrictions. A replacement vessel that replaces the *Golden Fleece*:
 - (c) If the replacement vessel for the *Golden Fleece* is greater than the MLOA of the license that was originally assigned to the *Golden Fleece*, then that replacement vessel will be subject to all sideboards that apply to other Amendment 80 vessels, with the catch and PSC use of the *Golden Fleece* added to the existing GOA sideboards. If the *Golden Fleece* replacement vessel is less than or equal to the MLOA of the license that was originally assigned to the *Golden Fleece*, then the *Golden Fleece* sideboards would apply.
- Option 4: Assigning QS ~~to~~ from lost vessels. Allow the owner of an Amendment 80 vessel to ~~choose to~~ assign a QS permit from an original qualifying Amendment 80 vessel to the replacement vessel or to the LLP license derived from the originally qualifying vessel.
 - (a) A replacement vessel cannot enter an Amendment 80 fishery without QS being assigned to that vessel or the associated permit.
 - (b) Persons holding a QS permit associated with a vessel that is permanently ineligible to re-enter US fisheries is eligible to replace the vessel associated with its QS permit.
- Option 5: Any vessel replaced under this program would be prohibited from directed fishing in the non-rationalized fisheries in the Bering Sea/Aleutian Islands and the Gulf of Alaska.
~~ineligible to be designated on an FFP or an LLP~~
 - Suboption: Vessels must be classed and loadlined or meet the requirements of ACSA to be used to replace other Amendment 80 vessels
~~Replaced vessels may be used to replace other Amendment 80 vessels.~~

The AP recommends any Amendment 80 replacement vessel that is greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower be authorized for use in the EEZ under the jurisdiction of the North Pacific Fishery Management Council. This recommendation is intended to clarify that any Amendment 80 replacement vessel is eligible to receive a certificate of documentation consistent with 46 U.S.C. 12102(c) and MARAD regulations at 46 C.F.R. 356.47.

- Requirement under all alternatives: Monitoring and enforcement, permitting, recordkeeping and reporting, prohibitions, and general GOA sideboard measures that apply to original Amendment 80 vessels would continue to apply to all replacement vessels.

[Motion passed 17/1]

D-1(a) GOA B season sideboards for BSAI crab vessels

The AP recommends the Council move the analysis forward for public review following revisions suggested by Council staff during their report.

[Motion passed 17-0]

D-1(b) Adjust MRAs in BSAI Arrowtooth fishery

The AP recommends the Council move the analysis forward for public review with minor revisions to the problem statement and an additional Alternative 4 noted below.

When the MRAs for the directed BSAI arrowtooth flounder fishery were set in regulations in 1994, the Council chose to set incidental catch allowance at zero for a wide group of species, to prevent vessels from using arrowtooth flounder as a basis species for retention, since there was no market for arrowtooth flounder. Arrowtooth flounder is now a viable target fishery, and efforts to improve retention of many groundfish species utilized by the trawl sectors are constrained by MRAs in the directed BSAI arrowtooth flounder fishery. MRAs are a widely used groundfish management tool to reduce targeting on a species and slow harvest rates, as an allocation approach. However, sometimes species managed with MRAs must be discarded, even though economic incentives exist to retain that species. Thus, the MRA forces regulatory discards of some species that might otherwise be retained, without undermining the intent of the MRA as a tool to reduce overall harvest rates. In addition, the regulatory discard of these species could also potential hamper Amendment 80 vessels trying to meet the increasingly challenging groundfish retention standard. Currently, the GRS is 80 percent, but in 2011, the GRS will increase to 85 percent.

*This regulatory amendment would evaluate raising the MRAs for most species in the directed **GOA BSAI** arrowtooth flounder fishery, to provide increased opportunity for retention of species harvested by the trawl sectors, reduce overall discards in this sector, and help improved the ability of the Amendment 80 fleet in meeting the expected 85 percent GRS that will be implemented in 2011, while not subjecting incidentally caught ~~catch~~ species to increased allocation concerns.*

Alternative 1: Status Quo

Alternative 2: Set the MRAs for arrowtooth fishery at the current Pacific cod levels

Alternative 3: Set the MRAs for arrowtooth at the current flathead sole levels

Alternative 4: Set the MRAs for arrowtooth at the average bycatch rates (shown in Table 3-13)

[Motion passed 18-0]

D-2(a) Review preliminary discussion paper on GOA Halibut PSC Limits

The AP recommends the Council request an expanded discussion paper be presented at October 2010 and requests this as a priority. *[Motion passed 17/0]*

D-2(b) Receive briefing on Alaska MPAs and fishery overlap

The AP received an update on this item, including the status of a CIE review. No action was taken.

D-2(e) AFA preliminary report removal

The AP recommends the Council take final action to select Alternative 2 which would remove the requirement of a preliminary report for AFA Cooperatives and change the deadline for final reports to April 1. *[Motion passed 17/0]*

C-1(b) Bering Sea Chum Salmon Bycatch**Alternative 1 – Status Quo**

Alternative 1 retains the current program of the Chum Salmon Savings Area (SSA) closures triggered by separate non-CDQ and CDQ caps with the fleet's exemption to these closures per regulations for Amendment 84 and as modified by the Amendment 91 Chinook bycatch action.

Alternative 2 – Hard Cap**Component 1: Hard Cap Formulation (with CDQ allocation of 10.7%)**

- a) 50,000
- b) 75,000
- c) 125,000
- d) 200,000
- e) 300,000
- f) 353,000

Component 2: Sector Allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
 - 1) Pro-rata to pollock AFA pollock sector allocation
 - 2) Historical average
 - i. 2007-2009
 - ii. 2005-2009
 - iii. 2000-2009
 - iv. 1997-2009
 - 3) Allocation based on 75% pro-rata and 25% historical
 - 4) Allocation based on 50% pro-rata and 50% historical
 - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

- 1) 50%
- 2) 70%
- 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

Component 4: Cooperative Provision

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- b) Allow NMFS to rollover unused bycatch allocation to inshore cooperatives that are still fishing.

Alternative 3 – Trigger Closure

Component 1: Trigger Cap Formulation

- Cap level
- a) 25,000
 - b) 50,000
 - c) 75,000
 - d) 125,000
 - e) 200,000

Application of Trigger Caps

- a) Apply trigger to all chum bycatch
- b) Apply trigger to all chum bycatch between specific dates
- c) Apply trigger to all chum bycatch in a specific area.

Component 2: Sector allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
 - 1) Pro-rata to pollock AFA pollock sector allocation
 - 2) Historical average
 - i. 2007-2009
 - ii. 2005-2009
 - iii. 2000-2009
 - iv. 1997-2009
 - 3) Allocation based on 75% pro-rata and 25% historical
 - 4) Allocation based on 50% pro-rata and 50% historical
 - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%

Component 4: Cooperative Provisions

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- b) Allow NMFS to roll-over unused bycatch allocation to cooperatives that are still fishing

Component 5: Area and Timing Options

- ~~a. Large area closure~~
- ~~b. Discrete, small area closures identified by staff in February Discussion paper (20 ADF&G statistical areas, identified in Table 4)~~
- c. **Groupings of ADFG area closures by month that represent 40%, 50%, 60% of historical bycatch. the small area closures (as presented) (described in Option b above) into 3 zones that could be triggered independently with subarea, rather than statistical area, level closures**

Component 6: Timing Option – Dates of Area Closure

- ~~a) Trigger closure of Component 5 areas when the overall cap level specified under Component 1(a) was attained~~
- ~~b) Under Component 5(b) discrete small closures would close when an overall cap was attained and would close for the time period corresponding to periods of high historical bycatch, considering both number of salmon. a (i.e. Table 11 in February Discussion Paper) Under Component 5(c) Subareas within a zone would close for the time period corresponding to periods of high historical bycatch within the subarea when a zone level cap was attained.~~
- c) ~~Under Component 5, Areas close when bycatch cap is attained within that area (i.e. Table 12 in February Discussion Paper)~~
 - a. for the remainder of year
 - b. for specific date range

Component 7: Rolling Hot Spot (RHS) Exemption – Similar to status quo (**with RHS system in regulation**), participants in a vessel-level (platform level for Mothership fleet) RHS would be exempt from regulatory triggered closure below.

1. **Modified large area closure (encompassing 90% of historical bycatch).**

- a) ~~Sub-option: RHS regulations would contain an ICA provision that the regulatory trigger closure (as adopted in Component 5) apply to participants that do not maintain a certain level of rate based chum salmon bycatch performance.~~

In constructing an ICA under this component, the following aspects should be considered:

- **Closures that would address timing & location of bycatch of Western AK chum stocks.**

In addition, include the following items in the initial review analysis:

1. Analyze discrete area approach normalized across years (i.e. proportion of salmon caught in an area in a year rather than numbers of salmon);
2. Discuss how Component 7 ~~and suboption~~ would be applied;
3. In depth description of the rolling hot spot regulations (Amendment 84), focusing on parameters that could be adjusted if the Council found a need to refine the program to meet objectives under Component 7. **Specifically analyze:**
 - a. **the base rate within the RHS program;**
 - b. **the options for revising the tier system within the RHS program;**
 - c. **the Council's options for revising the fine structure within the RHS program. Analysis should include a discussion of the meaningfulness of fines (i.e., how do fine amounts compare to total income for vessels/companies participating in the RHS program) as well as a comparison of penalties under the RHS program to agency penalties and enforcement actions for violating area closures.**
4. Discussion from NMFS of catch accounting for specific caps for discrete areas, and area aggregations described in Component 5 and for areas within those footprints that may have other shapes that could be defined by geographic coordinates [Component 6(c)] Discussion from NMFS on the ability to trigger a regulatory closure based on relative bycatch within a season (with respect to catch accounting system and enforcement limitations) considering changes in bycatch monitoring under Amendment 91.
5. Contrast a regulatory closure system (Components 5 and 6) to the ICA closure system (Component 7) including data limitations, enforcement, potential level of accountability (i.e., fleet-wide, sector, cooperative, or vessel level).
6. Examine differences between high bycatch years (i.e. 2005) and other years to see what contributes to high rates (i.e. timing/location, including fleet behavior and environmental conditions).
7. Examine past area closures and potential impacts of those closures on historical distribution of bycatch and on bycatch rates (qualitative); include 2008 and 2009 data and contrast bycatch distribution under VRHS versus the Chum Salmon Savings Area.

[Motion passed 19/0]

June 14, 2010

C-5 Rockfish Program motion

The Council selects the below preferred alternative for final action on the Rockfish Program.

Note: Double strikethrough and double underline affirm the Council's April direction, shown in track changes in a C-5 supplemental document. Gray scale strikethrough and underline represent wording changes intended to better reflect the nature of the cooperative harvesting privileges provided under this program. Normal strikethrough and underline represent substantive edits proposed for final action.

Elements and options defining the program alternatives

Entry-Level Fishery Alternatives (EL)

1. ~~No action (revert back to LLP management)~~
2. ~~Trawl/underline fixed gear fisheries (the pilot program structure)~~
3. Fixed gear only fishery

Catcher Processor Alternatives (CP)

1. ~~No action (revert back to LLP management)~~
2. Catcher processor cooperative only
3. ~~Cooperative or limited access (the pilot program structure)~~

Catcher Vessel Alternatives (CV)

1. ~~No action (revert back to LLP management)~~
2. ~~Harvester only cooperative~~
3. ~~Harvester cooperatives with allocation of harvest shares to processors~~
4. ~~Severable Annual harvester/processor association – severable, no forfeiture~~

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

1 ICA Set Aside

Prior to calculating annual cooperative allocations of catch history to within 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 rockfish, 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 Allowances~~

~~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 processor confirming an available market.~~

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

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

The annual set aside will be:

5 mt ~~1 mt~~ ~~10 mt~~ of the POP TAC

5 mt ~~1 mt~~ ~~10 mt~~ of the northern rockfish TAC

~~10 mt~~ 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 mt ~~1 mt~~ ~~10 mt~~ POP

5 mt ~~1 mt~~ ~~10 mt~~ Northern rockfish

~~10 mt~~ ~~30~~ 20 mt pelagic shelf rockfish

This increase would be capped at a maximum of:

POP

a. 1%

~~b. 3%~~

~~e. 5%~~

Northern Rockfish

a. 2%

~~b. 3%~~

~~e. 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 fixed gear 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 is 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~~ qualifying catch assigned to the LLP license holder is the catch history of the vessel on which the LLP license is based, and shall be determined 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 qualifying catch assigned ~~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~~ qualified catch 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 (dates inclusive):

- ~~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 in 2007, 2008, and 2009.
Option: 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 2007, 2008, or 2009.

~~Option:~~ A vessel that qualifies for the entry level allocation under this section may elect to opt out of the rockfish program. This is a one-time selection. Opt out qualified catch would be redistributed across the CV sector.

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

~~Option:~~ The qualified entry level trawl LLPs, in aggregate, would shall be assigned 2.5% of receive an allocation of QS for the primary rockfish species total qualified catch 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 amount allocation, qualified catch for each of the qualified entry level LLPs would receive:

- ~~a) an allocation of QS for the~~ be distributed for 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 species qualified catch allocations and halibut PSC allowances are calculated the same as the other qualified LLPs.

Allocations of QS for q Qualified catch for entry level trawl LLPs would be established calculated as a set aside, such that the qualified catch for the entry level LLPs moving into the main program is established from the combined CV and CP sectors. The qualified catch for these LLPs would be assigned to the CV sector, 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~~)
Eligible catch history is established ~~allocated~~ for the CGOA only (NMFS statistical areas 620 and 630).

7 **Sector ~~allocations~~ catch history** (~~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 catch ~~histories~~ ~~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 is 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, qualifying history will be ~~allocated to~~ established in each sector for the following secondary species:

- sablefish,
- shortraker rockfish,
- roughey rockfish,
- thornyhead rockfish, and
- Pacific cod.

7.2.3 Except as otherwise provided below, secondary species qualifying history ~~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 establish qualified catch for each sector in the cooperative program.

7.2.4 Exceptions:

Shortraker and roughey

For shortraker and roughey:

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 roughey allocation of 58.87% of the TAC, to be managed as a hard cap.

~~Option 2: shortraker and roughey will be managed with a combined MRA of 2%.~~

For the CV sector, shortraker and roughey will 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 will 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.~~

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

Full retention of all allocated species is required.

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: Allowance to the rockfish cooperative program will be based on 75 percent of the historical average usage (during the qualifying years), 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, and multiplying by 0.75. The difference between the historical average usage and the allowance provided above will remain unavailable for use.~~

~~Option 2: Allowance to the rockfish cooperative program will be based on the historical 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 PSC allowance will be divided between sectors based on the relative amount of qualifying target rockfish species catch in allocated to each sector (e.g., the sector's share of total qualified catch).

Option for supplementing the last seasonal halibut apportionment for trawl gear

~~10 percent, 25 percent, 50 percent, 75 percent, or 100 percent~~ of any allowance 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 allowance will remain unavailable for use.

8 ~~Allocation from sector to~~ **Vessel catch history (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 catch history allocations' above. The allocations history will be assigned to the current owner of the LLP of the vessel which earned the history.

Target Species

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

Secondary Species

Each LLP holder will ~~receive an allocation~~ be assigned qualifying catch of allocated secondary species equal to the license's proportion of the sector's target rockfish catch history.

PSC (Halibut Mortality)

Each LLP holder will receive an allowance of halibut mortality equivalent to the license's proportion of the sector's target rockfish catch history.

Halibut PSC in the CP sector shall be divided between the co-op(s) ~~and limited access fisheries~~ 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 undergo primary processing in the U.S.

~~Regionalization—Apply to catcher vessel sector only:~~

~~All CV-CQ must be landed in the 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.~~

~~(Moved to Section 9.4)~~

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 (inclusive).~~

~~Option 2—250 MT of aggregate Pacific ocean perch, northern rockfish, and pelagic shelf rockfish per year, for 4 years, from 2000 to 2006 (inclusive).~~

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

Processor qualifying years

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

~~Option 1—1996-2000 (drop 1 year)~~

~~Option 2—2000-2006 (drop 2 year)~~

~~Suboption 1: (entry level processors): 2007-2009 (drop 1 year)~~

~~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.~~

~~9.2 Option B Harvester cooperatives with processor allocation of harvest shares (CV 3)~~

~~Allocation of the primary rockfish and secondary species and halibut PSC allowances 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 and secondary species and halibut PSC allowances 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.~~

~~A holder of catcher vessel harvest history or processor histories 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 intercooperative transfers of annual allocations with 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 C~~ Harvester cooperatives with severable annual processor associations and severable, 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).

A holder of catcher vessel harvest history 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 intercooperative transfers of annual allocations with other cooperatives.

Regionalization – Apply to catcher vessel sector only:

All CV CQ must be landed in the 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.~~

~~(Moved from Section 8)~~

10 Catcher processor cooperatives

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

Annual allocations issued to cooperatives 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~~

~~Under the LLP/open access fishery option, the LLP's historical 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, shorttraker/rougeye – 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 allowance, as may be adjusted by intercooperative transfers.

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

Cooperatives will submit a written 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 cooperative allocations may be transferred to CV cooperatives. CV annual cooperative allocations may not be transferred to CP cooperatives.

All transfers of annual cooperative 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 (below the holdings cap) 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 metric tons to 250 metric tons of rockfish delivered by catcher vessels within any two year period during the new program~~

~~Suboption 1: a shorebased processing facility in the 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 contribute more than ~~3%~~ 4% of the CV sector catch history to annual cooperative allocations ~~QS (including any shares allocated to processors)~~, using the individual and collective rule (~~Option: with grandfather provision~~).

In the event qualifying history exceeds the applicable cap, the person holding that license will be grandfathered. The initial holder may sever the portion of the history that exceeds the cap on transfer, provided that the severed history is transferred to a qualified CV license holder, after which that history will attach to the license of the recipient. After the transfer, recipients must comply with all caps.

Control of harvest shares 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~~ 6% of the target CV annual cooperative allocations in the aggregate

~~(Option: with grandfather provision, applicable to the vessel. The amount grandfathered under this provision shall be based on the annual average percentage harvested by a vessel across years the vessel was active during the RPP years 2007, 2008, and 2009.)~~

~~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).~~

CP cooperatives

No person may hold or use contribute more than ~~20%, 30%, or 40%~~ of the CP sector catch history to annual cooperative allocations ~~historical shares~~, using the individual and collective rule (Option: with grandfather provision).

No CP may catch more than ~~Control of harvest share by a CP shall be capped at 60%~~ of aggregate POP, northern rockfish and PSR annual cooperative allocations 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 receive more than ~~10%, 20%, 25%, 30% or 33%~~ of aggregate POP, Northern Rockfish and PSR for the CV sector.

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

No processor shall receive more than 30% of the Pacific cod 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 average annual received catch over the qualifying years used to allocate establish CV QS qualifying catch will be used as a base (or index) for applying the aggregate caps.)~~

14 **Harvesting provisions**

The cooperative season start date 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:

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.~~

(Moved to Section 7.2.4)

Full retention of all allocated species is required.

15 Program review

A formal detailed review of the program shall be undertaken ~~3~~ 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, thereafter, coinciding with the fishery management plan policy review.~~

In order to assess program objectives, specific elements of the detailed 3-year program review shall include:

- 1) whether the allocation of rockfish and associated incidental harvests are fair and equitable given consideration of
 - a) present participation in the fishery, including the participation of current rockfish harvesters and processors;
 - b) historical investments in and dependence upon the fishery, including investments and dependence upon the fishery by the historical harvesters and processors in the fishery; and
 - c) employment in the harvesting and processing sectors.
- 2) changes in annual cooperative formation, including number of LLPs associated with each cooperative, number of active vessels, and stability of annual cooperative membership
- 3) stability and use of annual processor associations
- 4) number of processing facilities, distribution of program harvests among facilities, temporal distribution of program harvests and 5th season flatfish opportunities made available from rockfish program halibut allowance
- 5) changes in product form, first wholesale value, and distribution of first wholesale value between the catcher vessel and shorebased processing sectors relative to those under Rockfish Pilot Program and LLP management

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 shall expire 10 years after implementation.~~

17 Cost recovery

A fee, not to exceed 3 percent of ex vessel value, will be charged on all program 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 Western Gulf rockfish.~~

~~Option 2: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species in the month of July.~~

~~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 PSC, the qualified vessels in the trawl catcher vessel sector would be limited, in the aggregate, in the month of July to the historical average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July, by deep and shallow complex target fisheries, as a Gulf-wide cap.~~

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

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 may not 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 may 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 may fish in the BSAI Pacific cod fishery in the month of July and would be limited, in aggregate, to the historical 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 qualifying years.~~

~~Option 2: The qualifying vessels in the trawl CV sector may 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 co-op agreements, 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 historical 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 are the West Yakutat and Western Gulf primary rockfish species fisheries.

~~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 PSC, the qualified vessels in the trawl catcher processor sector would be limited, in the aggregate, in the month of July, to the historical average halibut mortality taken by those vessels in the target groundfish fisheries in the month of July, by deep water and shallow water complex targets, 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).

~~Suboption: Limit all CPs to the deep water 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 week ending 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
2003 – July 5
2004 – July 10
2005 – July 9
2006 – July 8

Opting out is an annual decision. CP vessels which do not join cooperatives will be assigned opt out status. 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 plans during all fishing for CGOA rockfish sideboard fisheries.~~

In addition to the other limitations and restrictions described above, each cooperative and opt-out vessels will be limited in the aggregate:

- 1) for fisheries that close on TAC in the GOA in the month of July, to the historical average total catch of the cooperative members or opt-out vessels 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 PSC in the month of July, to the historical average halibut PSC mortality taken by cooperative members or opt-out vessels in the target flatfish fisheries in the month of July, by deep water and shallow water complex fisheries.

~~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 intra-sector sideboards. For vessels that account for greater than or equal to 5 percent of the allocated CP history in the Pacific ocean perch 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.~~

Option 3: Employ a CMCP Monitor to oversee deliveries

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.

Eric A. Olson
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News & Notes

North Pacific Fishery Management Council

June 2010

Thank you, Sitka

The Council held its June meeting in Sitka, Alaska. The Sitka Chamber of Commerce held a welcome reception for the public and the Council family at the Raptor Recovery Center. The catered event was well attended, and Sampson Tug and Barge and other sponsors had door prizes for those who were lucky. On Saturday during the meeting, the Sitka Sound Science Center held a fund raiser dinner and raffle at the Aquarium. Those who attended were treated to seafood donated by various fishermen, seafood associations and companies. A good time was had by all.

Plan Team Nominations

The Council appointed Ms. Peggy Murphy to replace Gretchen Harrington on the Council's Scallop Plan Team, and Mr. Chris Lunsford to replace Jeff Fujoika on the GOA Groundfish Plan Team. Ms. Murphy works in the Sustainable Fisheries Division of NMFS. Mr. Lunsford works for the Alaska Fisheries Science Center at the Lena Point facility, and is a research fishery biologist. We look forward to working with them in the future.



Photo: P Kircher

GOA Rockfish Catch Share Program

At its June meeting, the Council took final action defining a catch share program for the Central Gulf of Alaska directed rockfish fisheries. The program is intended to replace the pilot program under which the fisheries are currently managed, as that pilot program expires after the 2011 season. In addition to target rockfish species (Pacific ocean perch, northern rockfish, and pelagic shelf rockfish), the program allocates Pacific cod, sablefish, shortraker rockfish, rougheye rockfish, thornyhead rockfish, and halibut prohibited species catch to program participants. The Council's action would establish cooperative programs for both catcher processors and catcher vessels. Licenses qualifying for the program would annually form cooperatives that would receive allocations based on the catch histories of members. Catcher vessel cooperatives would be required to associate with a shore-based processor in Kodiak, but members may change cooperatives and cooperatives may change processor associations annually without penalty. All deliveries of catcher vessel catch are required to be made in Kodiak. Licenses used to participate in the trawl entry level fishery under the pilot program would receive an allocation of 2.5 percent of the total allocation to the program, which would be divided among participants in that fishery in proportion to the number of years they participated. Program allocations are otherwise based on catch histories from 2000 to 2006, with each license dropping the two years of its lowest catches. To

conserve the species, halibut prohibited species catch allocations are reduced by 12.5 percent of historic levels. In addition, halibut savings may also be realized through a reduction of the rollover of unused halibut from the program to the fifth season trawl apportionment to 55 percent of that unused halibut. Caps limit the percentage of the various allocations that may be held by any person or harvested by a vessel and that may be received or processed by any processor. A program review is provided for after the third year of the program, in addition to any other reviews that may be required by the Magnuson Stevens Act. Sideboards limit the activities of program participants in other fisheries. The new program expires 10 years after implementation.

The action also includes a set aside to establish an entry level fishery for fixed gear vessels. The initial allocation to the entry level fishery would be 5 metric tons of Pacific ocean perch, 5 metric tons of northern rockfish, and 30 tons of pelagic shelf rockfish, and would be increased for a species, each time the sector harvested in excess of 90 percent of that species allocation. Growth of the entry level fishery is limited to 1 percent of the Pacific ocean perch total allowable catch, 2 percent of the northern rockfish total allowable catch, and 5 percent of the pelagic shelf rockfish total allowable catch.

The Council will receive a report outlining progress on the draft regulations at its October meeting, at which time it will assess whether to undertake a full review of those regulations. Staff contact is Mark Fina.

AFA Preliminary Report Removal

At its June 2010 meeting, the Council took initial/final action selecting a preferred alternative that would remove the requirement for AFA cooperatives participating in the directed pollock fishery to prepare and submit the preliminary annual report. This action would not affect the timing of the final report, which is due by February 1 of the following year. Currently, a preliminary AFA cooperative report is due to the Council by December 1 of the year in which the pollock fishing occurred. The Council originally recommended a preliminary report, because it wanted to have this report available for its December Council meeting when it adopts annual groundfish harvest specifications for the upcoming fishing year. However, the Council was not relying on the preliminary cooperative annual report to develop its recommendations on final groundfish specifications as much as it originally thought it would, so the Council voted to remove the requirement for the preliminary annual report. Staff contact is Jon McCracken.

Halibut PSC Limits

The Council briefly reviewed a discussion paper and associated tables which presented information that is required by the GOA Groundfish FMP to amend halibut prohibited species catch limits. The Council identified additional information to be included in the paper and scheduled review of the revised discussion paper in October. At that time the Council will identify whether any further action is needed. Contact Jane DiCosimo for more information.

Crab OFLs

The SSC recommended OFLs for 4 crab stocks at this meeting, and made recommendations on tier levels and appropriate model parameters for the remaining 6 stocks. Those 6 stocks will have final OFLs established in the fall after incorporation of the summer trawl data into the final stock assessments. All 10 crab stocks now have 'total catch' OFL meaning that all catch (directed and non-directed crab, groundfish and scallop) accrues towards the OFL. Two stocks remain under rebuilding plans (snow crab and Pribilof Island blue king crab) and both plans require revision. In October, the Council will take initial review of the Pribilof Island blue king crab rebuilding plan, final action on the snow crab rebuilding plan and will be provided the final Crab SAFE report including OFLs and stock status determination for all stocks.

Crab Annual Catch Limits and Snow Crab Rebuilding

The Council took initial review of a combined analysis of crab annual catch limits (ACLs) and revised snow crab rebuilding plan. Two actions are included in the analysis to amend the BSAI Crab FMP. The first action (Action 1) would amend the FMP to specify the method by which the Council will establish annual catch limits (ACLs) to meet the requirements of the revised Magnuson-Stevens Act. The MSRA and National Standard 1 guidelines specify that ACLs are to be established based upon an acceptable biological catch (ABC) control rule which will be set forth in the FMP and will account for the uncertainty in the overfishing limit (OFL) point estimate. No ABC control rule currently exists in the FMP for BSAI crab stocks, nor a process by which an annual SSC recommendation on ABCs could be made to the Council. 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 SSC recommended a P* approach for establishing an ABC control rule as it directly accounts for uncertainty in setting ACLs below OFL and is responsive to changes in understanding of uncertainty related to the OFL to meet the requirements. The SSC also recommended that the default values for the additional uncertainty

correction (sigma-b) be established as 0.2, 0.3, 0.4 for low, medium and high thresholds.

The Council identified status quo (no action) as their preliminary preferred alternative (PPA) and requested that staff amplify the discussion in the analysis to indicate where (or whether) current management meets regulatory requirements. Staff is further requested to provide an indication as to whether minor modifications to the current management rather than alternatives 2 and 3 would address any potential deficiencies in meeting these requirements. The Council also requested the inclusion of an additional uncertainty value of 0.1.

The second action in the analysis (Action 2) is to prepare and implement an amended plan to rebuild the snow crab stock as the stock did not rebuild in the time frame specified under the previous rebuilding plan. A range of alternative time frames from 2014/15 to 2019/20 are considered for rebuilding the stock with options to allow for increased probability of rebuilding the stock by target year-ending dates. The probability of rebuilding may be increased, either by directed fishery harvest constraints above that which achieves a 50% probability of rebuilding (option 2 at 75% and option 3 at 90%) or by extending the time frame for rebuilding to achieve a higher probability of rebuilding as initially projected (option 1 at 70%). Under each alternative, it is explicit that the F rates will be adjusted annually to maintain the schedule of rebuilding by achieving either the mature male biomass that is projected by year for the alternative or the specific probability of rebuilding listed for the alternative.

The Council did not indicate a PPA for Action 2 but did indicate a preference for the option to consider the stock rebuilt the first year it is above its B_{MSY} estimate. Currently the stock is not considered rebuilt until the second consecutive year above B_{MSY} . The analysis of ACLs and snow crab rebuilding will be released for public review after addressing SSC comments and the Council's motion. A public review draft of the analysis will be available on the Council's website in late August. Staff contact is Diana Stram.



Waiting for raffle results at the Aquarium.

Crab Bycatch

The Council reviewed a discussion paper on crab bycatch in the BSAI groundfish and scallop fisheries. Following approval of Amendment 24 to the BSAI Crab FMP, all crab stocks now have annually-specified overfishing limits (OFLs). For all stocks in 2010/11, these OFLs are intended to cover total removals from the stock, including bycatch in groundfish and scallop fisheries. There is currently no explicit linkage between OFL restrictions in the Crab FMP and bycatch by crab stock under the BSAI groundfish FMP. Additional requirements for catch removals for crab stocks will be necessary to comply with Annual Catch Limits (ACLs). The ACL analysis notes that an annually specified ACL or OFL by crab stock could be exceeded due to catch outside of the directed crab fisheries but that absent an amendment to establish PSC limits in groundfish fisheries, any overage would be borne by the directed crab fishery only.

The Council moved to initiate an analysis to establish PSC limits in the BSAI groundfish fisheries for all 10 crab stocks. Both fixed and annually-varying limits are to be considered. Additional components to be considered include existing or expanded closure areas, application of limits and closures by trawl and fixed gear and changes to current accounting time frames. Council staff will confer with the Crab Plan Team to provide additional details on individual components and limits. The Council may modify alternatives and components during preliminary review. No specific timing was noted for preliminary review of this analysis. The full Council motion is posted on the website. Staff contact is Diana Stram.

Steller Sea Lion Update

In June, the Council received an update from NMFS on the schedule for preparation and release of the draft *status quo* Biological Opinion on Steller sea lions. NMFS indicated that it is the agency's intent to release the draft BiOp by late July 2010. In order to provide the Council the opportunity to review the BiOp, and potentially provide input to the agency on management measures (if necessary) for the 2011 fishing year, the Council will hold a special meeting in August. There will be no time for independent review by the Center for Independent Experts (CIE) as originally envisioned, but the Council has requested SSC review of the BiOp, and could use the August meeting to comment on the BiOp as well as provide input to NMFS on any necessary management measures. **The August meeting has been scheduled for the week of August 16-19 at the Captain Cook Hotel in Anchorage, with the SSC meeting August 16-17, the AP meeting August 17-18, and the Council meeting August 18-19.**

Following the August meeting, NMFS would complete an analysis of alternative management measures, and those would be available for potential Council final action at the October meeting. This is a very compressed schedule but would allow for measures, if needed, to be in place for the 2011 fishing year. Given the extremely compressed schedule, it became apparent that there is little merit in attempting to engage the

Council's SSL Mitigation Committee in this process. That question was discussed by the Council in June, and at this time, the SSLMC is not scheduled to meet prior to the August Council meeting. After the draft BiOp is released, the role of the SSLMC will continue to be explored. The SSLMC or a more focused advisory group could potentially meet after the Council reviews the draft BiOp in August and provide input on any necessary management measures to the Council at the October meeting. Staff Contact is Jeannie Heltzel.

GOA Exemption for BSAI Crab Vessels

At its June meeting, the Council reviewed an initial draft of an amendment package to exempt crab vessels from GOA Pacific cod sideboards from November 1 to December 31 of each year. At the meeting, the Council voted to take no further action until such time as the GOA fixed gear LLP recency action and GOA Pacific cod sector split regulations are published. The GOA fixed gear LLP recency action would limit entry into the directed Pacific cod fisheries in the Western and Central GOA, while the GOA Pacific cod sector split action would allocate Western and Central Pacific cod TACs among the many sectors operating in the GOA. Once published, the Council can better assess the available GOA Pacific cod TAC during November 1 to December 31 to determine the need to exempt crab vessels from GOA Pacific cod sideboards. Staff contact is Jon McCracken.

BSAI Arrowtooth Flounder MRA Adjustment

At its June 2010 meeting, the Council reviewed and released for public review a proposed action to revise the maximum retainable amounts (MRAs) of groundfish in the BSAI arrowtooth flounder fishery. The Council also added a new suboption to Alternatives 2 and 3 that would set the MRA for Greenland turbot at 15 percent. The Council, in December 2009, initiated an analysis to consider changes to the MRAs of groundfish in the arrowtooth flounder fishery in the BSAI given the growing market demand for the species. The proposed action considers three alternatives. Alternative 1 (no action) would leave the MRAs for groundfish in the arrowtooth fishery unchanged from those in current regulations. Alternative 2 would set the MRAs for incidental catch species at the current Pacific cod level. Alternative 3 would set the MRAs for incidental catch species at the current flathead sole level. The Council is scheduled to take final action at its October 2010 meeting. Staff contact is Jon McCracken.

Scallop ACLs

The Council took initial review of an analysis of ACLs for bringing the Scallop FMP into compliance with statutory requirements.

Primary deficiencies identified in the Scallop FMP to meet ACL requirements are the lack of an annually specified ABC recommended by the SSC to the Council and the management of non-target scallop stocks.

Alternatives contained in the analysis would establish an ABC (where ABC = ACL) at constant buffer levels below the OFL level and provide for options to manage non-target scallop stocks as either a complex, in the ecosystem component or removed from the FMP. The SSC approved releasing the public review draft after minor modifications to the analysis. The Council requested that additional information be provided to indicate where status quo (no action) would meet statutory requirements. The public review draft will be available on the Council's website in late August. Final action is scheduled for October 2010. Staff contact is Diana Stram.

Upcoming Meetings

SSC and Groundfish Plan

Teams tier 6 workshop: July 8, 12:30pm via WEBEX.

Crab Plan Team September 13-17, 2010 AFSC Seattle

Groundfish Plan Teams – week of September 20, Seattle

Observer Advisory Committee: September TBA

Scallop Plan Team (T) September 28, Anchorage (location TBD)

Wakefield Symposium November 8-11, Anchorage

Groundfish Plan Teams – week of November 15, Seattle

AM 80 Vessel Replacement

At the June meeting, the Council took final action to allow Amendment 80 vessel owners to replace their vessels. Specifically, the Council selected Alternative 3, which allows owners to replace their vessels with another vessel for any purpose. A replacement vessel cannot exceed a length overall (LOA) of 295 feet. The selected action would allow the owner of an Amendment 80 vessel to assign a quota share permit from an original qualifying Amendment 80 vessel to the replacement vessel or to the LLP license derived from the originally qualifying vessel. A replacement vessel cannot enter an Amendment 80 fishery without quota share being assigned to that vessel or the associated permit. Persons holding a quota share permit associated with a vessel that is permanently ineligible to re-enter US fisheries is eligible to replace that vessel.

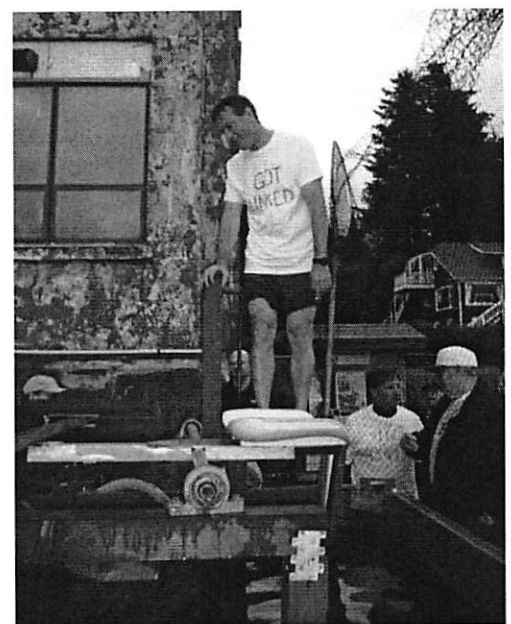
The Council also stipulated that a replaced vessel would be allowed to participate in the GOA flatfish fishery if the replaced vessel was also qualified to participate in that fishery. In addition, if the replacement vessel for the Amendment 80 vessel *Golden Fleece* is greater than the maximum length overall (MLOA) of the license that was originally assigned to that vessel, then that replacement vessel will be subject to all sideboards that apply to other Amendment 80 vessels, with the catch and PSC use of the *Golden Fleece* added to the existing GOA sideboards. If the *Golden Fleece* replacement vessel is less than or equal to the MLOA, then the original sideboards for the vessel apply.

The preferred alternative would also allow any vessel replaced under the program to be used to replace other Amendment 80 vessels, but these replacement vessels must be classed and loadlined or they must meet the requirements of the Alternative Compliance and Safety Agreement (ACSA). Replaced vessels not assigned to the Amendment 80 fishery would have a sideboard limit of zero in the BSAI and GOA groundfish fisheries to prevent expanded effort in other North Pacific groundfish fisheries.

Finally, during staff tasking, the Council requested staff bring back a discussion paper addressing the following issues: 1) impacts of Amendment 80 vessels on GOA flatfish fisheries as well as identified tangential issues associated with the recommended MLOA of replaced Amendment 80 vessels, 2) impacts from replaced Amendment 80 vessels on catcher processor sideboards for West Yakutat and Western GOA from Central GOA rockfish action, and 3) areas of overlap of these and other peripheral issues. A copy of the final motion is provided on the Council website. Staff contact is Jon McCracken.

Chum Salmon Bycatch

The Council reviewed a discussion paper and reports on chum salmon bycatch trends, area closure options, the current suite of management alternatives, and updated genetic stock of origin information on chum salmon bycatch in the pollock fishery. The Council took action to refine the suite of alternatives for analysis of chum (non-Chinook) salmon bycatch management measures in the EBS pollock fishery. Alternatives under consideration include hard caps on the pollock fishery for chum salmon bycatch in the range of 50,000 - 353,000 fish and area closures triggered by caps between 25,000 - 200,000 fish. Options included under each alternative would allocate caps at the sector level. Trigger caps under consideration could be applied cumulatively over the season as well as further subdivided monthly. Candidate closure areas under consideration are selected to account for average percentages of historical bycatch over the season. Groupings of closures under consideration represent a range of 40% - 60% of historical bycatch. The Council also reviewed the report of the statewide teleconference conducted by Council staff to inform rural communities of the chum salmon bycatch initiative. The full Council motion on the alternatives, a description of candidate closures in the alternatives, and the report from the statewide teleconference are posted on the Council's website. Preliminary review of the analysis is scheduled for February 2011. Staff contact is Diana Stram.



Mark Fina gets ready to be dunked as part of the Sitka Sound Science Center fund raiser.

Observer Program

At the June meeting, the Council reviewed the initial review draft of the observer restructuring analysis (BSAI FMP Amendment 86/GOA FMP Amendment 76) and a report from the Observer Advisory Committee (OAC). In general, the program is proposed to be restructured such that NMFS would contract directly with observer providers to deploy observers, and the industry sectors included under the program would pay either a daily fee or a fee based on a percentage of ex-vessel revenues (maximum of 2%), as authorized under the Magnuson Stevens Act. The suite of alternatives varies by the scope of the fishing sectors included and the type of fee; however, sectors that are not currently subject to any observer coverage requirements (i.e., the commercial halibut sector and <60' groundfish sector) are included under every action alternative. The restructured program is intended to provide NMFS with the flexibility to deploy observers according to a scientifically valid sampling plan and to reduce the bias inherent in the existing program, to the benefit of the resulting data.

Upon review, the Council released the analysis for public review, with two new options and several revisions. Both new options will be evaluated under each of the primary alternatives. The first option would assess an ex-vessel value fee on halibut landings and groundfish landings from vessels either <40', <50', or <60' length overall that is equal to half of the fee assessed on all other sectors subject to the fee under the preferred alternative. For example, if the Council approved a 2% ex-vessel value fee at final action, selection of the option would result in a 1% ex-vessel value fee for halibut and groundfish landings from small vessels. The second option requires that, if a restructuring alternative is approved, NMFS would release a draft observer program sampling design and deployment plan annually by September 1, available for review and comment by the Groundfish Plan Teams at their September meeting. The SSC and Council would review and approve the plan on an annual basis.

Upon hearing public testimony about the limited ability for some smaller vessels to

carry an observer, and recognizing that the proposed action provides a funding mechanism for electronic monitoring, the Council approved a motion to task the OAC and staff to develop electronic monitoring as an additional tool for fulfilling observer coverage requirements. The intent is for electronic monitoring to be available for specified sectors at the time a restructured observer program is implemented. Note that the current schedule proposes Council final action on a restructured program in October 2010, with the first year of a new program in 2013.

Given that the North Pacific is the only region in which industry pays all of the direct costs of deploying observers, the Council also approved writing a letter to NOAA HQ to request Federal funds for start-up funding to implement a restructured observer program in the North Pacific, as well as an annual appropriation.

The Council approved convening the OAC prior to the Council's scheduled final action in October. The primary purpose would be to review the public review draft analysis and provide comments on the analysis to the Council. The OAC may also have preliminary discussions regarding the development of electronic monitoring as an alternative tool for fulfilling observer coverage requirements. The initial review draft restructuring analysis, the May OAC report, and the June Council motion are posted on the Council website. The public review draft analysis is expected for release in mid-September. Staff contact is Nicole Kimball.

Groundfish Retention Standard

At the June 2010 meeting, the Council reviewed a status report on the implementation of the Groundfish Retention Standard (GRS) Program. This status report was in response to a Council request at its April 2010 meeting for NMFS to provide a report reviewing the enforcement and prosecution concerns raised during the development of the GRS Program, Amendments 80 and 93 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands area (FMP), 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.

In the June 2010 report, NMFS identified two issues with the current GRS program. First, implementation of the GRS calculation does not correlate with historic groundfish retention rates presented to the Council at the time of Amendment 79 final action, and requires groundfish retention well beyond those considered by the Council. The current GRS calculation schedule may impose economic hardships to the Amendment 80 fleet well beyond those considered in the Amendment 79 analysis. Second, NMFS enforcement has significant concerns with the cost of enforcing a GRS violation, which may hinder their ability to enforce the current GRS program.

After reviewing the June 2010 report and listening to public comment, the Council approved an emergency action to temporarily suspend the GRS regulations. Additionally, the Council initiated an FMP amendment to explore revising the current GRS program by considering the following alternative approaches:

- Revise the current GRS schedule to correlate groundfish retention considered in the Amendment 79 analysis to groundfish retention calculated with the current GRS enforcement methodology.
- Allow the Amendment 80 sector to engage in internal monitoring and administration of a groundfish retention program to meet Council retention goals described in Amendment 79. At the October 2010 Council meeting, the Amendment 80 sector should provide the Council with a unanimous detailed civil contract that would hold each individual entity or cooperative accountable to meet these retention goals.

The Council is scheduled to review the analysis at the October 2010 Council meeting. Staff contact is Jon McCracken.

