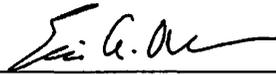


COUNCIL MINUTES
NPFMC MEETING
October 2013

APPROVED: 

DATE: 12/16/2013

MINUTES

215th Plenary Session
North Pacific Fishery Management Council
Anchorage Hilton Hotel, Alaska

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The North Pacific Fishery Management Council met in October in the Hilton Hotel in Anchorage. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair	Dave Hanson
John Henderschedt, Vice Chair	Roy Hyder
Jim Balsiger	Dan Hull
Cora Campbell/Nicole Kimball	David Long
Craig Cross	Bill Tweit
Ed Dersham	RADM Tom Ostebo/LT Tony Kenne
Duncan Fields	

NPFMC Staff

Gail Bendixen	Steve MacLean	Maria Shawback
Sam Cunningham	Sarah Marrinan	Diana Stram
Jane DiCosimo	Jon McCracken	David Witherell
Peggy Kircher	Chris Oliver	

Scientific and Statistical Committee

The SSC met from September 30th through October 1st at the Hilton Hotel, Anchorage AK.

Members present were:

Pat Livingston, Chair <i>NOAA Fisheries—AFSC</i>	Robert Clark, Vice Chair <i>Alaska Department of Fish and Game</i>	Jennifer Burns <i>University of Alaska Anchorage</i>
Alison Dauble <i>Oregon Dept. of Fish and Wildlife</i>	Sherri Dressel <i>Alaska Department of Fish and Game</i>	Anne Hollowed <i>NOAA Fisheries—AFSC</i>
George Hunt <i>University of Washington</i>	Gordon Kruse <i>University of Alaska Fairbanks</i>	Seth Macinko <i>University of Rhode Island</i>
Steve Martell <i>Intl. Pacific Halibut Commission</i>	Franz Mueter <i>University of Alaska Fairbanks</i>	Lew Queirolo <i>NOAA Fisheries—Alaska Region</i>
Terry Quinn <i>University of Alaska Fairbanks</i>	Kate Reedy-Maschner <i>Idaho State University Pocatello</i>	Farron Wallace <i>NOAA Fisheries—AFSC</i>

Advisory Panel

The AP met from October 1 – 4, 2013, Anchorage Hilton Hotel, Alaska. The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen	John Gruver	Theresa Peterson
Kurt Cochran	Mitch Kilborn	Neil Rodriguez
John Crowley	Alexus Kwachka	Lori Swanson
Jerry Downing	Craig Lowenberg	Anne Vanderhoeven
Tom Enlow	Brian Lynch	Ernie Weiss
Tim Evers	Chuck McCallum	
Jeff Farvour	Andy Mezirow	
Becca Robbins-Gisclair	Joel Peterson	

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

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:03 am on Wednesday, October 2, 2013.

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

The agenda was approved as written.

B. REPORTS

The following reports were given: B-1 Executive Director's Report, Chris Oliver; B-2 NMFS Management Report (including update on LAPP Cost Recovery, Flow Scale analysis/regulations update), Mary Furuness and Jim Balsiger; B-3 ADF&G Report (including review of BOF Statewide Pacific cod proposals), Karla Bush; B-4 USCG Report, Tony Kenne; B-5 USFWS Report, written report from Doug McBride; and B-6 Protected Species Report, Steve Maclean.

The reports were given and questions were answered from the Council members. Many federal employees were not available due to the furlough and the shut-down of the federal government, however written materials had been provide and reviewed. Public comment was taken on all B items.

COUNCIL DISCUSSION/ACTION

Mr. Olson noted that the Council should discuss MSA issues later under the staff tasking agenda item.

Board of Fisheries Proposals

Mr. Fields moved, which was seconded, that the Council not comment at this time on specific BOF proposals, but that the Council provide staff to answer questions and provide information as requested including documents prepared and provided to the Council under item B-3. Mr. Fields spoke to the motion, highlighting specific comments from public testimony regarding the Council making comments to the BOF, and that it is an area of concern. He stated that staff should be on hand to provide impacts on federal fisheries and prior Council actions. The Council might be able to help provide resources the State of Alaska may not have. Discussion ensued, and it was generally agreed that Council staff should not make comment to the BOF, but should be there to answer questions should additional information be requested. After brief discussion, it was agreed that the motion addresses stakeholder concern, and the motion passed without objection.

Mr. Hull briefly discussed retained and discarded species, which came up under B-2, and noted that any action to be taken should be considered under C-1, the Observer Program.

LAPP Cost Recovery

Mr. Henderschedt moved that the Council request NMFS provide one additional opportunity to the Council and public to comment on the program prior to publishing the proposed rule. The motion was seconded. Mr. Henderschedt acknowledged work and outreach that has been completed, and that

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correctly identified issues and concern that lack resolution. He noted that impacts of how this program is implemented do not negatively affect how we manage fisheries. He stated NMFS should evaluate all possible remedies in identifying what fisheries qualify as LAPPs and find an alternative solution to identifying "person" who can receive a permit. He is concerned that the definition could reduce the Council's opportunity to work cooperatively with permit holders on other management challenges. (Did I get this right?) There was brief discussion regarding the legal opinion and the Council's ability to get a definition. It was generally agreed that either at the December or February meeting under the B reports, the Council would be able to hear an update and make comments. **The motion passed without objection.**

Board of Fisheries Issues

Mr. Dersham noted that during public comment the Council heard that the Council should comment on upcoming BOF finfish proposals, and it was generally agreed the item would be discussed under the Trawl Bycatch agenda item.

Mr. Cross commented on testimony that the Council provide comment to BOF about when to bring up scallop proposals and when the Council can provide comment on proposals. There was discussion regarding timing opportunities, and it was generally agreed that the Council could make comments on BOF Scallop Agenda Change Requests (ACRs) at its December meeting. Mr. Dersham noted the joint BOF/Council protocol establishes timing so that the Council can comment on issues.

Government Shutdown

Dr. Balsiger briefly discussed NMFS' ability to have staff on standby in event of need to protect life and property and to make sure no overfishing occurs, but that is the extent of personnel. IFQ permits cannot be issued, and there are potential issues that may not allow the normal opening of these fisheries.

C-1 Observer Program

- (a) Report from NMFS on information requests
- (b) Observer program: 2014 annual deployment plan
- (c) Receive OAC report and take action as necessary
- (d) EM discussion ~~and possible review of EFP~~

BACKGROUND

(a, b) NMFS Report and Annual Deployment Plan

At this meeting, the Council will review the draft 2014 Annual Deployment Plan (ADP), and provide recommendations to NMFS for the final 2014 ADP. During the Council's first performance review of the restructured observer program in June 2013, the Council made six specific recommendations and requests for the development of the 2014 ADP. The agency published a draft 2014 ADP in early September, which was distributed to the Council. The agency also wrote a letter to the Council responding directly to the six information requests.

In June 2013, the Council also requested that NMFS provide additional information on three specific issues for review at this meeting, separate from the ADP. This information comprised 1) more detailed information on program costs and potential for cost savings; 2) revisions to allow the Council and public to better understand coverage changes by fisheries between 2012 and 2013; and 3) an evaluation of the reliability of indices of Chinook salmon genetic information in the GOA. The first two items will be addressed in the agency's presentation to the Council, and the last has been included in an appendix to

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the 2014 ADP, along with a proposed alternative approach to salmon genetic sampling in the GOA.

Finally, the Joint Groundfish Plan Teams also reviewed the 2014 ADP.

(c) Receive OAC report and take action as necessary

The Observer Advisory Committee (OAC) met in Seattle on September 18-19, to review the 2014 ADP. The meeting report includes comments and recommendations on the NMFS ADP letter, the 2014 ADP, and NMFS' letter on the 2014 EM pilot project (see (d), below).

(d) EM discussions ~~and possible review of EFP~~

In April, the Council approved formation of an Electronic Monitoring (EM) Working Group to evaluate alternative EM approaches, with a consideration of tradeoffs among achieving monitoring objectives, timelines, and other factors (e.g., costs, disruption to fishing practices). Only two people responded to the solicitation for appointment to the working group. The Council Chair and the working group's Chair deferred a further decision on how to proceed with the working group to a full Council discussion.

The Council has also received further information from NMFS on next year's proposed EM pilot project under the restructured program, whereby the agency proposes to encourage participation in the pilot program by moving 14 vessels that volunteer into the zero selection category. The agency is looking for guidance from the Council as to whether to limit this opportunity exclusively to vessels in the vessel selection pool, or to include all vessels in the partial coverage category.

Finally, the Council has been informed that an EM experimental fishing permit (EFP) application is being developed by the Alaska Longline Fishermen's Association. Support for EM development in 2014 through such an EFP process has been referenced in the Senate's markup of the appropriations bill, however this bill has not yet been approved. In the meantime, under our regulated EFP process, the application will undergo the standard NMFS regional office and AFSC review process, which includes development of an appropriate NEPA analysis to support the EFP. Once this review is complete, the agency will bring the EFP to the Council for consultation.

Diana Evans gave the report on this agenda item, and answered questions from the Council. NMFS staff were not available due to the federal government furlough. The AP gave its report, the SSC gave its report, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Hull moved, which was seconded, that the Council supports the overall provisions for observer coverage described in the 2014 Draft Annual Deployment Plan and the specific Observer Advisory Committee (OAC) recommendations on pages 3-5 of the September OAC report. The Council also recommends continuing the policies that allow vessels to make an annual selection for 100% coverage in the BSAI Pacific cod fishery, not displacing IFQ crew members, and conditional release of vessels to address space and safety concerns.

The Council requests NMFS consider the suggestions provided on page 6 of the OAC report regarding how to prioritize deployment of the 14 cameras available in the NMFS electronic monitoring pilot project in 2014.

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The Council requests NMFS explore whether allowing clean-up IFQ trips in multiple regulatory areas is best addressed through a regulatory amendment to the Observer Program or the IFQ Program.

The Council requests that the tables showing preliminary catch data and data on observer coverage from the B-2 supplemental be updated with the entire 2013 data set and included in the June 2014 program performance review. In addition, these tables should show the percentage of catch observed using these same categories. The methods used to calculate total mortalities of halibut in metric tons should also be reviewed and refined in these tables.

The Council requests that the agency incorporate the SSC comments and recommendations on the 2014 ADP and the preferred review schedule for June 2014.

Mr. Hull spoke to his motion, stating that the motion is based primarily on the OAC comments and AP recommendations. The Council recognizes that staff time is limited, and interest for exploring the tendering issue, as well as diminimus holding of IFQ vessels fishing in state waters will be facilitated by NMFS. Mr. Hull noted that the Council needs to understand how an EFP or EM pilot project will work and can work together before an EM workgroup needs to be formed. Mr. Hull answered questions of clarification. Dr. Balsiger noted that most NMFS staff has been furloughed; this issue remains a high priority.

Discussion continued. There was brief discussion regarding halibut mortality, and Mr. Hull noted that in the review, current data on mortality would be considered and a decision will be made as to whether additional assessment will be necessary. Mr. Cross highlighted that the Council is asking NMFS to keep current observer policies – impacting the fleet as little as necessary.

There was discussion regarding an EM program and generating more participation in the pool. Mr. Hull noted the OAC has been discussing the issue, and the committee had discussed waiting until NMFS had an implementation schedule to address EM logistics. (True?) Mr. Fields reminded the Council of the urgency of this issue – especially in regard to tendering issues and sampling protocols. He noted that Council should focus carefully on the review in 2014, and can then surgically make modifications as appropriate.

Motion passed unanimously without objection.

C-2 SSL EIS

BACKGROUND

In May, 2013 NMFS released a draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Steller Sea Lion Protection Measures for Groundfish Fisheries in the Bering Sea and Aleutian Islands Management Area. The analytical package is referred to as the Draft EIS. The Draft EIS provided an evaluation of the environmental, social, and economic effects of alternatives to the Steller sea lion protection measures for the Bering Sea and Aleutian Islands Management Area groundfish fisheries. The executive summary is attached as Item C-2(a).

Public comment on the Draft EIS was solicited and accepted until July 16, 2013. On September 20, 2013 NMFS released the draft Comment Analysis Report (CAR) which contained NMFS' formal responses to the summarized comments received during the comment period. The draft CAR also serves as an

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intermediate document that is intended to inform NMFS, the Council, and the public of the issues that NMFS feels needs to be addressed in the final EIS. The CAR will become chapter 12 of the final EIS.

At this meeting, the Council is scheduled to select a Preferred Alternative for the final EIS. The Council may wish to endorse its preliminary preferred alternative selected in April 2013, select one of the other alternatives evaluated in the draft EIS, or devise a new Preferred Alternative for analysis for the final EIS.

Steve MacLean gave the staff report on this agenda item. Staff from NMFS and AFSC were unable to be in attendance due to the federal government furlough. The SSC and AP gave reports, and public comment was taken.

COUNCIL DISCUSSION /ACTION

Mr. Tweit moved, which was seconded, that the Council adopt the following:

In accordance with the schedule for completion of the NEPA process laid out by the National Marine Fisheries Service and the Court, and to further meet its obligations under the Magnuson Stevens Act, the Council adopts Alternative 5, the current Preliminary Preferred Alternative as its Preferred Alternative. Based on the record, and using the best available scientific information including the scientific findings of the independent scientific reviews conducted by the CIE on behalf of NMFS and the Independent Scientific Review Panel convened by the States of Alaska and Washington, the Council believes that its Preferred Alternative will not result in jeopardy and adverse modification to SSL and their critical habitat.

NMFS has formally reinitiated consultation under Section 7 of the Endangered Species Act on the proposed action to change sea lion mitigation measures for the BSAI groundfish fisheries. The Council strongly recommends that NMFS provide a draft Biological Opinion (BiOp) that analyzes this Preferred Alternative, and that the draft BiOp be provided to the Council and its SSC for review and comment within the context of the existing schedule. In this analysis, the Council expects to see clear and specific responses to findings and conclusions made by the CIE and the independent scientific review convened by the States of Washington and Alaska regarding the 2010 Biological Opinion, as well as specific metrics and analyses regarding the effects of fishing on SSLs and their habitat in light of those findings and conclusions. This information is crucial for developing any reasonable and prudent alternatives to the Preferred Alternative, if needed. Receiving this information prior to final agency action is essential for the Council and the public to make informed comments and recommendations.

In adopting these two recommendations, the Council notes the following:

- 1. In its letter of August 21, 2013, NMFS responded to the Council's request for additional information regarding the effects of fishing on SSLs and the metrics that would be used to evaluate the effects of the alternatives on SSL and their critical habitat, stating that there would be no new information provided to the Council at this meeting. NMFS cited several documents that might inform the Council's deliberations regarding selection of a preferred alternative. The Council has reviewed these documents and information sources and has taken them into consideration in making these recommendations.**
- 2. The Council on numerous occasions has requested that NMFS provide the analyses and specific metrics and performance criteria that will be used to determine the effects of fishing on SSL and their critical habitat. The Council has repeatedly stated that it is necessary for these to be incorporated into the EIS at its various stages of development in order to inform**

the public and the Council about the relative effects of the alternatives on SSLs. The Council has specifically requested this information be made available to assist in choosing a preferred alternative. To date, NMFS has declined to make this information available.

- 3. In making these recommendations, the Council notes that the existing schedule for completion of the EIS and rulemaking provides ample time to prepare the draft Biological Opinion, develop RPAs if necessary in a coordinated manner with the Council, and provide the opportunity for a meaningful public process. The Council believes that this is an important step as it will be the first opportunity for the public and the Council to review and comment on the analyses that will be used to assess the effects of fishing on SSL and their critical habitat, and to review and comment on the performance criteria and metrics that will be used to evaluate the effects of alternatives on SSLs.**

Mr. Tweit spoke to his motion, noting that NEPA and ESA are different, but conservation is conservation, and the Council's primary chore should be to address primary needs while meeting fishing needs as stated by MSA. He stated the PPA has more negative economic impacts on communities, but not as much as others. This PPA will result in no jeopardy finding, but the PPA is responsive to performance measures. Using the information that is in front of the Council today, fisheries might be reshaped in an RPA development process and the Council requests the opportunity to review a Draft BiOp. Mr. Tweit answered questions from the Council members, specifically on timing and process.

Both Mr. Fields and Mr. Cross noted their agreement with the motion but also noted that there may not be time for a draft bi-op.

Dr. Balsiger stated that there is a court deadline for the EIS which is tied to the action the Council puts into regulations. There was discussion regarding direction the Council should take if the draft bi-op is not ready, or if there is a declaration of jeopardy, the Steller Sea Lion Mitigation Committee would meet and make recommendations before the Council discusses the issue in February 2014.

Mr. Fields moved to amend the motion, which was seconded: Should the Council's preferred alternative be assessed to create adverse modification, and should NMFS, as it works to complete the bi-op, consider regulation changes to avoid adverse modification, the Council should identify a small group of Council members and industry that is available for agency consultation.

Mr. Fields spoke to his motion, hoping that NMFS doesn't go back to status quo but that they look at other alternatives that can work. He stated that the current mitigation committee is too large to be strategic in a short period of time. There was discussion regarding committee process, and Dr. Balsiger stated a willingness to consider processes outside the regular Council schedule. It was generally agreed to move the discussion to staff tasking. **The motion was withdrawn with concurrence of the second.**

Discussion continued on the main motion. Dr. Balsiger noted that he will not be supporting the motion, although he does not disagree with most of the motion.

Motion passed 8/3 by roll call vote with Balsiger, Fields, and Hyder in opposition.

C-3 BSAI Crab Management

BACKGROUND

The Crab Plan Team met September 17-20 to review draft BSAI Crab stock assessments and provide recommendations for OFL and ABC for 7 of the 10 stocks. There are 10 crab stocks in the BSAI Crab

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FMP and all 10 must have annually established OFLs. Three stocks (AI golden king crab, Pribilof Island golden king crab and Adak red king crab) had OFLs and ABCs recommended in the spring. The remaining stocks will have OFLs and ABCs recommended at this meeting. Specifications for the Norton Sound red king crab stock has been moved to coincide with the fall assessment cycle. The stock assessments for these stocks; as well as the economic summary chapter, were mailed to the SSC and copies are available at the meeting for reference.

Diana Stram provided the staff report on this agenda item and answered questions from the Council. The AP and SSC gave its reports, and there was no public comment on this agenda item.

COUNCIL DISCUSSION / ACTION

Ms. Campbell moved, which was seconded, to adopt the BSAI CRAB SAFE, and adopt the SSC's recommendations for ABC/OFL's, for EBS Snow Crab, Bristol Bay Red King Crab, Eastern Bering Sea Tanner Crab, Pribilof Island Red King Crab, Pribilof Island Blue King Crab, and St. Matthew Islands Blue King Crab.

Ms. Campbell spoke to her motion, and stated her appreciation for all those involved and the time and deliberation put into the assessments. She noted that the recommendation to move assessment timing did not go as smoothly as hoped, and the recent recommendation of the SSC to go back to the June OFL specifications will give further time to examine stock assessment model and data.

Motion passed 9/0, Dersham and Long absent.

C-4 Groundfish Management

BACKGROUND

(a) Stock Structure Workshop Report

More than 70 people participated in a workshop on April 16, 2013, which was designed to assist the Council in developing a policy for spatial management of finfish and shellfish stocks under its management authority. Workshop participants reviewed and discussed information on application for groundfish, crab, and scallop stocks of spatial management (i.e., subarea allocations of annual harvest specifications (OFL, ABC, and/or TAC)) discussed case studies where subarea allocations have/have not been adopted based on these discussions, the following recommendations were suggested for the Council to consider in developing policy.

(b) BS Sablefish TAC Apportionment

In April 2013, the Council reviewed a discussion paper to revise sablefish TAC apportionments in order to attain higher optimum yield under the 2 million mt cap on BSAI Groundfish TACs starting in 2014. The paper described two potential approaches to reapportion BS sablefish trawl TAC, which is allocated 50% of the total BS sablefish TAC under the BSAI Groundfish FMP. The trawl fisheries take less than 10 percent of that allocation, and the fixed gear fisheries take less than 60% of that allocation.

In April, the Council encouraged stakeholders to work together to identify additional potential management approaches to Bering Sea sablefish to increase yield. Industry members have convened twice and will provide a report at this meeting.

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(c) Plan Team Reports

During their meetings on September 10-13, 2013, the BSAI and GOA Groundfish Plan Teams recommended proposed groundfish harvest specifications for 2014 and 2015. The Teams also considered numerous informational reports, including the Observer Program Annual Deployment Plan and Stock Structure Workshop which will be reported under other agenda items. Team recommendations for the next two fishing years are based on rollovers of the published 2014 final harvest specifications, which were adopted by the Council in December 2012.

(d) Proposed Harvest Specifications

The Council is scheduled at this meeting to recommend proposed BSAI and GOA groundfish harvest specifications for the next two-year period to notify the public of likely outcomes for Council action to set final harvest specifications in December 2013. Following this practice, 2014 annual harvest specifications were published in the Federal Register in February 2013 (GOA) and March 2013 (BSAI) and will start the groundfish fisheries in January 2014. Proposed harvest specifications for 2015 will be adopted at this meeting and are set equal to the 2014 annual harvest specifications. Any proposed Prohibited Species Catch (PSC) limits for halibut, red king crab, Tanner crab, opilio crab, and herring and their gear type and target fishery apportionments, should be adopted by the Council at this meeting so that the final rule, based on final harvest specifications from December 2013, is a logical outgrowth of the proposed rule. Final harvest specifications will be based on stock assessments included in the respective Groundfish Stock Assessment and Fishery Evaluation Reports for the BSAI and GOA, which will be released in late November 2013.

Diana Stram gave a report on the Stock Structure Workgroup, Jane DiCosimo gave the staff report on Bering Sea Sablefish TAC Apportionment, both Diana Stram and Jane DiCosimo gave the Groundfish Plan Team reports, as well as briefed the Council on proposed harvest specifications. The AP gave its report, and the SSC had given its report earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt moved, which was seconded, to recommend the following process for determining spatial management of stocks/assemblages:

- 1. As soon as preliminary scientific information indicates that further stock structure separation or other spatial management measures may be considered, the stock assessment authors, plan teams (groundfish, crab, scallop), and SSC should advise the Council of their findings and any associated conservation concerns.**
- 2. With input from the agency, the public, and its advisory bodies, the Council (and NMFS) should identify the economic and management implications and potential options for management response to these findings and identify the suite of tools that could be used to achieve conservation and management goals. In the case of crab and scallop management, ADF&G needs to be part of this process.**
- 3. To the extent practicable, further refinement of stock structure or other spatial conservation concerns and potential management responses should be discussed through the process described in recommendations 1 and 2 above.**

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- 4. Based on the best information available provided through this process, the SSC should continue to recommend OFLs and ABCs that prevent overfishing of stocks.**

Mr. Henderschedt spoke stating that the motion reflects recommendations from the AP, SSC and Plan Teams, looks at new management tools and ensures basic conservation measures and regulatory requirements such as setting OFLs and ABCs remains in the purview of the SSC.

He noted that it is necessary to clearly justify reasoning for spatial management, with the purpose not for Council debate, but to be informed as to what management measures, or suite of management tools might be most effective. The process will also give the Council the ability to take comment from the public in evaluating spatial findings: by the time there is a need to act, a proper action has been identified. Mr. Henderschedt answered questions of clarification, and there was discussion regarding how the motion would be set into procedure in the Plan Teams and SSC. Mr. Henderschedt noted that a flexible outline would need to be established, and while all the elements are already in place, the advisory bodies need to be more deliberate in addressing these issues. He emphasized that the motion would not change what they do, but adds to what they consider.

Mr. Fields moved to amend the motion by adding a single word in the second paragraph: sociological. The sentence would read, "...should identify the economic, sociological and management implications..." The amendment was seconded.

Mr. Fields noted that the Council clarified that there are a variety of sciences, but Council should rely on other sciences relative to policy decision. **The amendment passed without objection.**

Discussion continued on the main motion, and Mr. Henderschedt noted that this motion is a blueprint or checklist as to how to leverage all the knowledge and expertise of all the parts of the process. The final decision relative to ABCs and OFLs, is the SSC's. However, he noted, there is value in addressing spatial management issues at an earlier point in stock structure of the Plan Teams and SSC.

The amended main motion passed without objection.

C-4 (b) BSAI Sablefish

COUNCIL DISCUSSION/ACTION

Mr. Hull noted that after hearing from the trawl sector and IFQ sector and the staff reports and the split AP report, **he moved to take no action on this issue at this time, but to try and address the root cause in the fixed gear fleet through the IFQ committee.** His motion was seconded. He noted that the IFQ Committee could address allowing increased harvest in the sablefish fish fixed gear fleet through use caps and adding D class shares. Committee tasking will be addressed under the staff tasking agenda item. Mr. Fields noted there is a continued under harvest in the trawl sector and the species is being underutilized. **Motion passed without objection.**

C-4 (d) Proposed Harvest Specifications

COUNCIL DISCUSSION/ACTION

Mr. Cross moved, which was seconded by Mr. Fields, to adopt BSAI ABCs, OFLs and TAC numbers for 2014/2015 as noted in ATTACHMENT 5 . Mr. Cross outlined the changes that are

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different from the Advisory Panel's recommendations, noting that the motion accommodates the state water fishery for Pacific cod. **The motion passed without objection.**

Mr. Cross also moved, which was seconded, the Council adopt the PSC numbers from the action memo on pages 10-13. Mr. Cross noted the numbers were rolled over from last year's numbers. **The motion passed without objection.**

Mr. Cross moved to adopt the ABCs OFLs, and TACs for 2014/2015 for the Gulf of Alaska as recommended by the Advisory Panel. (And included as ATTACHMENT 5 to these minutes.) **The motion passed without objection.**

Mr. Cross also moved, which was seconded, the Council adopt the Halibut PSC apportionments on pages 10 and 11 from the action memo. Mr. Cross noted these numbers are preliminary and will change depending on BOF actions, on completion of plan team deliberations in November, and any regulations that will have effects on halibut in the GOA. **The motion passed without objection.**

Mr. Hull moved, which was seconded, that Council request the groundfish plan teams provide a discussion about incorporating data from the restructured observer program into stock assessments. The motion was seconded. Mr. Hull spoke to his motion, and noted that there is interest in how data from the observer program is incorporated, given changes in discard information from previous years. He noted the motion is a general statement in order to give the plan teams flexibility as to how they want to plan that discussion. **The motion passed without objection.**

C-5 (a) GOA Trawl Bycatch Management

BACKGROUND

In June 2013, the Council directed staff to prepare a discussion paper covering four specific topics. The paper was mailed to the Council in early September 2013.

The first section is a review of the research themes that appear in recent peer-reviewed literature on quota-based fishery management. The discussion presented in the paper attempts to draw out the conclusions and assertions that are most applicable to the Gulf of Alaska's groundfish trawl fisheries. This literature review is not meant to be a comprehensive summary of all catch share-related research; rather, it focuses on work that has been completed since the Council last considered elements and options for a quota-based program. Subsections discuss the impact of quota-based management on economic outcomes, social considerations, ecological outcomes, and program design.

The second section provides a structured summary of the stakeholder proposals that had been presented to the Council as of June 2013. The elements of each proposal are outlined in a format that identifies how it would approach the Council's "Tier 1" decision points (allocation, area, duration, and transferability), to the extent that those aspects are addressed. Not all proposals were made with the intention of describing every aspect of a potential management structure; missing Tier 1 issues are omitted in those cases. Each summary also notes how the proposal would address the overarching goal of providing the fleet with tools to avoid or minimize prohibited species catch.

The third section examines the aspects of a groundfish management program where federal and State of Alaska decision processes are interrelated. Some GOA groundfish fisheries are also prosecuted in state waters, and some vessels fish in both state and federal waters. Also, the State manages separate fisheries for some GOA groundfish species – or may elect to do so in the future. The paper identifies points in the program design process where Council action would need to be coordinated with, or reactive to, State

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decisions. The paper notes several design elements that would allow management and reporting aspects of the program to function as both State and federal agencies intend.

The final section attempts to outline the Council's role in developing a Community Fishing Association (CFA) program structure. The Council's vision for a CFA has not yet been defined, and the Magnuson-Stevens Act does not define CFAs. This paper frames the discussion around experiences with community-held quota in two other regions (Pacific, New England), as well as the MSA definition of a Fishing Community.

Darrell Brannan and Sam Cunningham gave the staff report on this agenda item and answered questions from the Council. The AP and SSC report were taken, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Commissioner Campbell moved, and was seconded by Mr. Tweit:

The Council requests that staff provide a discussion paper reviewing the program structure described below using the decision framework provided in the June 2013 'roadmap' document and the Council's purpose and need statement. The paper should evaluate whether and how the elements of this design address the objectives in the Council's purpose and need statement. The intent is to receive feedback characterizing: 1) how the fishery would operate under the new design; 2) how well it may meet the Council's stated objectives; and 3) which second-tier decisions are necessary to transform the program structure into alternative(s) for analysis. The paper should also include information on bycatch reduction results from other trawl catch share programs in the North Pacific and other regions.

GOA Trawl Bycatch Management Program

1. Bycatch management

The primary objective of this action is to improve incentives for PSC reduction and PSC management, achieved in several ways through this program design.

- a. **Reduced PSC:** The Council intends to adopt a program to: (1) minimize Chinook salmon bycatch, and (2) achieve more efficient use of halibut PSC, allowing some efficiency gains to provide additional target fishery opportunity while leaving some halibut PSC savings in the water for conservation and contribution to exploitable biomass.
- b. **Duration of shares:** A portion of target species share allocations (maximum 25%) will be evaluated for retention based on achievement of performance targets relative to bycatch and other Council objectives after a set period of time (3 - 10 years). The time period and the criteria used to evaluate performance will be established in regulation.
- c. **Cooperative management:** A system of cooperative management is best suited to managing and reducing bycatch (such as, hotspot program, gear modifications, excluder use, incentive plan agreements) while maximizing the value of available target species. Cooperatives are intended to facilitate a flexible, responsive, and coordinated effort among vessels and processors to avoid bycatch through information sharing and formal participation in a bycatch avoidance program.
- d. **Gear modification. Option:** gear modifications for crab protection.

2. Observer coverage

All trawl catcher vessels in the GOA will be in the 100% observer coverage category.

3. Areas

Western Gulf, Central Gulf, West Yakutat

4. Sector allocations of target species and PSC

Allocations for the trawl CP and CV sectors for WG and CG Pacific cod (Am 83), CGOA rockfish program (Am 88), and GOA pollock (Am 23) are maintained. Am 80 target sideboards and GOA flatfish eligibility are maintained. Allocate halibut and Chinook salmon PSC caps between the CP and CV sectors.

5. Allocated species

Target species are pollock and Pacific cod. PSC species include halibut and Chinook salmon.

6. Program structure for trawl catcher vessel fishery

Voluntary cooperative structure

- a. Allocate target species (pollock, Pacific cod) at the cooperative level, based on aggregate catch histories associated with member vessels' LLPs.**
- b. Apportion halibut PSC and Chinook salmon PSC limits to each cooperative on a pro rata basis relative to target fisheries of GOA trawl vessels in the cooperative such as, pollock Chinook salmon PSC cap divided based on pollock landings; non-pollock Chinook salmon cap divided based on non-pollock landings (excluding rockfish); halibut PSC apportioned in proportion to the cooperative's allocation of target species.]**
- c. Participants can choose to either join a cooperative or operate in a limited access pool [sector-level, non-transferable target allocations and PSC]. Harvesters would need to be in a cooperative with a processor by a specified date prior to the season to access a transferable allocation of target species and PSC.**
- d. Initial (2 years) cooperative formation would be based on the majority of a license holder's historical landings (aggregate trawl groundfish deliveries, excluding Central GOA rockfish harvested under a rockfish cooperative quota allocation) to a processor.**
- e. Each cooperative would be required to have a private cooperative contract. The contract would require signatures of all harvesters in the cooperative and the processor (option: and community in which the processor is located). The contract would include clear provisions for how the parties may dissolve their contract after the first two years. If a harvester wants to leave that cooperative and join another cooperative, they could do so if they meet the requirements of the contract.**
- f. Additional contract elements (such as, bycatch management, active participation, mechanism to facilitate entry, community provisions) may be required to ensure the program is consistent with Council objectives.**

Option: Each processor controls a portion of PSC within a cooperative and negotiates terms of access through private agreement. The processor would activate the incremental PSC through NMFS, making it accessible to the cooperative. PSC made available by these agreements cannot be used by processor-owned vessels.

7. Fishery dependent community stability

a. Consolidation limits

- Vessel caps and limits on the percentage of the total allocation that a person can hold (accessible only through a cooperative).**
- Processor caps in each area (WG and CG).**

- b. **Target species quota would be regionalized (WG or WY/CG designation) based on historical delivery patterns.**

Option: Target species CG quota that has historically been landed in Kodiak would have a port of landing requirement to be delivered to Kodiak; CG quota not historically landed in Kodiak would be regionalized (WG or WY/CG).

- c. **Require individuals or entities to meet fishery participation criteria in order to be eligible to purchase an eligible trawl license with associated history.**

8. Transferability

- a. **(Annually) Full transferability for annual use within the cooperative. Cooperatives can engage in inter-cooperative agreements on an annual basis.**
- b. **(Long-term) The LLP is transferable, with the associated history of the target species (which, when entered into a cooperative, brings with it a pro rata share of PSC). Target species history is severable and transferable to another eligible license.**

9. Gear conversion

Upon further development, the Council could include gear conversion provisions that allow Pacific cod trawl allocations to be fished with fixed gear, although any harvest would continue to be deducted from the vessel's annual trawl quota account and would not affect the fixed gear Pacific cod sector allocations.

Ms. Campbell spoke to the motion, noting it took an outline of potential development design that would best work. She noted the proposals analysed vary in response, and the shared elements are incorporated into this program design. The Council can direct public comment and focus input on elements of this program design. She continued, stating that the primary objective of this action is to provide incentives for PSC reduction and improve PSC management. A cooperative structure is the best strategy for achieving that objective, for information sharing, providing a way for cooperative agreements, and avenue of formal participation.

Ms. Campbell noted she does not intend to revisit sector allocations; where PSC isn't allocated, decisions would need to be made. Allocations of both target species and PSC will be made to cooperatives, and target species will be limited to Pcod and pollock as primary target species. She continued, stating PSC avoidance and cooperation is not maximized in a race for fish, which is why the motion goes with a program that allocates target species. Secondary species will be managed under MRAs.

She continued, noting that it is up to the Council to help define the cooperative management structure, cooperative formation requirements and other elements that need to be included in cooperative agreements, as well as reporting requirements to monitor progress. Ms. Campbell further defined elements of the motion and highlighted specific provisions, and answered questions of clarification from the Council.

Mr. Cross thanked the Commissioner for the motion and the direction, and noted that the framework is open for comment from industry and stakeholders. Mr. Dersham stated that it is not yet time to involve the Alaska Board of Fisheries, but that the motion states our concerns and the BOF will need to be consulted at a later date as the options are refined. Mr. Tweit noted that hard caps do not achieve the best

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objectives, and that this motion provides a better way and a structure to implement and refine tools to reduce bycatch.

Mr. Hull stated that there is ample opportunity for the public and stakeholders to comment on elements that may or may not work and to offer input. Mr. Fields echoed that it is an opportunity for involvement and development by stakeholders. He noted he remained concerned about the economic health of Kodiak. Mr. Henderschedt stated that this motion has a platform on which the industry, Council, and stakeholders can work together to develop measures to manage bycatch.

The motion passed with Dr. Balsiger abstaining.

C-5 (b) GOA Trawl data collection

BACKGROUND

The Council reviewed the GOA Trawl Data Collection RIR/IRFA at the June meeting, selected a preliminary preferred alternative, released the document for public review, and scheduled final action on the proposed amendment for October 2013. This action will collect employment data and specific cost data associated with the harvesting and processing of GOA trawl caught groundfish. The Council's stated intent is to implement this data collection program and collect data before fishing begins under the proposed "GOA Trawl Bycatch Management" program. Implementation of data collection before that program is implemented would provide the Council, analysts, and the public better historical information to assess the impacts of the proposed amendment.

At this meeting the Council is scheduled to take final action. Based on the preliminary preferred alternative, the data collection program would apply to harvesters and processors that catch or process groundfish harvested with trawl gear from the Central or Western GOA. Trawl catcher vessels would be required to report information on the harvesting crew and crew compensation. In addition, the vessel owners would be required to report information on fuel cost and usage, and gear purchases that are fully expensed during the year. Catcher/processors that currently submit the Amendment 80 EDR would be required to submit additional information that identifies their harvesting crew and the crew's compensation. The one GOA Trawl catcher/processor that is not currently required to submit the Amendment 80 EDR would be required to complete that annual survey. Finally, shorebased and floating processors would be required to submit information on the number of processing crew, man-hours, and payments to processing crews (excluding managers, foreman, and other non-processing employees). The preliminary preferred alternative would also include the number of employees and payments to those employees, for foreman, managers, and other non-processing employees at the plant. Kodiak based processors would also be required to submit data on their use of electricity and water supplied by the community.

Darrell Brannan gave the staff report on this agenda item and answered questions from the Council. The AP gave its report, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded, that the Council adopt Alternative 2 as its preferred alternative, and the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c). The Council authorizes the Executive Director and the Chairman to review the draft proposed

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regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

Mr. Tweit spoke to his motion, noting that it marks a new step in the Council's ability to understand the impacts of its actions, not only in implementing the EDR but setting a model for future information gathering before major action. The cost of information collection to industry comes before the offsetting economic gains and efficiency, but the program has been structured to minimize reporting burden to industry. He noted the verification process is to be included in the program and will be completed by respective agencies for those programs. Mr. Tweit answered questions of clarification from Council members. In regards to the second part of the motion, Mr. Tweit noted that draft proposed regulations that are not 303(c) regulations would be proposed by NMFS under its authority at section 305(d). Also, the Executive Director and the Chairman would retain their ability to withhold submission of the FMP amendment and/or proposed regulations and take action back to the Council if the Executive Director and Chairman determine that the section 305(d) draft proposed regulations are not in keeping with Council intent for the action.

Mr. Cross noted that he supports the motion and that the Council is getting ahead of the curve. He is concerned about the definitions of CP's and harvesting crew.

Ms. Kimball spoke to the national standards and noted that the motion would provide better data than the Council would have access to otherwise, which is the intent of National Standard 7.

Ms. Kimball requested to discuss confidentiality, as brought up by the Seafood Coalition, under the staff tasking agenda item.

Motion passed unanimously by roll call vote.

Mr. Tweit requested the Council support the AFSC efforts in developing volunteer surveys focused on community data, and be kept informed on the project.

C-5 (c) GOA Rockfish Chinook Cap Rollover

BACKGROUND

In June 2013, the Council took final action on management measures to limit prohibited species catch (PSC) of Chinook salmon in the Gulf of Alaska (GOA) non-pollock trawl fisheries, and set an annual PSC limit of 7,500 Chinook salmon in the Western and Central GOA. Attainment of this hard cap will close the fishery. The hard cap is apportioned annually for the three identified trawl sectors as follows:

- *Central GOA Rockfish Program Catcher vessels: 1,200 Chinook salmon*
- *Non-Rockfish Program Catcher vessels: 2,700 Chinook salmon*
- *Catcher/Processors: 3,600 Chinook salmon*

At the time of final action, the Council initiated a related action that will consider allowing unused Chinook salmon PSC to be rolled over from the Central Gulf of Alaska Rockfish Program's catcher vessel (CV) sector to support other CV fisheries that occur later in the year.

A draft of the analysis was mailed to the Council in mid-September 2013. The Executive Summary is attached as Item C-5(c)(1). New information in this document is primarily located in the RIR. The EA summarizes what was presented in June 2013, since none of the alternatives under consideration would

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allow an annual amount of Chinook salmon PSC that is greater than the levels previously analyzed. An IRFA will be completed after the Council identifies a preliminary preferred alternative for this action.

The 'no action' alternative would result in a final recommendation that is identical to the Council's preferred alternative for the related action, as voted on at the June 2013 meeting. If an action alternative is selected, it would be added to the Council's final recommendation for management measures to address Chinook salmon PSC in the Central and Western GOA non-pollock trawl fisheries.

Selecting the 'no action' alternative would apportion 1,200 Chinook salmon PSC to the CV sector of the Central GOA Rockfish Program fishery, resulting in a 2,700 Chinook PSC annual hard cap for all other non-pollock CV activity. Both CV sectors would retain the ability to earn a "buffer" of additional PSC for the year following one in which that sector performed to a defined standard of Chinook avoidance.

Alternatives 2 and 3 would make some amount of the Rockfish Program CV sector's unused Chinook PSC available to the non-Rockfish Program CV sector on October 1. That amount would depend on how much of the Rockfish Program CV sector's 1,200 Chinook apportionment has been used by that date; these alternatives and their suboptions differ in how much of the unused PSC may be rolled over. Under either alternative, all sectors would again remain eligible to earn a PSC buffer in the following year if their Chinook avoidance meets a certain standard.

Alternative 4 would not limit the amount of unused Chinook PSC that could be rolled over from the Rockfish Program CV sector to other CV fisheries, nor would it set a specific date on which the rollover would occur. If the rollover is to occur before the end of the Rockfish Program fishery (November 15), all Rockfish Program cooperatives must have "checked out" of the Program fishery. In addition, selecting Alternative 4 would make the Rockfish Program CV sector ineligible to earn a PSC buffer by achieving a certain Chinook avoidance standard in the preceding year.

This "trailing" analysis primarily considers whether or not incorporating a Chinook PSC rollover might reduce the efficacy of the "uncertainty pool" mechanism that the Council has already selected for its final recommendation. The document also examines the extent to which the Council's current preferred alternative might relatively disadvantage some CV fisheries relative to others.

Sam Cunningham gave the staff report on this issue and answered questions from the Council. The AP gave its report, and public comment was taken.

COUNCIL DISCUSSION /ACTION

Ms. Kimball moved, which was seconded, to release the analysis for public review, with the addition of adopting Alternative 5 as the Preliminary Preferred Alternative: Rollover all Chinook PSC but 50 or 100 fish remaining in the Rockfish Program CV Chinook cap on October 1. Any salmon remaining when the rockfish fishery closes will be released to the other CV non-pollock fisheries on November 15. No uncertainty buffer would apply to the rockfish program CV sector.

Ms. Kimball spoke to the motion noting that providing a PPA will focus public comment in the future and meets the Council's objectives. She noted that it is critical to provide a rollover within the cap that Council set at the June 2013 meeting. Ms. Kimball answered questions of clarification. It was noted that the Council is not constrained by a PPA and there was general discussion regarding choosing a PPA so early in the process, but it was generally agreed that doing so can focus public comment. Ms. Kimball noted that this document can stand alone, and be included with a larger package at a later date.

The motion passed without objection.

C-6 Bering Sea Salmon Bycatch

(a) *SeaShare report on the salmon donation program*

In conjunction with discussions of salmon bycatch measures, the Council requested information on the SeaShare prohibited species bycatch donation program. A document prepared by SeaShare providing information on program function, what portion of salmon and halibut are distributed within Alaska and other information as relevant to discussion of program participation is attached as Item C-6(a)(1). Jim Harmon will be available to provide a presentation of the report and program overview at the meeting.

(b) *Review Chinook Salmon Report*

In April 2013, the Council requested that staff compile a report including the following general elements (the full Council motion from April is attached as Item C-6(b)(1)):

- 1. A review of the status of Alaska Chinook salmon stocks, including subsistence, sport, and commercial fishery restrictions and whether escapement goals have been met.*
- 2. An updated adult-equivalency (AEQ) analysis incorporating the most recent genetic data on stock of origin (2011) and where possible PSC harvest rate analyses for Chinook salmon stocks. It was further requested that the AEQ analysis include an estimate of the impacts of bycatch at the current cap levels (47,591 and 60,000) and at actual bycatch levels in 2011 and 2012.*
- 3. Measures of fishing performance including sector and vessel specific bycatch rates by season and estimated use of excluder devices on trawl nets for salmon avoidance.*
- 4. Description and/or presentation of the incentive mechanisms contained within the IPAs.*

A staff discussion paper which addresses the first three items of the Council's request was made available on September 17th and is attached as Item C-6(b)(2). Representatives from the sector specific incentive program agreements (IPAs) will provide information to the Council during the meeting to address the 4th request. These reports on bycatch management performance measures are being considered at this time in the context of the ongoing interest and actions in front of the Council to minimize salmon bycatch and to allow an opportunity to evaluate this issue with updated information on directed salmon fisheries and with the most recent genetic information, AEQ analysis and examination of individual vessel performance. Information included in the staff report provides both an update of what was previously available to the Council at final action in 2009 for Amendment 91 (Bering Sea Chinook PSC Management Measures action) as well as information and analyses that were not available in the 2009 analysis. The latter includes calculated AEQ impact rates by stock grouping at current levels and cap levels, vessel-specific bycatch comparison, and voluntary excluder usage.

Diana Stram gave the staff report on this agenda item. John Linderman of ADF&G updated the staff on (?), John Gruver industry report on the Inshore Salmon Savings Plan, Joe Bursch, Amanda Sterne and Stephanie Madsen gave the APA Chinook Incentive Plan, The AP gave its report, and public comment was heard. Jim Harmon gave an update on the Sea Share salmon donation program.

COUNCIL DISCUSSION/ACTION

Ms. Campbell made the following motion, which was seconded by Mr. Hull:
The Council requests a discussion paper that evaluates the regulatory changes needed to incorporate Bering Sea chum salmon bycatch avoidance into the Chinook salmon Incentive Plan Agreements (IPAs). The objectives of this action are to prioritize Chinook salmon bycatch avoidance, while preventing high chum salmon bycatch and focusing on avoidance of Alaska chum

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salmon stocks, and allowing flexibility to harvest pollock in times and places that best support those goals. The paper should include an evaluation of the necessary changes to the IPA objectives and reporting requirements in regulation, and identify both the effects of such a change and whether there are elements of a rolling hotspot system (RHS) that the Council should consider retaining or adding to the regulations that define IPA requirements (such as, institutionalizing fleet-wide information sharing; requiring an RHS within the IPA; establishing an adjustable floor on the base rate, etc.).

The Council requests the discussion paper also evaluate possible measures to refine Chinook salmon bycatch controls in the Bering Sea pollock fisheries. These include:

- 1) Requiring modification of IPAs to include restrictions or penalties targeted at vessels that consistently have the highest Chinook salmon PSC rates.
- 2) Requiring use of salmon excluder devices at times of year in which Chinook salmon encounter rates are relatively high (regulatory or through IPAs).
- 3) Requiring a lower base rate beginning September 1 (regulatory or through IPAs).
- 4) Provisions to shorten the pollock season to end when pollock catch rates significantly decline and Chinook salmon PSC rates increase in October (regulatory or through IPAs).
- 5) Closing the fishery to a sector (or cooperative) if the sector's (or cooperative's) weekly Chinook salmon PSC rate exceeds a specified rate in September and/or October (regulatory or through IPAs).
- 6) Changing the accounting of the Chinook salmon PSC limit to begin with the start of the pollock B season (June 10) and continue through the A season of the subsequent year.

This evaluation should also include information on potential revisions to the annual reporting requirements, combined for chum and Chinook salmon measures, based on suggestions in the Council's October staff report, such as, frequency of excluder use, variability in individual vessel bycatch rates over the season and years, and numbers and rates of bycatch by month.

The Council requests that the AEQ and impact rate analysis be conducted on a regular basis, using updated genetic information and actual bycatch levels, and presented to the Council as a regular report. The Council also recommends that the observer program evaluate and implement ways to improve the sample size of Chinook salmon length data, to improve the confidence in estimates of salmon ages spatially and temporally for AEQ analyses.

Ms. Campbell spoke to the motion, noting that it is appropriate to combine chum and Chinook bycatch because measures taken to reduce one species may affect another. The Pollock sectors have developed a proposal and it is up to the Council to provide further direction. Ms. Campbell spoke to the rolling hot spot program and noted that it doesn't prioritize Western chum or Chinook. Chum avoidance through and IPA gives more flexibility and provides the ability to adapt to changing conditions quickly, allows for increased priority of Chinook salmon into the fall season. She noted her expectation of staff is to meet with affected stakeholders and NMFS as they draft the next discussion paper and moves forward with adding chum into the IPAs.

She highlighted that there are multiple years of historical salmon low returns and it is the Council's responsibility to make changes to the salmon bycatch reduction plan. She noted that a critical part of Amendment 91 is that incentives are more important than the cap. She would like to have more information of difference of bycatch rates of individual vessels, and information on excluder use and the choices being made. Ms. Campbell outlined specific details and answered questions of clarification.

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Mr. Henderschedt moved to amend provision 1, add “relative to other vessels fishing at the same time” at the end of the sentence. The amendment was seconded.

Mr. Henderschedt noted that measuring opportunity, fitting into a rotation schedule, and fishing in October or not, has been discussed as choices that should be reviewed in the discussion paper. However, he noted it should not be limited to just October fishery, and choices should be relative to how other vessels fish at the same time, under the same conditions throughout the season. He stated that the discussion should not focus only on October, but decision making throughout seasons. There was discussion regarding the levels of decision making. **The amendment passed 6/5, with Balsiger, Campbell, Fields, Hull and Long in opposition.**

Mr. Henderschedt moved to amend provision 6: to option a, Begin with the start of the pollock B season, June 10 option b, October 1, and continue through the A season, (or September 30 and continue through the A season of the subsequent year.) The amendment was seconded by Mr. Tweit.

Mr. Henderschedt spoke to the motion, noting that the chances for unintended consequences are high. In 2011, one of the things that drove the bycatch in October was efforts to avoid chum. He stated that a way to avoid trade-off is to time the chum fisheries with when the Chinook runs are lowest.

Mr. Fields moved to amend the amendment, which would add an Option C, September 1, and continue through A season of the subsequent year. The amendment was seconded. Dr. Stram reviewed catch information and rates, and answered questions from the Council as to how the calendar dates would affect the action. The amendment to the amendment passed without objection, as did the amendment.

Mr. Fields moved to amend the second to last paragraph adding, “ In addition, the staff’s evaluation should include a discussion of the feasibility of reporting contributions to the Sea Share program in numbers of fish. The motion was seconded. Mr. Fields spoke to his motion stating that is burdensome for SeaShare to report numbers of fish, but from the production side, it would be much easier to do so. Mr. Fields noted that the processors can note how they contribute to the program. There was discussion regarding voluntary reporting, and charity vs. bycatch management. While all agreed that SeaShare is a valuable program, there was discussion over adding another requirement to a charitable donation. Mr. Hyder noted that the information is already available in pounds. Discussion continued, and the amendment failed, 3/8, with Hyder, Fields and Olson voting in favor.

Mr. Hull commented that the presentation, testimony, and discussion paper has been very informative, and thanked the staff and public. He noted he remains very concerned about the salmon stocks at the low levels and thinks that the motion is the best and quickest way to take action and the best path forward.

Mr. Henderschedt noted the motion clearly articulates the Council’s priorities relative to bycatch management, including how IPAs can improve. He acknowledged that there have been successes to date, and there are further improvements to be made. Mr. Fields also thanked the industry, public and stakeholders. He noted the Council is not moving along on status quo track, and is supporting the motion because the Council is moving toward regulatory change. Mr. Fields noted he will be considering in the future a cap on chum salmon.

The amended main motion passed without objection.

D-1 a Aleutian Islands Pacific Cod Processing

BACKGROUND

In April 2013, the Council reviewed a discussion paper addressing the implications of pending SSC action to set separate ABCs in 2014 for Bering Sea and Aleutian Islands Pacific cod. In addition, the discussion paper included an updated summary of the December 2009 AI Pacific cod processing sidebar analysis. After reviewing that discussion paper, the Council tasked staff to prepare a new discussion paper to evaluate the impacts of reserving a portion of the AI Pacific cod directed fishing allowance in Area 541/542 for the catcher vessel sectors with a regionalized delivery requirement to shoreplants in the AI.

Jon McCracken gave the staff report on this agenda item and answered questions from the Council. The AP gave its report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Cross moved to postpone further action on this issue until the February 2014 or a time to be determined by Council staff. The motion was seconded. Mr. Cross noted that this issue needs to be addressed, and that Adak and Atka have an important cod fishery, but there is too much information missing to continue. Information from TAC setting and decisions from Alaska BOF still need to be made and there is no clear direction as to how Steller sea lion decisions may impact the fishery. He stated that the Council should wait to continue work on the discussion paper until other variables are resolved. There was discussion regarding timing, and it was generally agreed to continue discussion on timing under the staff tasking agenda item. Dr. Balsiger noted that a date should be specified so the agenda item remains in consideration. Mr. Fields noted he will reluctantly support, stating that the issue should not be bounced around for many years. **The motion passed without objection.**

D-1 (b) GOA Sablefish Pots

BACKGROUND

A proposal to amend the regulations implementing the sablefish Individual Fishing Quota (IFQ) Program to redefine legal gear in the Gulf of Alaska (GOA) was recommended to the Council by its IFQ Implementation Committee and Advisory Panel (AP) during the 2009 call for IFQ proposals. In February 2010, the Council requested a discussion paper on this proposal to allow the use of pots to retain sablefish IFQs in the GOA to be scheduled after Council action was completed on several other higher priority proposals. The Council also decided to appoint a gear committee to advise it on a wide range of management issues related to the proposed action.

In April 2012, the Council approved the formation of a gear committee composed of affected stakeholders to assist in the development of the requested discussion paper and make recommendations to the Council.

In June 2013, the Council reviewed a draft discussion paper that was prepared by staff without the benefit of committee guidance on the above issues to move the proposal forward. The Council issued a call for nominations for a Gear Committee to be comprised of persons who may be affected by potential deployment of single or longline pots in the GOA sablefish IFQ fishery. The Council charged the committee with developing implementation strategies to allow the use of pots in the GOA sablefish IFQ fishery to mitigate negative impacts of whale depredation on sablefish caught on longline gear. The committee will assist staff in expanding information in the next draft of the paper on a variety of topics related to the use of sablefish pot gear in the Gulf. Agency staff with expertise on management of the

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sablefish IFQ fishery, marine mammal depredation and gear avoidance techniques, and sablefish biology, surveys, and stock assessments will assist the committee.

Jane DiCosimo gave the staff and committee report on this agenda item. The AP gave its report and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Hull moved, which was seconded by Mr. Dersham, to have the staff develop an expanded discussion paper on use of pots of in the GOA sablefish IFQ fishery, and that the analysis include the topics of concern and recommendations identified in the minutes of the September 30, 2013 GOA Gear Committee. In addition to the topics brought forth by the Gear Committee, the following topics should also be included for analysis:

- **The cost of gear conversion from longline to pot gear**
- **Vessel demographics: vessel size by area and Quota Share size by area**
- **Halibut bycatch by different pot configurations**
- **Information on the biodegradability of twine used for escape ports at sablefish fishing depths**
- **A wider range of gear location methods than only AIS as found in the committee report.**

Mr. Hull noted that there was a consensus in the Committee to find a way to make pot fishing feasible for sablefish in GOA. He noted his intent with having a discussion paper draft was to have a problem statement and options for analysis. Discussion ensued regarding the bulleted points noting that some of them are not very specific. Mr. Hull encouraged input through the Committee. **The motion passed without objection.**

D-2 Staff Tasking

Chris Oliver reviewed the items of importance that have been flagged for discussion throughout the meeting. Jane DiCosimo discussed scheduling D2(f) Halibut/Sablefish IFQ proposals. Diana Evans gave the Ecosystem Committee report and answered questions from the Council. Lori Swanson gave the AP report, and public comment was taken. Mr. Oliver reviewed the 3 meeting outlook.

COUNCIL DISCUSSION/ACTION

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

Steller Sea Lion Issues

Mr. Tweit noted that it is uncertain that the Council would receive a draft bi-op before the February meeting, but that it may be prudent for the Council Chairman and Executive Director to track the development. If issues arise, the SSL Mitigation Committee could meet prior to the February meeting for review, or if there are materials available the Committee could review and to provide recommendations.

Bering Sea Canyons

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It was generally agreed that due to the shutdown, the Bering Sea Canyons Workshop needs to be postponed, and that it is more important to have a good workshop and a meaningful one than it is to have at the present time. Mr. Henderschedt noted the workshop should be rescheduled and it is not necessary to gather more data for the workshop, but to evaluate what is now known.

GOA Trawl Bycatch

Mr. Olson noted that the issue should be brought back at the April meeting, as well as hosting a Community Fishing Associations' workshop to discuss the proposal and solicit input and benefit from the expertise of other communities who have implemented community protections. There was discussion regarding appropriate times for outreach efforts. It was generally agreed that the Chairman and Executive Director would discuss scheduling options and work with staff to include interested stakeholders in a workshop during the February meeting in Seattle.

Amendment 91

Mr. Olson noted that April would be the best time for final action for the amendment. Mr. Fields noted that the Council should be prepared to develop an outreach plan, and as information and opportunities develop for outreach, the Council should take advantage and participate in outreach. It was agreed that the Council would look for appropriate outreach opportunities.

Halibut Use Caps in Sablefish Fishery

Mr. Hull reviewed the IFQ Implementation Committee tasking, and recommended holding a meeting prior to the December Council meeting to review proposals. Mr. Hull briefly outlined the proposals. It was generally agreed the committee meeting would be held the Monday or Tuesday before the Council meets in December.

MSA Reauthorization

Mr. Olson noted that the Council will continue as outlined from the Council Chair's Committee process, and may need to form an executive committee to form a response to a specific issue. Mr. Olson noted the Council may look for other opportunities to formalize a Council position.

Observer Advisory Committee

Mr. Hull reviewed issues that the OAC will be discussing over the next few meetings, and reviewed tasking specifics. He noted the OAC will not need to meet prior to the December council meeting. Mr. Hull answered questions regarding specific issues. Dr. Balsiger noted that the Observer staff will be busy preparing for the December meeting, but other issues that need comment can be addressed as necessary, and it is not necessary to have an OAC review.

Ecosystem Committee

Mr. Tweit moved, which was seconded, the following:

1. The Ecosystem Committee is tasked with further development of a vision statement for maintaining productive ecosystems and sustainable long-term fisheries that would incorporate the components described in the Committee minutes. The Committee should provide the Council with an analysis of the respective value of an ecosystem-based fishery management framework (refining our current management approach) in contrast to a more comprehensive ecosystem-based

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management framework that includes additional factors and considers social-ecological systems. The Committee should include an evaluation of the implications of each approach for both near-term and long-term Council actions.

- 2. The Council requests a history of the development of the PSEIS ecosystem-based management policy during the presentation of the PSEIS SIR.**
- 3. The Ecosystem Committee should track the following:**
 - a) Development of a PSSA designation in the AI.**
 - b) Funding levels for research in the Arctic, relative to impacts to ongoing research and stock assessment work in the BSAI and GOA.**
 - c) The development of the Bering Sea FEP discussion paper.**
 - d) Bering Sea canyons and coral conservation issues (including revisiting the discussion of research and conservation closures following the BS canyons workshop).**

Mr. Tweit spoke to his motion, noting that the Committee noted a vision statement is necessary to move forward and provide guidance for ecosystem based management. Mr. Tweit reviewed the Ecosystem Committee's discussion regarding different options and components. There was general discussion, and Mr. Tweit noted that the Committee could meet prior to the December meeting, and further define a vision statement to focus the Council's recommendations. **The motion passed without objection.**

Charter Halibut Management

Mr. Dersham updated the Council on the Charter Halibut Committee, and noted that it will be meeting two times before the December meeting. He reviewed tasking for the committee, and noted that the intention is to be able to make recommendations to the Council in December on Halibut Management, regardless of the management structure of GHM or CSP.

Data Confidentiality in the Limited Access Privilege Programs

Mr. Henderschedt discussed the proposed rule having to do with the confidentiality of data. He noted that the Council has a vested interest in data quality and a collaborative and cooperative approach to collecting industry data. He requested the Council provide a letter to NMFS that could reflect the Council's interests. Ms. Campbell noted that the State of Alaska may have concerns should NMFS take a different approach to the data confidentiality, because the state has specific regulations relating to fisheries and release of records.

AI Cod Processing

It was generally agreed that this agenda item would be agendaed in February.

Red King Crab Proposal

Mr. Olson noted the Council may want to put a proposal on the agenda for June 2014 in Nome, Alaska. Hearing from a broader set of stakeholders would benefit the process. Mr. Fields noted the issues are related to an LLP recency issue as well as elimination of the exemption of vessels 32' and under to have an LLP. Mr. Tweit noted that a background document related to the issues would be helpful.

CDQ proposals

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Mr. Fields moved the Council initiate a discussion paper adopting a problem statement and considering proposed regulatory changes for exemptions that will: 1. Promote the development of a CDQ village directed cod fishery. 2. Allow CDQ and IFQ halibut harvesters, under 46' in length, to retain CDQ Pacific cod in excess of 20% MRA. The motion was seconded.

Mr. Fields noted that he is talking about a class of vessels for the recommendations. Mr. Tweit noted he will be supporting the motion and will be paying attention to VMS requirements. He noted it is a creative and useful step forward. Mr. Olson noted that this is not an allocation issue, and will be supporting the issue. **The motion passed without objection.**

Flatfish Flexibility

Mr. Henderschedt noted the Council should be prepared to adopt ABC buffers. Council needs to establish what portion of the balance between the ABC and TAC of those species would be available through flatfish flexibility program, and would need to address the issue at the annual specification process in December.

GOA Pot Cod Fishery

Mr. Fields moved to request a brief discussion paper that evaluates changes in participation, harvest patterns, and permit use in GOA pot cod fisheries since implementation of LLP reduction. The motion was seconded. Mr. Fields spoke to his motion noting that the Council heard in public comment that it is an issue of concern to that gear group. **The motion passed without objection.**

Chairman Olson announced appointments to the Charter Halibut Committee, SSC and noted that they will be soliciting nominations for the AP and SSC in the Newsletter. The Chairman thanked those for participating, and the meeting adjourned at 12:41 pm.