North Pacific Fishery Management Council

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May 30, 2008

DRAFT AGENDA
188th Plenary Session
North Pacific Fishery Management Council
June 4-10, 2008
Best Western Kodiak Inn
Kodiak, AK

The North Pacific Fishery Management Council will meet June 4-10, 2008 At the Kodiak Best Western, Kodiak, AK. Other meetings to be held during the week are:

Committee/Panel	Beginning
Advisory Panel	Jun 2, Mon - 8am - Elks Club, 102 Marine Way
Scientific and Statistical Committee	Jun 2, Mon - 8am Fishermen's Hall, 503 Marine Way
Enforcement Committee	Jun 3, Tue – 1pm – 5pm - Harbor Room
USFWS Sea Otter Critical Habitat	Jun 3, Tue – 7pm – 9pm – Harbor Room
MMS Bristol Bay Lease Scoping	Jun 3, Tue – 7pm – 9pm – Elks Lodge

All meetings are open to the public, except executive sessions of the Council. Other committee and workgroup meetings may be scheduled on short notice during the week, and will be posted at the hotel.

INFORMATION FOR PERSONS WISHING TO PROVIDE PUBLIC COMMENTS

Sign-up sheets are available at the registration table for those wishing to provide public comments on a specific agenda item. Sign-up must be completed **before** public comment begins on that agenda item. Additional names are generally not accepted **after** public comment has begun.

Submission of Written Comments. Written comments and materials to be included in Council meeting notebooks must be received at the Council office by 5:00 pm (Alaska Time) on **TUESDAY May 27.** Written and oral comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. Comments can be sent by mail or fax—please **do not** submit comments by e-mail. **It is the submitter's responsibility to provide an adequate number of copies of comments after the deadline**. Materials provided **during** the meeting for distribution to Council members should be provided to the Council secretary. A minimum of **25** copies is needed to ensure that Council members, the executive director, NOAA General Counsel, appropriate staff, and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (**28**), Scientific and Statistical Committee (**18**), or the public after the pre-meeting deadline, they must also be provided by the submitter.

NOTE: Council may take action as necessary on all matters listed on the Agenda

FOR THOSE WISHING TO TESTIFY BEFORE THE ADVISORY PANEL

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP **must** sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. **The AP may not take public testimony on items for which they will not be making recommendations to the Council.**

FOR THOSE WISHING TO TESTIFY BEFORE THE SCIENTIFIC AND STATISTICAL COMMITTEE

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. In addition, the SSC will designate a time, normally at the beginning of the afternoon session on the first day of the SSC meeting, when members of the public will have the opportunity to present testimony on any agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC, and **presentations lasting more than ten minutes will require prior approval from the Chair.**

COMMONLY USED ACRONYMS

ABC	Acceptable Biological Catch
AP	Advisory Panel
ADFG	Alaska Dept. of Fish and Game
BSAI	Bering Sea and Aleutian Islands
CDQ	Community Development Quota
CVOA	Catcher Vessel Operational Area
EAM	Ecosystem Approach to Management
EA/RIR	Environmental Assessment/Regulatory Impact Review
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FEP	Fishery Ecosystem Plan
FMP	Fishery Management Plan
GHL	Guideline Harvest Level
GOA	Gulf of Alaska
HAPC	Habitat Areas of Particular Concern
IFQ	Individual Fishing Quota
IPHC	International Pacific Halibut Commission
IRFA	Initial Regulatory Flexibility Analysis
IRIU	Improved Retention/Improved Utilization
ITAC	Initial Total Allowable Catch
LAMP	Local Area Management Plan
LLP	License Limitation Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
MRA	Maximum Retainable Amount
MSY	Maximum Sustainable Yield
mt	Metric tons
NMFS	National Marine Fisheries Service
NOAA	National Oceanic & Atmospheric Adm.
NPFMC	North Pacific Fishery Management Council
OY	Optimum Yield
POP	Pacific ocean perch
PSC	Prohibited Species Catch
SAFE	Stock Assessment and Fishery Evaluation
SSC	Scientific and Statistical Committee
SSL	Steller Sea Lion
TAC	Total Allowable Catch
USFWS	United States Fish & Wildlife Service
VIP	Vessel Incentive Program

NOTE: Council may take action as necessary on all matters listed on the Agenda

May 30, 2008

DRAFT AGENDA
188th Plenary Session
North Pacific Fishery Management Council
June 4-10, 2008

Estimated Time

A. CALL MEETING TO ORDER

(a) Approval of Agenda
(b) Approval of Minutes

B. REPORTS

B-1 Executive Director's Report (3 hrs)
B-2 NMFS Management Report (including permit fee discussion paper, NEPA proposed rule and ACL proposed rule).
B-3 ADF&G Report
B-4 USCG Report
B-5 USFWS Report
B-6 NMFS Enforcement Report
B-7 Protected Species Report (including update on the BiOp schedule)

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 Subsistence Halibut (1 hr)
Initial Review/Final Action on subsistence halibut rural definition.

C-2 Salmon Bycatch (8 hrs)
Initial review of BSAI Salmon Bycatch EIS.

C-3 BSAI Crab Issues (8 hrs)
(a) Initial Review/Final Action on fees for crab loan program.
(b) Receive Crab Committee Report (relative to the Western AI GKC underutilization, community ROFR, crew participation, and emergency relief); action as necessary.
[Note: Council and AP discussion/action will be limited to the four issues listed above].

C-4 GOA Groundfish Issues (8 hrs)
(a) Initial review of fixed gear recency.
(b) Initial review of Pacific cod sector split.

C-5 VMS exemption for Dinglebar (2 hrs)
Final action on VMS exemption for dinglebar gear.

C-6 Research Priorities (1 hr)
Review and adopt 5 year research priorities.

C-7 4E Seabirds (2 hrs)
Final action on 4E seabird avoidance measures.

NOTE: Council may take action as necessary on all matters listed on the Agenda

D. OTHER ISSUES

D-1 Ecosystem Based Management (2 hrs)
(a) Receive report from Ecosystem Committee.
(b) Preliminary review of Arctic FMP. (Council only)

D-2 GOA Sideboards (8 hrs)
(a) Initial review of GOA sideboards for BSAI crab vessels.
(b) Initial review of GOA sideboards regarding GOA rockfish fishery.
(c) Initial review of GOA sideboards for AFA CVs.

D-3 Miscellaneous Groundfish Management (6 hrs)
(a) Committee report on other species management.
(b) Discussion paper on GOA crab and salmon bycatch. (Council only)
(c) Receive report on gear modification research.
(d) Review Discussion paper on Am 80 sector cooperative criteria.
(e) Report on halibut excluder EFP.

D-4 GOA Rockfish Pilot Program (3 hrs)
(a) Receive report which reviews the Rockfish Pilot Program.
(b) Receive report on CGOA Rockfish EFP, phase 1.

D-5 BSAI Crab OFL (SSC only) (0 hr)
(a) Receive Plan Team report on BSAI crab OFLs.
(b) Review Preliminary Crab SAFE report.

D-6 Staff Tasking (4 hrs)
(a) Review Committees and tasking.
(b) Review PSEIS priorities workplan.
(c) Receive report on native/community/stakeholder participation.

D-7 Other Business

Total Hours: (56 hrs)

JUNE 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 SSC/AP – Kodiak	3 SSC/AP	4 SSC/AP Council	5 AP/Council	6 AP/Council	7 AP/Council
8 Council	9 Council	10 Council	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Socio-Economic Date Committee-Anch	25	26	27	28
29	30					

JULY 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4 *Independence Day*	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 IFFET Conference thru 24 – Vietnam	22	23	24	25	26
27	28	29 Electronic Monitoring workshop thru 30th - Sea	30	31		

AUGUST 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 AFS annual mtg thru 22nd – Ottawa, ON	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Donut Hole and ICC mtg thru 5th - Kaliningrad	2	3	4 IPHC Workshop on Apportionments - Sea	5	6
7 PFMC mtg thru 12th – Boise, ID	8	9	10	11	12	13
14	15	16 Crab Plan Team mtg thru 18th – Anch	17	18	19	20
21	22 Groundfish Plan Team thru 24th Sea	23	24 NPRB thru 25th – Anch	25	26	27
28	29 SSC/AP – Anch Sheraton	30 SSC/AP				

OCTOBER 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 SSC/AP/ Council	2 AP/Council	3 AP/Council	4 AP/Council
5 Council	6 Council	7	8	9	10	11
12	13 Holiday	14	15	16	17	18
19	20	21	22	23 PICES mtg thru Nov 2nd – Dalian, China	24	25
26	27 AFS AK Chapter Annual Mtg thru 30 – Anchorage Hilton	28	29	30	31	

NOVEMBER 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2 PFMC thru 7th, San Diego, CA	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 Groundfish Plan Team thru 21st – Sea NPAFC mtg thru 21, Sea, WA	18	19	20	21	22
23 Basis Symposium thru 25 - Sea	24	25	26	27 Thanksgiving	28	29
30						

DECEMBER 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8 SSC/AP – Anch Hilton	9 SSC/AP	10 SSC/AP Council	11 AP/Council	12 AP/Council	13 AP/Council
14 Council	15 Council	16 Council	17	18	19	20
21	22	23	24	25 Christmas	26	27
28	29	30	31			

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Certified: Dan Bendy
Date: 5/28/08

SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
March 31 to April 2, 2008

The SSC met during March 31 to April 2, 2008 at the Hilton Hotel, Anchorage, Alaska. Members present were:

Pat Livingston, Chair
NOAA Fisheries—AFSC
Bill Clark
International Pacific Halibut Commission
George Hunt
University of Washington
Franz Mueter
SigmaPlus Consulting
Doug Woodby
Alaska Department of Fish and Game
Keith Criddle, Vice Chair
University of Alaska Fairbanks
Sue Hills
University of Alaska Fairbanks
Kathy Kuletz
US Fish and Wildlife Service
Lew Queirolo
NMFS—Alaska Region
Robert Ames
Oregon Department of Fish and Wildlife
Anne Hollowed
NOAA Fisheries—AFSC
Seth Macinko
University of Rhode Island
Terry Quinn II
University of Alaska Fairbanks

Members absent were:
Gordon Kruse
University of Alaska Fairbanks
Farron Wallace
Washington Dept of Fish and Wildlife

C-1 Steller Sea Lion Issues

Bill Wilson (NPFMC) presented information on three issues, with assistance from others as noted under each item. Public testimony was taken on all items at once and was heard from George Pletnikoff (Greenpeace) and Paul MacGregor (At-Sea Processors Association).

C-1 (a) Review NMFS Response to Fast-Tracking two SSLMC proposals

This was an informational item only. NMFS recommended that the proposals not be fast-tracked, but rather stay with the rest of the SSLMC proposal package.

C-1 (b) Review Final Revised SSL Recovery Plan

Kaja Brix (NMFS, Alaska Region) presented the main changes made to the Recovery Plan since the last time we saw it, in August 2007, and introduced the new SSL coordinator, Dr. Lisa Rotterman (NMFS). **Although the Plan is final and no further changes will be made until the Plan is officially revised, the SSC provides comments to build the administrative record for the next revision.**

Overall, the SSC commends the agency on the improvements made to the Final Recovery Plan, noting that it is a well-written document, with better balance and fewer internal contradictions than

in previous versions. Although the document is final, the SSC suggests that a link to the data from the 2006 and 2007 partial surveys be provided on the web site on which the recovery plan is available. The data are central to understanding the change of trend for the Western DPS (wDPS), from increasing, to stable or decreasing, and should be made readily available, since they are not in the tables in the document (e.g., Table 1.1 and 1.2). The SSC notes that the implication of this change in population trend for the adequacy of the current SSL protection measures will be determined in the coming status quo Biological Opinion (BiOp).

In June and August 2006, and August 2007, the SSC commented on the two earlier draft revised Recovery Plans (RP). In previous sets of comments, the SSC suggested items that could be addressed fairly quickly and easily, and other items that would take considerably more work and analysis. In June and August 2006, the SSC commented on 7 main issue areas, addressed 36 more specific points, and made extensive comments and recommendations with respect to the PVA. NMFS responded either by disagreeing, making changes in the document, or by deferring the task to the implementation plan and future work. The 7 main issues were: 1) a need to address the implications of alternate population structures (e.g., metapopulations); 2) provision of biological justification for criteria for delisting/downlisting, such as the 3% rate of population increase; 3) a need for research plans for testing hypotheses; 4) a better discussion of efficacy of past management actions, 5) a review of critical habitat designation, 6) the apparently subjective ranking of impacts under threats assessments (for example, from the information in the RP, Toxics seem to be a low threat and disease a medium threat), and 7) the basis for priorities for plan actions. More specific points commented on by the SSC included the requirement for assessment of the Russian subpopulation, statistical significance of trend analyses, and the effects of fluctuating carrying capacity.

In the SSC's August 2007 comments, several issues from previous minutes were reiterated and new ones were raised. Again, NMFS responded to all comments in various ways: disagreeing, agreeing and changing the document, or deferring the issue to the implementation plan and future work. The SSC was pleased to see that our many comments on the lack of balance, confusing and contradictory statements, additional studies that should have been included, and clearer organization were addressed. **The change in the ranking of the killer whale predation threat, and dropping the requirement for vital rates were positive changes to the document. However, the SSC was surprised to see that the call for a large-scale "adaptive management plan" was still included.** Although the SSC long ago called for adaptive management, meaning carefully coordinated small scale experiments, it has been shown many times that a large-scale experiment that would give sufficient contrast among the treatments to yield useful information is extremely unlikely to be developed.

SSC concerns that were deferred for future work included: investigation of the management and recovery implications of different stock structures (e.g., metapopulations), reassessment of critical habitat designations, technical improvements to the PVA, and effects of a modified carrying capacity on recovery criteria. The SSC understands that the current definition of the wDPS includes the Russian subpopulation. The SSC encourages exploration of options (such as an international treaty) to accommodate SSL assessment and the associated funding to collect the necessary data. The SSC had requested that the agency develop a more structured and transparent method of weighting the evidence for determining threat assessment level, and improve the biological criteria for delisting or downlisting. For example, something like the proposal ranking tool, developed by the Steller Sea Lion Mitigation Committee, could be developed for this purpose.

Some new issues were also found in the revised RP. For example, if SSL move from the wDPS to the eastern DPS, this movement will impact the apparent rate of population change in the wDPS. This would affect our understanding of the recovery of the wDPS. This issue needs to be addressed in the future. Likewise, there is a possibility that octopus taken in the pot fisheries may cause local depletion of this

important component of SSL diets. This should be examined. There are also a number of statements of considerable importance that would be bolstered by inclusion of pertinent references to the literature.

The SSC recommends that NMFS communicate the anticipated procedures and timeline for the next recovery plan revision that might consider the work suggested by the SSC, analysis and review of new data (e.g., new counts), and PVA improvements. It seems unlikely that the RP will be revised in five years, considering that this one took longer than that. With Biological Opinions on the horizon, the implementation plan to be developed, and the amount of work that would need to be done for the suggested analyses, a timely revisiting of the RP could be sidetracked. Therefore, it seems prudent to outline a procedure and timeline for analysis and revision, so that issues and concerns can be addressed and appropriate analyses undertaken.

C-1 (c) Receive report from the Steller Sea Lion Mitigation Committee (SSLMC) on preliminary recommendations for changes in SSL protections measures.

SSLMC chair Larry Cotter presented the committee's report. The SSLMC had originally planned to present a preliminary package of proposals at this meeting. However, at their March 2008 meeting, the SSLMC decided that until the status quo draft BiOp is released, it will be impossible to craft such a package. The timeline now will be to receive the BiOp in May, determine which, if any, proposals can be considered, and prepare the package of proposals to present to the Council in June.

C-3 GOA Groundfish Sideboards

The SSC received a report on an initial review draft EA/RIR/IRFA from Jon McCracken (NPFMC). There was no public testimony on this agenda item. This is an initial review draft of a discussion paper last reviewed by the SSC in October 2007. The analysis considers alternatives for adjusting sideboard exemptions.

The current draft purpose and need statement does not provide a concise or compelling expression of need for the proposed action. This draft appears to have missed the preliminary review stage, when direction from Council could have been provided. This places the analyst in the position of attempting to describe the Council's unarticulated intent, its expectations, and the range of acceptable courses of action the Council wishes to consider. **The SSC recommends that the Council provide clearer guidance as to its purpose, need, objectives, and "acceptable" suite of alternatives.** This will assist the analyst(s) in providing an analysis consistent with the requirements of MSA, E.O.12866, NEPA, and RFA (among other relevant legal mandates).

One aspect of this document that could be enhanced, to better address continuing administrative and procedural concerns expressed by DOC and NOAA General Counsel reviewers, would be to highlight the true range of "alternatives" before the Council. [This applies equally to other analyses prepared for Council review and Secretarial approval.] Specifically, there are formally two alternatives identified (for each of a series of independent actions), including the mandatory "No Action" alternative. However, functionally there are numerous alternative forms of the actions, addressed within the analysis, owing to the combinations of "alternatives", "options", and "sub-options", both complementary and mutually exclusive of one another. A more accurate description of these would facilitate public (and reviewer) understanding of the true range of actions before the Council, which, in turn, will expedite procedural advancement of the action.

Once the Council provides the requisite guidance to the analyst(s), cited above, the SSC recommends that the analyst(s) systematically address each of the required elements set-forth by the E.O. and MSA National Standards. For example, the draft analysis does not provide clear evidence that the sideboards

have been binding; it lacks a thorough discussion of the costs and benefits of the proposed action at the level of the affected sector, related sectors, communities, or the Nation; and, it lacks a discussion of the potential benefits of transferring unharvested TAC to the non-trawl sectors.

There appear to be confidential data presented in the document. Presumably, the release of these data was formally agreed to by the subject operator(s). If this is the case, that authority should be prominently displayed in the draft. If this authority has not been obtained, these confidential data must be removed from the document before release for public review.

The SSC supplied detailed analytical and editorial comments to the authors. **The SSC does not recommend release of this draft for public review.**

C-6 (a) Charter Halibut—Evaluation of the 2006 ADF&G Charter Logbook

The SSC received a report from Scott Meyer (ADF&G) on the ADF&G evaluation of the 2006 logbook data. Public testimony was received from Henry Mitchell (Southeast Alaska Guides Organization), Earl Comstock (Charter Halibut Task Force), Donald Westlund (Ketchikan), Alicia Busick (Seward), Rick Bierman (Juneau Charterboat Operator's Association), Dan Hull (Cordova District Fishermen United), Kathy Hanson (Southeast Alaska Fishermen's Alliance), Dan Falvey (Alaska Longline Fishermen's Association), and Jeff Wedekind (Ketchikan Guided Sportfish Association).

The State of Alaska reinstituted mandatory logbook reporting for charter operators targeting halibut in 2006. A number of changes were made to the logbook and to reporting requirements for the new logbook program. Among the most significant of these new requirements are: (1) reporting in the logbook of the State of Alaska fishing license number and catch (and release) by each individual charter client, and (2) weekly submission of logbooks. ADF&G conducted a review of the 2006 logbook data with four primary objectives in mind: (1) an assessment of the overall data quantity and quality, (2) a comparison between logbook data and end-of-season surveys regarding participation and harvest levels, (3) a comparison between logbook harvest numbers and estimates derived from the Statewide Harvest Survey (SWHS) by area, (4) a comparison between logbook data and on-site interviews, and (5) a comparison between logbook harvest data and estimates derived from creel surveys.

Results of the evaluation suggested that the new logbook/reporting requirements produced substantial improvements over the old discontinued logbook program. The analysts' conclusions were that the 2006 data were relatively clean, they were unable to detect false reporting, harvests as reported on logbooks are higher (+23% in Area 2C, +30% in Area 3A) than those estimated from the SWHS, and the mandatory reporting of each angler license number allows additional diagnostics.

This report provides a helpful review of the data generated through the logbook program and its relationship with data generated by the SWHS, port-sampling, creel surveys, and a post-season mail survey of charter customers. Differences between estimates based on the 2006 charter logbooks and estimates based on the 2006 SWHS are substantial; it is unlikely that this difference would be observed if the charter logbook data and SWHS survey responses each provided an unbiased estimate of the true magnitude of catches of halibut and other fish. **However, at this time, we do not know which method produces a more accurate reflection of the true harvest levels.** It is possible that both methods are unbiased, but the magnitude of the discrepancy suggests that one method is biased. While the report speculates on some possible reasons for the discrepancy between the estimates derived from the SWHS and the logbook data, the actual reasons for the difference are unknown and, thus, it is unclear if the difference will be repeated in 2007, or subsequent years. **The SSC concurs with the analysts' assessment that it is premature to conclude anything definitive about one method over the other.**

Logbook data were also collected for 1998 through 2001. However, concerns about the quality and validity of those data argue against their use in analyses. For example, in a September 21, 2001 memo, provided to the SSC and Council in October 2002, Allen Bingham (ADF&G) concluded that

> In IPHC area 3A the 1998 logbook data on halibut harvested on charter vessels appears to be reasonable when compared with SWHS estimates, but data from the 1999 and 2000 logbook programs are believed to be artificially inflated and should not be used in any management decision making process.

Consistency between the 2006 logbook and port sampling observations lends credibility to the logbook-based estimates of total removals. However, the logbooks and port-sampling observations are not independent. Differences between estimates based on the SWHS and the post-season mail survey were not directly examined, because the SWHS responses provide estimates of annual total catches, while the post-season mail survey responses describe catches associated with a single trip. Consequently, although SWHS and post-season mail survey responses can be matched by license number, there may not be many matched observations, and even fewer that are matched and where the respondent only took 1 charter trip. The SWHS estimates were substantially below the logbook-based estimates and the post-season mail survey estimates were substantially above the logbook-based estimates. Thus, it is likely that the difference between the SWHS and post-season mail surveys is substantial and significant.

There are some inconsistencies in the charter logbook data (e.g., ~7% of the respondents to the post-season mail survey of halibut charter customers indicated that they had not taken a charter trip). Nevertheless, because the logbook observations are a census of the trips taken, and because a sample of the logbook data was subject to verification, it is likely that the logbook data provide a superior basis for estimating charter-based halibut landings. However, one year of logbook data does not provide a credible basis for concluding that logbook-based estimates will always exceed SWHS-based estimates, nor that the magnitude of difference apparent in 2006 is an accurate characterization of differences to be expected in subsequent years.

While differences in the estimate of charter-based sportfish landings will affect estimates and trajectories of the halibut population, the differences are small and the effect would include changes in the estimated productivity of the stock, as well as estimates of current removals from all sources. The interplay of these two effects make it difficult to anticipate how new estimates of charter-based sportfish landings would affect the Constant Exploitation Yield (CEY). If the logbook-based estimates are consistently larger than the SWHS estimates, it would be inconsistent to derive estimates of the unguided sportfish landings as the difference between a SWHS estimate of total sportfish landings of halibut and a logbook-based estimate of total charter halibut landings.

The SSC commends the analysts for their evaluation and looks forward to a similar review of the 2007 data.

C-6 (b) Charter Halibut Catch Sharing

Jane DiCosimo (NPFMC), Jonathan King (Northern Economics) and Darrell Brannan (NPFMC) presented the initial review draft of the EA/RIR/IRFA. This draft analysis reflects many recommendations provided by the SSC in our October 2007 review of a discussion paper that outlined this analysis.

Public testimony was provided by Henry Mitchell (SE AK Guides Organization), Earl Comstock (Charter Halibut Task Force), Donald Westlund (Sportfishing Guide Ketchikan), Alicia Busick (Sportfishing Guide Seward), Rick Bierman (Juneau Charter Boat Operators Association), Dan Hull (Cordova District Fishermen United), Kathy Hansen (SE AK Fishermen's Alliance), Jeff Wedekind (Ketchikan Guided Sportfish Association), and Clay Slanaker (Ketchikan Guided Sportfish Association).

The alternatives considered in this amendment have the potential to create substantial changes in the distribution of economic opportunity, relative to the past or present. In addition, the alternatives may affect net national benefits. However, as noted in our October 2007 report,

> A complete characterization of net national benefits affected by this action would require consideration of the contribution to national welfare of all commercial removals (i.e., charter, halibut longline, other fixed gear fisheries, and trawl). Such an analysis exceeds reasonable expectations for the present action.

The draft EA/RIR/IRFA includes an appropriate discussion of most of the pertinent studies[1] and their implication for this analysis.

The analysts' choice of an ARIMA (2,0,1) model for projecting halibut charter catches is reasonable—past catches do not determine future catches, but past catches are a proxy for the time series of latent processes that determined past catches, and a reasonable basis for projecting future catches, so long as the latent processes are unchanged. The derivation of the model and estimation of model parameters should be clearly articulated in the analysis, or an appendix to the analysis. It is important to note that the projections of the model are based on the time series of SWHS estimates of charter-based catches. The model cannot be directly applied to logbook estimates of charter-based catches, because there is a four-year gap in the time series between the 1998-2001 and 2006 logbook data. Further, the 2006 data are not considered to be comparable to the 1998-2004 data. If the Council chooses to base the catch allocation on logbook values, and if the Council wishes to see catch projections based on those models, the analysts will need to adopt some simplifying assumptions, for example, treat the difference as a constant add-on to the SWHS-based projections, much as was done to scale the projections to reflect possible management actions (see e.g., Table 26).

In our October 2002 minutes related to the then proposed halibut charter IFQ program, the SSC noted that the MSFCMA does not require that catch history serve as the basis for an initial allocation of quota shares, only that it be considered, along with several other elements. In setting a sector allocation between the halibut longline fishery and the halibut charter fishery, the Council is not limited to basing the allocation on a particular estimate of the catch history during a particular qualifying period. For example, the inshore-offshore and AFA allocations were not based on the ex-ante status quo. Similarly, the Council could choose to base a longline-charter allocation on historic catch shares, as suggested by the SWHS, the 2006 logbook estimates, the GHL, or some other criterion that is perceived to be equitable and unlikely to grossly distort net benefits to the Nation. Reliance on an allocation criterion, such as a fixed proportion of the CEY, would offer the advantage of avoiding an irresolvable (in the near term) argument about whether the logbook entries, or the SWHS responses, provide the least variance unbiased estimate of charter catches.

The SSC notes that, if Guided Angler Fish (GAF) are denoted in numbers, there may be an incentive for operators to selectively harvest fish that are heavier than the average weight assumed when IFQ pounds are converted into GAF numbers. If GAF are assigned in numbers, rather than pounds, it would be prudent to devise a scheme for sampling fish lengths in the GAF fishery, as a check on the appropriateness of the average weight assumed when IFQ pounds are converted into GAF numbers.

The SSC recommends that the draft analysis be released for public review, after it has been edited to address minor revisions noted above. We also recommend the inclusion of a section that explicitly discusses the processing sectors associated with longline and charter sectors and a section that raises the policy issues associated with definition of economic sustainability of individual firms and sectors in the charter and longline fisheries.

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[1] Herrmann and Criddle (2006) An econometric market model for the Pacific halibut fishery. *Marine Resource Economics* 21:129-158. reports an updated model of exvessel market relationships for halibut from Alaska.

S. Todd Lee, NMFS—Seattle is developing an updated model of angler surplus for halibut in Alaska.

D-1 (a) BSAI Salmon Bycatch EIS

Diana Stram (NPFMC) presented a discussion paper reviewing the draft suite of alternatives for an Environmental Impact Statement (EIS) on managing bycatch of Chinook and "other" salmon in the Bering Sea pollock trawl fishery. Gretchen Harrington (NMFS Alaska Region) presented a scoping report for the EIS, Jim Ianelli (NMFS AFSC) presented a draft report on development of an Adult Equivalency (AEQ) model for estimating the impacts of salmon bycatch on salmon returns, and Bill Templin (ADF&G) responded to questions about genetic stock identification data used to parameterize the AEQ model. Public testimony was presented by Donald Westlund (Ketchikan Charter Boat operator), Jon Warrenchuk (Oceana), Don Rivard (Office of Subsistence Management, USFWS), George Pletnikoff (Greenpeace), and Chris Stark (Bering Sea Fishermen's Association).

The SSC wishes to recognize the outstanding effort by Council staff, as well as by NMFS staff and cooperating staff from ADF&G, to provide and summarize information on this issue on an accelerated schedule. Recognizing the large effort that will be needed to draft the complete EIS, which on the accelerated schedule is to be available for release following the June 2008 Council meeting, the SSC recommends removing or trimming alternatives and options to a more tractable set of those that are clearly within reason and in keeping with the problem statement. **Specifically, the SSC recommends removing Option A (modifying the PSC accounting period to begin at the start of the B season) recognizing that seasonal accounting, which is expected to be done, will make this option unnecessary. Also, the SSC recommends deleting alternatives that do not meet the problem statement's goal of reducing bycatch. To this end, the Council should consider removing alternatives for fixed closed areas and triggered closures that would be similar, in kind, to past implementation of the triggered closures of the Salmon Savings Areas. Over time, these area closures have been found to be insufficient to reduce bycatch.** The rationale for dropping the various types of closed area configurations is that the Bering Sea environment is expected to continue to change in both subtle and remarkable ways, and the spatial and temporal use of this environment by salmon and pollock is also expected to change, such that closure boundaries identified at this time cannot be expected to be effective over the longer term. Compounding this problem is the considerable uncertainty of the effects that will be realized if the pollock fleet is excluded from the most productive grounds. Potential effects include increased effort to achieve the TAC and increased bycatch of smaller pollock, perhaps also of salmon. Unfortunately, the quantitative information on which to base analyses of the effects of fishing outside of the productive grounds is extremely limited. This limitation would be most severe for the large closed area alternatives that encompass large percentages of productive pollock fishing areas.

The SSC has a few suggested improvements to include in the upcoming draft EIS. The first suggestion is to more fully consider the potential impacts on salmon returns to other systems, including West Coast rivers, particularly those with ESA listed species. The SSC also recommends inclusion of an analysis of bycatch in relation to what is known, or suspected, in regards to salmon migration routes. If there is to be continued evaluation of closed areas, the SSC recommends that the identification of high catch rate areas include an analysis of the variation in bycatch rates, specifically to identify those blocks (e.g., 10 km square areas) that are consistently hot spots for salmon.

The model of "adult equivalents" (AEQ) incorporates genetically-based stock composition estimates of the proportion of Chinook salmon taken as bycatch in each of two trawl regions and seasons, as well as catch-at-age estimates, mortality rate estimates, and maturation schedules. The model incorporates estimates of uncertainty, and once fully developed, could be used to select a bycatch limit, based on the sum of estimates of run size impacts, or to evaluate run size impacts given a specific bycatch limit.

This analysis is primarily intended to provide information about the implicit allocation of salmon between user groups. Allocation of salmon resources found in and off Alaska is traditionally the purview of the Alaska Board of Fisheries (BOF), so it would be helpful to provide the model results in a framework for

comparison, similar to that which the BOF has used for many years in their public process. **Therefore, the SSC requests that the estimates of run size impacts also be presented in tables that include corresponding estimates of salmon run sizes, escapements, escapement goals, subsistence harvests, commercial harvests, and sport/personal use harvests for affected rivers of origin for representative years. The SSC also requests that information be provided to show run size trigger levels at which commercial and subsistence harvests are limited or prohibited for those river systems where these limits have or may be imposed.**

Understanding that the AEQ model will undergo further development, the SSC encourages further improvements in estimation of critical parameters. These critical parameters include estimates of at sea survival, which might be improved based on tagging related estimates derived for hatchery-produced or wild salmon. The mortality estimates in the model may need adjustment (equation 4 on page 4 of the draft working paper) to account for the partial year between the A or B season of capture and the time of entry into the river of origin for the expected year of spawning.

D-1 (b) GOA Crab and Salmon Bycatch

Diana Stram (NPFMC) reported on a discussion paper on Gulf of Alaska salmon and crab bycatch in groundfish fisheries. This issue was originally included in the GOA Rationalization EIS and only recently has been elevated as an independent issue. The last time the SSC reviewed this issue was in 2005. Further action on this issue is dependent on a request from the Council. The current analysis is dated. Some aspects of the analysis will be updated, if the Council requests further action on this issue. The present document does include additional information on actual observed coverage levels in the GOA groundfish fisheries, based on new information provided by Jennifer Hogan (NMFS). Public comment was provided by Julie Bonney (Alaska Groundfish Databank), John Gauvin (Head and Gut Workgroup), and Therese Peterson (Alaska Marine Conservation Council).

The report shows bycatches of Tanner crab and Chinook salmon have increased in recent years. The majority of Tanner crab is taken in the flatfish and cod fisheries. The majority of Chinook is taken in the pollock fisheries. In the case of Pacific cod and flatfish, a large fraction of the fleet has been unobserved, making accurate bycatch accounting problematic. The proposed alternatives currently included in the discussion paper are the same as those considered in the BSAI salmon bycatch initiative. **The SSC concludes that the document does not provide sufficient information to assess whether current trends in salmon or crab bycatch are either a conservation or an economic concern. The SSC recommends adding the following information to improve the analysis, in the event that the Council chooses to have this analysis go forward.**

Where possible, the SSC requests that bycatch trends be compared to trends in stock status, and the target fishery, to differentiate between an increase in fishing mortality and an increase in encounter rates with PSCs. For example, it is not clear whether the increase in Tanner crab bycatch is a result of unrepresentative expansion of a small number of observed catch records, recovery of crab populations in the GOA, or a change in the groundfish target species. To aid in differentiating between these factors, the SSC requests a table, showing ADF&G's trawl survey crab abundance data and a summary of salmon run size relative to escapement goals.

The SSC does not recommend using CPUE to assess chum salmon abundance. This estimator could be biased. Also, SSC requests that Table 7 be edited to include units of measurement.

The SSC is concerned about the low levels of observer coverage in the GOA groundfish fisheries. There appear to be high levels of uncertainty in the bycatch estimates of salmon and crab in the GOA, and this should be discussed relative to the ability to properly identify the impacts of

alternatives. Furthermore, implementation of a trigger-dependent bycatch program is likely to be ineffective, due to the large portion of the fleets that are unobserved.

If this analysis goes forward, the Council may want to consider splitting the alternatives or the amendment to separate the crab analysis from the analysis for salmon. This might be necessary in order to account for the differences in crab and salmon behavior and, thus, differences in mitigation measures needed to reduce bycatch for each species.

D-2 (a) Salmon Excluder EFP

Melanie Brown (NMFS) provided the SSC with an overview of the draft EA produced for the EFP to continue developing a salmon excluder device for the pollock trawl fishery. No discernable effects on target and non-target species were concluded from the draft EA analysis of the proposed action. The proposed action could have future economic and conservation benefits to the pollock industry. However, the magnitude of these benefits is unknown at this time. Public testimony was received from Don Westlund (Ketchikan).

John Gauvin (Gauvin and Associates LLC) provided a presentation and a report that detailed the outcomes, to date, of the salmon excluder experiments. Mr. Gauvin and Mr. John Gruver (United Catcher Boats) also described the EFP application for further development and testing of the salmon excluder device, from September 2008 through March 2010, in both the pollock A and B seasons. The EFP application requests an exemption from the Chinook and Chum Salmon Savings Areas, the Bering Sea Pollock Restriction Area, Steller Sea Lion Conservation Area, Catcher Vessel Operating Area, NMFS observer monitoring, and from the pollock TAC specified in the annual harvest specifications. Additionally, a bycatch level of 2,500 chum salmon for each B season, and 2,500 Chinook for each A and B season have been requested to support the project. The project also requests 2,500 MT of pollock, in each of the A and B seasons that would not be subject to TAC limits for pollock. The 2008 pollock TAC was set at the ABC level. The SSC discussed the potential to exceed the ABC under this proposed action and determined that if the ABC was exceeded the magnitude of overage would be negligible and would have no discernable effects to the pollock population. These catch levels are based on the lessons learned from past work and a plan to optimize the amount of testing to achieve an adequate sample size and statistical power for a sufficient evaluation of the "flapper" salmon excluder device.

The flapper design salmon excluder has shown the greatest potential, over previous excluders tested (EFP 05-02), for lowering salmon bycatch, with the least negative effects on fishing and associated net repairs. The new EFP will repeat the testing of the flapper design, as suggested by the SSC in October of 2007. **The SSC recommends approval of this EFP permit and is hopeful that this research will aid in mitigating incidental catch of salmon by the pollock trawl fleet in the future.**

D-2 (b) CGOA Rockfish Electronic Monitoring EFP

Julie Bonney (Alaska Groundfish Data Bank) presented her request for an Experimental Fishing Permit (EFP) to continue and enlarge a feasibility study of the use of electronic monitoring (EM) in the Rockfish Pilot Program, as a mechanism for accurate quantification of halibut discards. Work in 2007 was concerned with the feasibility of installing and operating the cameras on the small trawlers in this fishery. Proposed work in 2008 would be concerned with the feasibility of collecting video data from several vessels, and processing and storing those data.

In principle, the SSC supports the development of EM technology, including this project. As a matter of procedure, the SSC believes that the application should contain more analytical detail concerning the data to be collected and the methods to be used. If hypotheses are to be formally tested, a

valid experimental design needs to be prepared and should include a power analysis. A clear linkage between the goals of the study and the plan of action is also necessary. We expect that a report of the 2005 work and results obtained in 2007 will be presented at the June 2008 meeting.

D-2 (c) VMS Dinglebar Exemption

The SSC received a report from Diana Evans (NPFMC), John Olson (NMFS), and Melanie Brown (NMFS) on a draft EA/RIR/IRFA to exempt GOA dinglebar fishermen from VMS requirements. Public testimony was provided by Donald Westlund (Ketchikan).

The draft EA/RIR/IRFA presents several statistics pertaining to dinglebar fishing activity depth profiles (from the 2007 fishery) and to the depths at which HAPC are believed to occur. It is also reported that "any" bottom contact (e.g., anchoring) results in destruction of HAPC (e.g., Gorgonian corals), imposing long-term habitat losses.

The depth observations reported for HAPC, and those for dinglebar fishing, are interpreted in the EA/RIR/IRFA in ways that do not appear to be supportable, as presented. For example, the analysis asserts that dinglebar fishing "typically" occurs at depths of less than 50 fathoms. It, elsewhere, asserts that Gorgonian coral habitat occurs at depths in excess of 80 fathoms. In combination, this leaves the impression that there is approximately a 30 fathom buffer between the two. The document does acknowledge, at one point, that "... some fishing occurs ... somewhat deeper than 80 fathoms", but clearly implies that it is not important in this context. Data referenced in other sections of this document, however, reveal that a non-trivial amount of dinglebar effort occurred in depths in excess of 100 fathoms. Substantial portions of the subject HAPC areas coincide with depths between 80 and 110 fathoms (e.g., 78% of the subject HAPC in FN1 and 75% in FS2). However, the analysis asserts that none of the alternatives (to the status quo) are expected to have a significant adverse impact on protected habitat. This conclusion appears to be based on inconsistent interpretation of the conflicting information on the extent of overlap between fishing depth and HAPC depth.

The document should highlight the limitations on knowledge of the distribution of Gorgonian coral habitat in this region of the GOA, which are based on a very limited number of submersible dives. Bottom-contact in these habitats should be explicitly recognized as having the potential to impose long-term and cumulative habitat losses.

The analysis acknowledges the "deterrent" effect of VMS and the likelihood that observed location of fishing was changed by the monitoring. Nonetheless, the summary interpretation (table p.vii) concludes "... it does not appear that dinglebar fishermen would have an incentive to fish in the (HAPC) area." A different conclusion might reasonably be reached, based on the same information.

The economic analysis should more carefully distinguish between costs uniquely imposed by the proposed action, versus those which have been incurred previous to this action (sunk costs). For example, all current participants must have already incurred the costs of complying with existing regulations (in place in 2006). Furthermore, a substantial portion of those costs were subsidized (e.g., through rebates, tax/depreciation provisions, etc.) The actual burdens imposed on operators by retaining the VMS requirement (or the benefit accruing from exemption) are those annually recurring variable operating costs (estimated to be less than $188.00 per vessel per year).

Over time, replacement of VMS equipment, maintenance, and variable operating costs may be expected to recur. The draft analysis characterizes some of these, and derives sector-wide aggregate net present value (NPV) estimates. The parameters employed in this assessment should be carefully reconsidered and estimates should be recalculated and presented on a mean "per vessel" basis.

The SSC does not find the analytical arguments presented in the RIR section entitled "Total Social Costs" to be germane to this analysis and recommends that the section be deleted. In addition, we recommend that the cost-benefit discussion be revised to more appropriately characterize the fixed and variable costs of the alternatives, before the analysis is released for public review.

The SSC recommends release of the draft document only after resolving the above-noted inconsistencies and apparent contradictions in the HAPC depth characteristics, relative to dinglebar fishing and after correcting the economic analysis.

D-2 (d) GOA Other Species ABC/OFL Specifications

Diana Evans (NPFMC) presented an Environmental Assessment for proposed amendment 79 to the GOA groundfish FMP to specify ABC and OFL for the "other species" complex in the GOA. Alternatives considered are the Status Quo (Alt 1), under which only a TAC would be specified, and Alternative 2, which would establish an aggregate ABC and OFL for the "other species" complex to comply with National Standard 1. **The SSC recommends adoption of Alternative 2, which for the first time provides a biological basis for setting aggregate ABC and OFL for this complex.** We note that this is intended as an interim measure, while the Council considers breaking out component groups and setting individual harvest specifications (OFL, ABC, TAC) for each group.

D-2 (e) Area 4E Seabird Avoidance Measures

The SSC received a presentation from Kristen Mabry (NMFS) and Scott Miller (NMFS) on a revised draft EA/RIR/IRFA for a regulatory amendment to revise regulations for seabird avoidance measures in the hook-and-line fisheries in IPHC Area 4E, to reduce the regulatory requirements on fishermen, without increasing the incidental take of the short-tailed albatross and other seabird species. There was no public testimony.

The SSC recommends releasing the draft analysis for public review, pending additional consideration of the following issues:

The SSC recognizes that the draft EA/RIR/IRFA for this amendment has come a long way since February and that the authors have responded well to many of the comments provided by the SSC in its minutes of the February 2008 meeting. The inclusion of a brief section on page 19, detailing some of our comments and the responses to them, was appreciated. There remain, however, several issues that should be addressed:

It would be most helpful to ensure that all figures and tables are presented in the order that they are called out in the text. It is difficult to be flipping back and forth through the figures and Appendices. Figures need better legends and captions with larger fonts and margins to improve readability.

'Other Species' are still given cursory treatment, simply referring to an old EIS that found no significant population level effects, which are not explained. In particular, the lack of discussion of the immense numbers of short-tailed shearwaters that forage from just offshore of the inner front to almost the shore off Cape Newenham, is surprising. Chapter 40 in the Hood and Calder volumes on the Bering Sea (1982) has maps of seabird distributions as determined in the OCSEAP studies. Additional data are available in the North Pacific Pelagic Seabird Database, as well as from G. Hunt and colleagues. There are also several recent publications on shearwaters in this region. **A lack of evaluation of this issue remains an important deficiency,** as shearwaters are one of the two species most frequently taken as bycatch in the hook and line fisheries of the Bering Sea. Although there is a seasonal mis-match between parts of the fishery and when shearwaters are present, there is overlap in June through September. It is, thus, possible

that the fisheries in Area 4E will overlap with shearwaters and that there may be increased bycatch of this species, if the regulations are relaxed. Such bycatch, in and of itself, is not sufficient reason to forestall the relaxation of the regulations, as these birds are abundant and there is little likelihood of population-level threats to the species from bycatch in area 4E. However, **the Council and NMFS should be made aware that this is an area where increased bycatch of shearwaters could occur,** and they may wish to weigh this potential in making their decision.

There were some errors in background information presented on some bird species, and specifically the status of Kittlitz's Murrelet has changed from low priority to high priority for ESA listing as a threatened species.

There are several papers in the recent Supplemental Volume of Fisheries Oceanography (November 2005) on the Aleutian Islands that discuss the importance of the Aleutian Passes for seabirds, though not for short-tailed albatrosses, per se. In particular see the paper by Jahncke et al.

Minor comments:

Fig. 9: Get a different version with lighter background so tracklines can be seen. (contact K.Kuletz, and, if preferred, get the data to map with respect to 4E boundaries).

p.6 Summary of Cumulative Effects: Red-legged Kittiwakes and Kittlitz's Murrelets should not be included with others listed as affected by stressors mentioned in this paragraph, though they are or have been affected by oil spills, gillnets (Kittlitz's Murrelets), and climate change.

p. 6 (4th paragraph): another threat specific to Kittlitz's Murrelets is tour vessels, though not in the Bering Sea.

p. 19: The list of responses to our earlier comments references incorrect pages and figure numbers, making it difficult to locate relevant text and figures.

Table 6.2: This table concludes no impact on STAL and non-listed species. However on p.35 there is reference to potential direct affects on 'other non-target species', but these aren't specifically identified.

p. 36: Habitat and Ecosystem Effects: Regarding lost/discarded gear, wouldn't the avoidance gear at some point (at least the lines) wind up on the seabed or washed up on the beach? Lines on beaches entangle marine mammal and some bird species. This also contradicts discussion on p. 70, which states that the risks from discarded gear will be minimized by relaxing requirements for streamer lines.

p. 38: The list of web sites could also include USFWS Migratory Bird Management as there is a link for the Alaska Seabird Colony Database, and the N. Pacific Pelagic Seabird Database.

p.39: There is a more current STAL population estimate (Balogh, pers comm).

p.39, 3rd paragraph: Spectacled Eider and Steller's Eider are not always "well off-shore." Specify season; in spring and fall migration periods they are often near shore, especially in NW Alaska. (Note, change spelling of 'spectacles' eider.). Also, there are interactions with fisheries from vessel strikes.

p.42: N. Pacific Seabird Program: Note that although no albatross were observed inside IPHC Area 4E, the southern (STAL) portion of 4E was not well covered by these surveys (see Fig. 9). Also, although the figure used in this draft is from 2007, USFWS data includes 2006, so totals are 443 days at sea, > 41,000 km surveyed.

p. 42 IPHC surveys: As in previous draft, the report from the IPHC surveys ends with the conclusion that few seabirds were observed in this management area, but still does not clarify why that was so. The authors should clarify by describing the surveys, which were not typical seabird surveys. These were 'stern counts' of birds < 50m from the boat immediately after a trawl. Thus, only birds attracted to trawling activity and to boats were recorded. Other species that are abundant in the area (auklets, murres, loons, seaducks, etc) would not show up in these surveys, and in fact would likely avoid the boats. The difference in species that are attracted to vs. not attracted to fishing vessels is addressed as background on p. 49, but this point is most relevant here. Also, although 'no birds of conservation concern were observed', species like Kittlitz's murrelet and marbled murrelet would have likely been lumped with 'alcids' in these surveys.

p. 45: The sentence 'The Aleutian Islands in particular were a primary foraging destination for STAL' is important, but currently buried in the middle of a big paragraph; highlight it better.

p. 47. – 2nd paragraph: Note that black-footed albatrosses also were observed near the shelf edge SW of area 4E (see Fig. 9).

p. 47 (under Kittlitz's Murrelet): Need to update the end of the paragraph to indicate that the Kittlitz's Murrelet status has been upgraded (2007) from level 5 to level 2 priority for listing, due to additional evidence of continued population declines and increasing threats. Also on p. 48, the 2006-2007 USFWS surveys found Kittlitz's Murrelets in the Bering Strait area (near and in 4E) and Chukchi Sea.

p. 51: It should be possible to update bycatch data; estimates through 2006 are available from NMFS.

p.63: (Effects on other species): Mention shearwaters in the first sentence with others, even though they are discussed later. Although relaxation of mitigation techniques in 4E may not have population level effects, Council should be aware that there is likely to be bycatch of these other species (mainly shearwaters, gulls, fulmars). Fairly high densities of shearwaters can occur in fall in the northern portion of 4E, and from summer through fall in the STAL subarea (as shown in your figure 21).

p. 70, table 7.1: Add eiders as a species affected by 'collisions with fishing vessels'. Eiders are also affected by gillnet fisheries (albeit more by subsistence / inland in Alaska). Why are auklets included here, since they are not a 'species of concern' in Alaska? Also, at end of 3rd paragraph, add 'vessel traffic' specifically for Kittlitz's Murrelet.

p. 73, (Purpose & Need for Action), 4th sentence: "The proposed action has the dual purpose of continuing to protect STAL - *not all other seabirds* – while eliminating seabird avoidance gear requirements...where STAL are rarely observed". As written, the statement is misleading with respect to gulls, fulmars, shearwaters in the non-STAL areas of 4E. Even though they are not species of concern, they are covered under the MBTA (note the goals and objectives of the MBTA mentioned in the next paragraph).

D-4 Scallop SAFE

Diana Stram (NPFMC) presented minutes from the February 2008 Scallop Plan Team (SPT) meeting, and also presented the March 2008 SAFE report for the weathervane scallop fishery. Public testimony was presented by Jim Stone (Alaska Scallop Association)

As reflected in the SPT minutes, the past chairperson of the SPT, Jeff Barnhart has retired from service with the Alaska Department of Fish and Game, and Diana Stram was elected to serve as interim chair. The SSC wishes to thank Mr. Barnhart for his many years of service as chairperson, and we heartily welcome Dr. Stram and commend her for her willingness to lead the team on an interim basis.

The SSC finds the SPT minutes from February to be informative and we thank the authors for their attention to detail. In regards to research priorities (specifically item 5), the SSC encourages the team to consider including the objective of investigating whether scallop beds coincide with retention zones, as determined by circulation patterns, and how this relates to stock structure. Additionally, the SSC would like to see the investigation of movement of scallops within beds as a research priority, with the purpose of determining whether scallops can and do fill in areas that have been previously harvested.

The SSC commends the SAFE authors for providing a greatly improved document that is better organized and easier to read than previous versions. We are particularly appreciative of the attention given to our previous comments, as summarized in section 1.2. The SSC requests that next year's SAFE report include an explanation in the management chapter (section 2.1) describing the process by which changes to GHLs are determined each year. Additionally, the SSC requests that an explanation be provided for all GHL changes that have been made for each registration area, to be included in the Stock Status chapter (section 3) for each registration area. More generally, the SSC encourages the development of a control rule to aid in a more transparent, biologically-based GHL determination.

The SSC appreciates the information provided in the Ecosystem Considerations chapter (section 4), and asks the SAFE authors to consider modeling this section after the format of Ecosystem Consideration sections that have recently been prepared for individual groundfish SAFE chapters. The SSC requests that information be provided on predator-prey relationships, including effects on scallop predators, as well as considerations of habitat effects, and of bycatch, as included in the current SAFE. This added information, if not presented separately for each registration area, should at least highlight area specific concerns.

In regard to the potential sunset of the State of Alaska's vessel limitation program, the SSC wishes to strongly express its concern over potential biological conservation issues regarding the scallop resource, in the event that State waters are once again subject to open access.

D-7 Crab Model Review

Diana Stram (NPFMC) reviewed for the SSC the schedule for producing crab SAFEs and OFLs to satisfy the provisions of Amendment 24, which should soon be approved. Crab SAFEs will be produced for the 10 stocks identified in Amendment 24, and the Crab Plan Team drafted two documents to assist in this effort: a set of suggestions for the assessments and a guide to preparing the SAFEs. There was no public testimony.

The SSC approves these documents, in principle, but notes that stock assessment authors may not be able to address all of the suggestions in time for the Plan Team meeting in May. The same is true for suggestions from the CIE review that was recently released. Nevertheless, these documents provide a logical structure and a good start toward developing a consistent and complete set of SAFE chapters.

In the first document (D-7(a)), the SSC recommends changing item 11 under General Comments to be more flexible: authors should consider plotting abundance on an arithmetic scale, but there are surely cases when plotting on a logarithmic scale is more appropriate. In the second document (D-7(b)), the SSC recommends that there be a single executive summary, containing all ten stocks, which precedes the individual SAFE chapters. This allows a better overview of trends among the stocks, and provides a single location for summaries of important information. Also, it is likely that the Crab Plan Team will do the executive summary, rather than the stock assessment author. The SSC notes that the list of information to include in the executive summary is more extensive than is provided in the groundfish SAFEs, and could be difficult to summarize effectively. The Crab Plan Team should reconsider the content of the executive summary at its May meeting. Under management performance, it seems that ABC should be replaced with TAC.

The SSC was also provided the current procedure to be followed for an external stock assessment review. The SSC recommends that the Crab Plan Team review the allowable timing of such a review, in light of the change to the annual cycle for producing the crab SAFE.

ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
March 31-April 5, Anchorage Hilton Hotel, Anchorage, Alaska

Approved_____ **Date**_____

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

Joe Childers	John Henderschedt	John Moller
Mark Cooper	Jan Jacobs	Rex Murphy
Craig Cross	Bob Jacobson	Ed Poulsen
John Crowley	Simon Kinneen	Michelle Ridgway
Julianne Curry	Chuck McCallum	Beth Stewart
Tom Enlow	Mike Martin	Lori Swanson
Bob Gunderson	Matt Moir	

The AP unanimously approved its minutes from the February 2008 meeting.

C-2 Crab Management

(a) Crab Advisory Committee Minutes
(b) Refine problem statement and elements and options for the analysis of 90/10 A share/B share modifications

The AP recommends the following problem statement and elements and options:

The Bering Sea Crab Rationalization program was designed by the Council and authorized by Congress to recognize the prior economic interests and importance of the partnership between harvesters, processors and communities. The program was developed at a time that harvesting and processing capacity had expanded to accommodate highly abbreviated seasons, and significant portions of that capacity operated in an economically inefficient manner or were idle between seasons.

There have been continuing philosophical differences concerning the Program, but there have also been a number of targeted amendments to improve the Program. Recently, the Council, industry and crab-dependent communities have come to recognize that additional targeted amendments concerning Western AIGKC, community ROFR, and Emergency Relief from Landings requirements may be required to address the following specific problems:

1. Under-utilization of west-designated WAIGKC. A significant portion of the west designated WAIGKC TAC was left in the water during the 2006/7 season. It is not known if the Council's recent action to create a custom processing use cap exemption for this fishery will be sufficient to solve this problem. Given the potential impact on all participants, the Council has determined that this problem requires additional analysis.

2. Community ROFRs may be inadequate for long-term community protection. The Council has heard from several crab-dependent communities that the current ROFR regulations may be inadequate for long-term community protection under some circumstances. The Council's intent in establishing Community ROFRs was to insure that the PQS earned in a region created long-term benefits for that region, and that community ROFRs provided each community in that region with an adequate opportunity to acquire specific PQS if faced with the prospect that the PQS would move to another community within the region through a sales transaction. Communities have also indicated that they are unable to make their ROFR rights effective due to

the lack of funding and because a ROFR may involve processing company's entire holdings and assets in a particular region which may be financially beyond the capacity and interest of a community to undertake, as the community is only interested in the processor holdings within the community boundaries. The current ROFR regulations allow for the expiration of the ROFR under certain circumstances. The Council has determined that this problem requires additional analysis.

3. Unexpected events may require some relief from regionalization and other landings requirements. Recent ice events, a processing platform fire and an oil spill have all raised the possibility of temporary emergencies, natural or man-made, preventing delivery and/or processing in certain communities or regions. The challenge is to protect the balance of the program – including the investments of crab-dependent communities – while providing flexibility to industry during extraordinary events. The Council has determined that this problem requires additional analysis.

Elements and Options
Western AIGKC

1. WAG king crab options
    1.1 Status Quo
    1.2 Convert IFQ A shares to B shares
        Suboption 1. with compensation to PQS holders
        Suboption 2. without compensation to PQS holders

    1.3 Convert West Designated IFQ A shares to B shares
        Suboption 1. with compensation to PQS holders
        Suboption 2. without compensation to PQS holders

    Sub option: new B shares retain west area designation using landing requirements defined under the Custom Processing Amendment
    Sub option: new B shares have no regional designation

    1.4 Reallocation of PQS among other PQS holders if not utilized 3 years out of 5 years
    1.5 Reallocation of PQS, CP, and CPO shares to more adequately address community concerns and processing investment
        Suboption 1. with compensation to PQS holders
        Suboption 2. without compensation to PQS holders

Community ROFRs
1. Status Quo
2. Establish a new ROFR with a starting date of October 1, 2009

Community entity has more than 60 days and 120 days but no more than 90 and 150 days, respectively, to indicate interest and to finalize agreement
A loan program is to be established to be administered by the Secretary to allow communities to exercise their ROFRs

Emergency Relief from Landings Requirements:

The AP would request the Crab Committee be tasked with developing elements and options for Emergency relief for the June Council meeting.

Motion passed 19/1.

The AP concurs with the industry and public review process for EDR meta data recommended by PNCIAC and outlined in its testimony and recommends the following:

1. That, consistent with Council direction, a public meeting between PNCIAC and staff be convened upon completion of the draft metadata table, to inform PNCIAC and other industry members about the draft table, underlying assumptions and related audit results;

2. That immediately following that meeting, a public review and comment period of no less than 45 days be established to provide feedback to staff;

3. That the staff evaluate the comments and recommendations provided by PNCIAC and the public, and incorporate those comments and recommendations where appropriate as a "second draft" to the metadata table;

4. That upon completion of the second draft, PNCIAC will organize a public meeting for a staff presentation of the revised metadata table;

5. It is anticipated that final comments and recommendations resulting from this process will be provided to the Council by PNCIAC after the presentation of the second draft.

Motion passed 18/0.

C-2 (c) Immunity for arbitrators

The AP recommends the Council adopt as a preferred alternative a regulatory provision that explicitly provides arbitration administrators with the authority to establish procedures and make administrative decisions concerning the arbitration program, provided those actions are not inconsistent with any other requirement contained in the regulations. The Council would remove any uncertainty concerning the scope of authority granted these administrators. By clarifying that authority, the provision would strengthen any argument that any common law or other immunity should be extended to any acts taken to administer the arbitration program (including the development of arbitration procedures).

The AP believes that immunity for arbitrators and arbitrator administrators is important but may be beyond the scope of authority of the Council.

C-2 (d) Crab arbitration

The AP recommends the Council select the following as preferred alternatives:

Revising market reports and non-binding price formulas: Alternative 2
Modifying the timeline for GKK market report and formula: Alternative 2
Addressing staleness of market reports: Alternative 2

Motion passed 18/0.

C-2 (e) Crab Management C share acquisition and holdings

The AP recommends the Council adopt the following as its preferred alternative:

~~Alternative 1 (Status quo)~~

Alternative 2 (may be adopted with alternative 3)
For a period of ~~5 or 7~~ **4** years from the implementation of **this amendment** ~~the program~~, C shares can also be acquired by an individual who:

1) is a U.S. citizen,
2) has at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery (historic participation), and
3) received an initial allocation of C shares.

Alternative 3 (may be adopted with alternative 2)
For a period of ~~5 or 7~~ **4** years from the implementation of **this amendment** ~~the program~~, C shares can also be acquired by an individual who:
1) is a U.S. citizen,
2) has at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery (historic participation), and
3) demonstrates participation in the BSAI rationalized crab fisheries during
   i. 3 of the 5 seasons, or
   ~~ii. 2 of the 3 seasons,~~
   immediately preceding implementation of the rationalization program.

Alternatives for revision of active participation requirements for C share holders:

Alternative 1 (Status quo)

Alternative 2 (may be adopted with alternative 3)
To receive an annual allocation of IFQ, a C share holder must:
have participated in at least one delivery in a fishery subject to the crab rationalization program in the 3 seasons (i.e., crab fishing years) preceding the application for IFQ.
Suboption: have received an initial allocation of C shares and participated in 30 days of State of Alaska or Alaska Federal fisheries in the 3 seasons (i.e., crab fishing years) preceding the application for IFQ.

No IFQ will be withheld until 3 years after implementation of this amendment.

Suboption: Establish a mechanism for the annual allocation of C share IFQ to ensure that the portion of the TAC available to active C share holders is equivalent to the C share portion of the fishery as established by the Council (currently 3 percent).

Alternative 3 (may be adopted with alternative 2)
A C share holder who does not meet one of the following active participation criteria will have all C share QS holdings revoked:
The person must have participated in at least one delivery in one of the rationalized crab fisheries in the preceding **5 years** ~~seasons~~ (i.e., crab fishing years).
Suboption: The person must have received an initial allocation of C share QS and have participated in 30 days of fishing in State of Alaska or Alaska federal fisheries in the preceding **5 years** ~~seasons~~ (i.e.; crab fishing years).
~~This provision will not require individuals to divest of Quota Share until 5-10 seasons after implementation of the crab program.~~
No QS will be revoked before 5 years from implementation of this amendment.

Suboption: Persons who received an initial allocation of C share QS and are 60 years of age or older on the date of implementation of this amendment are exempt from active participation requirements. This exemption is limited to initially issued QS (i.e., not purchased QS).

No prohibition of leasing C shares will apply.

And add to the purpose and needs statement: **C share holders who received an initial allocation who are 60 years and older at the time of implementation should be exempt from active participation requirements to ensure that they receive the intended benefit of that allocation.**

Motion passed 18/0.

C-1 (f) Cooling off period and ROFR for St. George

The AP recommends the Council delay action until the October Council meeting. *Motion passed 19/1.*

A motion to adopt Alternative 2 failed 8/12.

The minority believes the Council should take action to adopt Alternative 2 at this meeting for the following reasons:

1. *Community protections were, and remain, an important and integral part of the crab rationalization program. An act of God prevented the community of St. George from realizing the benefits of the Council's original community protection provisions. The damaged harbor is scheduled to be repaired to its pre-2004 storm status by early this summer. Nearly 8 million in federal funds will have been spent to repair the harbor. To maintain the credibility of its commitment to crab dependent communities, the Council should reinitiate the two year cooling off period and ROFR for St. George.*
2. *There is nothing of substance to be gained by delaying action until October. The Appeal decision will not clarify anything since it will simply determine whether or not the 2007 decision by RAM was correct. That decision will not result in the affected PQS being processed in St. George.*
3. *In the final analysis this is about the community of St. George, its residents, and their future. The AP received testimony from the former mayor of St. George and a local resident who represents the community's fishermen. They explained how important crab was and remains to their community. It was not their fault a storm damaged their harbor. It was not their decision to sell the processing vessel that is too large to fit in the harbor. And it was not their decision to tie shallow draft crab vessels with crab IFQ to the dock in Seattle and lease the quota out to deeper draft vessels. St. George deserves to have its chance to once again be an operating crab dependent community. It may well determine their future as a community and, in our opinion it is a matter of credibility for this program.*

Signed: Craig Cross, John Moller, Chuck McCallum, Rex Murphy, Simon Kinneen, and Michelle Ridgway

C-3 GOA Sideboards for BSAI Crab vessels

The AP recommends the Council release the analysis for public review with the following modifications:

2.4 Raise the threshold from < 500,000 lbs to < 750,000 lbs

For parts I and II, the AP recommends the Council clarify that it does not intend to disqualify any currently exempt vessels or licenses based on this action.

Additionally, for Part III, for the purposes of clarification, include that the intent of the action is to address National Standard 1 and more fully utilize cod TAC in the GOA but not impact non-crab qualified vessels dependent on GOA cod harvest. NMFS may relax the B season sideboard restriction after November 1st if sufficient quota exist and the fishery will not close prematurely, impacting non-crab qualified vessels.

Remove Option 2.1, suboption 2.1.1 suboption 2.2.1 into a separate category "Options reviewed but not considered."

Motion passed 17/0.

C-4 LLP Trawl Recency

The AP recommends the following as the preferred alternative for final action on the trawl recency amendment package:

Choice of Alternatives *(from page 14 of the analysis)*:
Alternative 1. No Action
Alternative 2. Remove the subarea (BS, AI, WG, and / or CG) endorsements on trawl LLPs unless the license meets a minimum landing threshold in the overall management area (BSAI or GOA).
Alternative 3. Remove the subarea (BS, AI, WG, and / or CG) endorsements on trawl LLPs unless the license meets a minimum landing threshold in the specified subarea.

Choose Alternative 3

Choice of Components *(from page 15 & 16 of the analysis)*:

Component 1 (landing threshold):
Option 1. One groundfish landing during 2000 – 2005
Option 2. Two groundfish landing during 2000 – 2005
Option 3. [One or two] groundfish landing during 2000 – 2006
Suboption: Apply opt 3 only to BSAI endorsements

Choose Option 3 – Two groundfish landings during 2000 – 2006

Adopt staff clarification of text for component 1 option 5 (see page 28 of the analysis – noted below with underline added text and strike through as deleted text)

A motion to include Option 4 with a 200MT landing requirement failed 6/9/1.

Option 5. (applicable only under Alternative 3)
One can also ~~In order to~~ retain both GOA subarea endorsements if significant landings ~~must~~ have been made in one of the management areas (e.g. WG or CG). The trawl CV LLP must meet the landing criteria selected (Option 1, 2, or 3 above) for a specific subarea (e.g., WG), plus the license must have participation in the same ~~either~~ subarea (e.g. WG ~~or CG~~) in 2005 or 2006 or 2007 of at least:

Suboption 1: 20 landings
Suboption 2: 30 landings
Suboption 3: 40 landings

Choose Option 5 – Suboption 1: 20 landings

Component 2 (stacked LLPs)
Provision: Groundfish harvest history is credited to each LLP stacked on a single vessel at the time of the landing.
Suboption: At the time of implementation, stacked LLPs will remain linked and cannot be severed back into separate LLPs.

Accept provision do not choose Suboption.

In future actions, particularly those involving allocations, the Council may credit catch to a single license in cases in which multiple licenses are stacked on a vessel."

Component 4 (Adding new AI endorsements to trawl LLPs)

Option 1. Award AI endorsements to non-AFA trawl CV <60' MLOA licenses if they meet the landing thresholds in the AI parallel P. cod fishery during 2000-2006 of at least:
Suboption 1: 50 MT
Suboption 2: 250 MT
Suboption 3: 500 MT

Choose Option 1 – Suboption 3: 500 MT

Component 4, Option 2 Award AI endorsements to non-AFA trawl CV ≥60' MLOA LLPs if they have at least one landing in the AI parallel groundfish fishery or AI State water P.cod fishery in 2000–2006, and [500 mt or 1,000 mt] in the BSAI P.cod fishery in 2000–2006.

Choose Option 2 - with 1000 MT landing requirement. These endorsements should not be severable.

Option 3. Aleutian Islands endorsements issued under Component 4, option 1, shall be severable and transferable. The AI area trawl endorsements can only be transferred to a non-AFA trawl CV LLP with a trawl CV designation and an MLOA of <60'.

Choose Option 3

Motion passed 14/1/1.

Additionally, the AP recommends that Components 1 and 4 move forward for rulemaking on separate but equal rulemaking tracks. *Motion passed 13/2/1.*

C-5 Observer Program

The AP recommends the Council take final action and adopt the following as its preferred alternative:

Issue 1: Alternative 2
Issue 2: Alternative 2, Option 1. (72 hours) Additionally, the AP recommends removing the words "allegations or" in Issue 2, Alternative 2, Option 1. *Motion passed 16/0.*
Issue 3: Alternative 2
Issue 4: Alternative 2, Option 1
Issue 5: Alternative 4, Option 1, and revise the language in Option 1 to read "limit the submittal of economic data every third year and limit access to these data to agency staff."
Issue 6: Alternative 1
Issue 7: Alternative 2

Motion passed 16/0

Further, the AP recommends the Council consider the additional recommendations at the top of the March 2008 OAC report on page 2. *Motion passed 17/0.*

C-6 Charter Halibut

The AP recommends the Council advance for Public Review the 2C 3A Catch sharing plan with the following changes:

Add the following text:
The commercial fleet supports tight leasing constraints in order to minimize disruption to their sector and not open up a leasing loophole. They are concerned about the 1500 pound level allowing for perpetual leasing instead of active participation in the IFQ fishery. The 10% leasing of individual quota holding limitation doesn't make sense from a business perspective. The average quota share holding in 3A is about 8,000

pounds; in SE it's between 3,500-5,000 pounds. The 1500 pounds was an attempt to balance out how many different people a charter operator would have to go to in order to secure a couple thousand pounds to augment their charter harvest. What about a requirement that IFQ holders would have to fish their quota every few years. 10% was also used because of the IFQ 10% annual rollover provision.

There are number of charter operators that also hold IFQ, usually less than 1,500 pounds. This language was crafted in order to attempt to provide equity between charter operators that already hold QS and those that don't. Commercial fishermen believe charter operators holding QS should be allowed to lease/use all their QS as GAF if they choose because they believe this will make approximately 300,000 pounds of IFQ available to convert to GAF. Community interests also got involved in the discussion. In 2C, so much of the QS is in such small blocks that a strict 10% limitation would be extremely cumbersome.

Each CQE community is unique and the commercial and sport charter sector has a different relative importance in each community. Each CQE, which must purchase any quota which it holds, should have maximum flexibility to lease the quota to residents who are either commercial or sport charter fishermen.

Change Element 2. Annual regulatory cycle, as noted:

The initial charter allocation would be a common harvest pool for all charter limited entry permit holders. It would not close the fishery when the charter allocation is exceeded. Instead, the allocation would be linked to an annual regulatory analysis of management measures (delayed feedback loop) that take into account the projected CEY for the following year and any overages by the charter industry in the past year(s). This system would work best if there is not a time lag between the overage year and the payback year. The Council will not revisit or readjust the sector split. An allocation overage would trigger the regulatory process automatically, in contrast with current GHL management. Any underages would accrue to the benefit of the halibut biomass and would not be reallocated or paid forward. ~~The~~ **If a floating allocation is selected, the** Council assumes (and would request) that the International Pacific Halibut Commission set a combined charter and commercial sector fishery catch limit and would apply the allocations between the two sectors that would be recommended by the Council in a type of catch sharing plan to the combined fishery catch limit. **If a fixed pound allocation is selected, the Council assumes (and would request) that the International Pacific Halibut Commission use the fixed pound allocation as the number for charter halibut removals from Areas 2C and 3A that is included each year in its "Other Removals" deduction from the Total Constant Exploitation Yield (CEY).**

If a mixed fixed/floating allocation is selected, the Council requests analysis of the impacts of treating such allocation the same as the floating allocation or the fixed allocation for purposes of the IPHC formulas, as well as analysis of the impacts of deducting the fixed portion of the allocation from "Other Removals" and the floating portion of the allocation from a combined charter and commercial sector fishery catch limit.

Under Element 5, change as reflected:

E. Conversion of GAF back to commercial sector
   1. GAF holders may request NMFS convert unused GAF into IFQ pounds for harvest **by the owner of the Quota Share** in compliance with commercial fishing regulations ~~provided the GAF holder qualifies under the commercial IFQ regulations~~.
   2. Unused GAF may revert back to pounds of IFQ ~~at the end of the year~~ and be subject to the underage provisions applicable to their underlying commercial QS –
      Option A: automatically on October 1 of each year; or
      Option B: upon the request of the GAF holder if such request is made to NMFS in writing prior to October 1 of each year.

Amend Management Objectives as follows:

The Council will evaluate its success in achieving the sport charter sector allocation, and specific needs for predictability, advance notice, and season length each year, and will adjust its management tools as needed. In designing this regime for the sport charter sector the Council recognizes that providing advance notice and predictability may result in a charter harvest that does not precisely meet the sector allocation for that particular year. Therefore, the Council intends to adjust its management measures as needed to ensure that the sport charter sector is held at or below its ~~allocation on average over a rolling five year period~~ **allocation, recognizing that there may be annual overages or underages, so long as such overages or underages do not exceed [5 – 10 percent or agencies to recommend acceptable range]**. In meeting its conservation mandate while accommodating the charter industry's need for predictability and stability, the Council will necessarily err on the side of conservation in the selection of management tools and season length, with the result that the sport charter sector may not be able to harvest its entire allocation.

Motion passed 15/0.

D-1 Bering Sea Salmon Bycatch

The AP recommends the Council include the following elements into the Salmon Bycatch EIS analysis:
I. Modify the problem statement as follows:

An effective approach to salmon prohibited species bycatch reduction in the Bering Sea pollock trawl fishery is needed. Current information suggests these harvests include stocks from Asia, Alaska, Yukon, British Columbia, and lower-48 origin. Chinook salmon are a high-value species extremely important to Western Alaskan village commercial and subsistence fishermen and also provide remote trophy sport fishing opportunities. Other salmon (primarily made up of chum salmon) harvested as bycatch in the Bering Sea pollock trawl fishery also serve an important role in Alaska subsistence fisheries, **recognizing that bycatch levels of this species may be exacerbated by high production of Asian hatchery fish.** However, in response to low salmon runs, the State of Alaska has been forced to close or greatly reduce some commercial, subsistence and sport fisheries in Western Alaska. Reasons for reductions in the number of Chinook salmon returning to spawn in Western Alaska rivers and the Canadian portion of the Yukon River drainage are uncertain, but recent increases Bering Sea bycatch may be a contributing factor.

Conservation concerns acknowledged by the Council during the development of the Salmon Savings Areas have not been resolved. Continually increasing Chinook salmon bycatch indicates the VRHS under the salmon bycatch intercooperative agreement approach is not yet sufficient on its own to stabilize, much less, reduce the total bycatch. Hard caps, area closures, and/or other measures may be needed to reduce salmon bycatch to the ~~maximum~~ extent practicable under National Standard 9 of the MSA. ~~We recognize the MSA requires use of the best scientific information available. The Council intends to develop an adaptive management approach which incorporates new and better information as it becomes available. Salmon bycatch must be reduced to address the Council's concerns for those living in rural areas who depend on local fisheries for their sustenance and livelihood and to contribute towards efforts to reduce bycatch of Yukon River salmon under the U.S./Canada Yukon River Agreement obligations.~~ **At the same time, the Council is aware of the contribution that the Pollock fishery makes in the way of food production, jobs, and economic activities for the country as a whole as well as for the State of Alaska and the coastal communities that participate in the CDQ program; and the need to comply with the goals and objectives of National Standard 1 to achieve optimum yield from the fishery.**

II. Include the following ICA exemption to the suite of alternatives for both Chinook and Chum salmon:
The AFA coops request the North Pacific Fishery Management Council to modify Option B "Exempt those vessels participating in a VRHS from area closures." to read "Exempt those vessels participating in a salmon bycatch management intercooperative agreement (ICA) from closures under Alternatives 2, 3, and 4". The coops request this modification for both Chinook and non-Chinook salmon actions. The purpose for modifying

Option B is two fold.

1. To expand the analysis of this option from only reviewing a rolling hot spot program to analysis of a much more extensive intercooperative salmon bycatch agreement that includes the addition of fixed and triggered closure elements in combination with a rolling hot spot program.

2. Allow the Council to consider the Option 2 exemption for a hard cap closure as well as fixed and triggered closures.

The coops have demonstrated through the EFP's used in 2006 and 2007 and in the 2008 A season that the rolling hot-spot program is a very effective tool at reducing bycatch under typical salmon abundance conditions. However, rolling hot spots by themselves reduce bycatch in a relative manner; consequently it is apparent that in years of high Chinook abundance the rolling hot spot program requires additional mechanisms for limiting the total number of Chinook salmon taken as bycatch. The EFP's have also demonstrated that the rolling hot spot program approved under Amendment 84a is very effective at reducing non-Chinook salmon; therefore no additional mechanisms are required.

The coops request the following additional elements be included in the analysis of the Option B ICA:

1. Chinook salmon fixed closure area for the A season (Figure 1.)
2. Triggered Chinook closure areas for the A and B seasons (Figures 2 and 3.)
   a. The area(s) are designed to cover where 90% of Chinook bycatch has occurred from the years 2000-2007.
   b. The trigger amounts would be within the range of those currently included in Alternative 3.
   c. B Season closure area implemented August 15th.

Details for triggered Chinook closure management:

1. The Coops expect that Chinook salmon triggers will allocated at the coop level. The allocations will be finalized prior to final action on 84b.
2. Trigger amounts would be allocated to the coops seasonally with unused salmon from the first season rolled over to the second season. For analysis, the ICA season split percentages would range from an 80% A & 20% B split to a split based on the historical seasonal bycatch over the years 2000-2007.
3. The ICA would provide for transfer of salmon triggers across management levels in the Agreement.

Finally, a rolling hot spot program would be running throughout the A and B seasons for both Chinook and non-Chinook salmon. Rolling hot spot closures would address the areas of highest bycatch regardless whether those areas are located inside or outside the Triggered Closure Area.

III. Include two accounting period options (A1 and A2) for Chinook salmon alternatives so that the benefits of both can be clearly described
IV. Separate A and B season Chinook caps with a rollover provision from season to season. Include two seasonal cap approach as options for both hard cap and triggered area closure alternatives. Seasonal distribution options would be a) 2000-2007 average distributional ratio between A and B season and b) 75% A season and 25% B season.
V. Include the IC proposed closure area exemption to hard cap as an additional triggered area closure option.
VI. Include a fixed closure area for chum salmon beginning September 1. Use the smallest triggered closure area option from page 53 for a fixed closure option and ask staff to develop another closure option specifically targeted for the area of highest bycatch after September 1 that is similar in size to the proposed Chinook fixed area option.
VII. Include a 3 year phased in approach for implementation of a hard cap using 125% of the cap in the first year and 115% of the cap in the second year.

Motion passed 15/3.

Additionally, the AP recommends the Council incorporate staff recommendations in the analysis. *Motion passed 18/0.*

Public Testimony Sign-Up Sheet June 2008

Agenda Item B Reports

	NAME (PLEASE PRINT)	AFFILIATION
1	Tim Henkel	Deep Sea Fishermen's Union
2	BRENT PAINE & JULIE BONNEY	UCB & AGPB
3	Larry Cotter	APICDA
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.