


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver   
Executive Director

DATE: April 8, 2002

SUBJECT: Staff Tasking

ESTIMATED TIME 2 HOURS
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**ACTION REQUIRED**

- (a) Review existing tasking and provide direction.
- (b) Discuss annual proposal cycle/SOPPs.

**BACKGROUND**

Tasking

There are three items for reference under this tab: (1) the familiar spreadsheet with current Council projects summarized - I will go over these in further detail; (2) a specific breakdown of each staff members' current tasking and available time for additional projects (note that any available weeks are between June and October, and that work weeks currently projected do not include projects on the 'potential new projects or lower priority' tasking); and, (3) a three-meeting outlook for reference, which I will also cover in more detail.

Annual Proposal Cycle

Another issue, related to staff tasking, that I want to discuss with the Council is that of our annual groundfish proposal cycle. Our Standard Operating Practices and Procedures (SOPPs) detail an annual proposal cycle each summer where we solicit proposals, review them in the fall, and determine which proposals to move forward into a formal analytical/amendment process. For the last two years we have not solicited groundfish proposals (IFQ proposals are on a two-year cycle) due to the backlog of existing projects and the press of often unexpected events. However, many new amendment proposals are initiated by the Council outside of that formal proposal process, often by necessity, but sometimes by virtue of public proposals submitted to the Council on a meeting-by-meeting basis. Item D-1(a) is a letter received from Max and Scott Hulse requesting the Council to revisit dredge size restrictions enacted under the scallop LLP.

Having been questioned on numerous occasions about the process for submitting proposals, I would like to have some Council feedback on whether you feel the annual proposal cycle is still relevant to our process. We are in the process of updating our SOPPs, and I would like to know whether changes or clarifications are necessary in this regard. Perhaps the June meeting would be the more logical point at which to make a decision on this, as we will have a better picture of staff availability over the lengthy period between June and October, and we will need to make a decision on whether to solicit proposals over the summer. In June I also hope to have a better idea of implications to our process from the NMFS Regulatory Streamlining Process outlined by Dr. Hogarth last fall. Initial discussions with NMFS staff indicate that many aspects of this initiative will impact our process, both in terms of content of our analyses and timing of Council review and approval.

## Council Staff Tasking Summary Updated April 3, 2002

Mandated Actions	Projected Weeks	Council/ NMFS %	Comments
1 Programmatic Groundfish SEIS (revision)	8	10/90	Identify alternatives for analysis in Feb 2002 (David, Jane, Chris, Diana)
2 FMP Updates	3	90/10	Concurrent with DPSEIS (David/Jane)
3 EFH EIS	16	40/60	Major project for 2002 (David/Cathy)
4 Crab FMP EIS	8	30/70	Will dovetail with crab rationalization after April (Mark, Chris)

### Council Priorities \*Bold =Highest priority

5 <b>BSAI Crab Rationalization*</b>	4	90/10	Add'l work anticipated after Feb meeting (Darrell, Chris, Mark + contract help)
6 <b>Halibut Subsistence (new reg amendments/BOF mtgs)*</b>	2	95/5	Final Action on subsistence in April (Jane). May require finalizing.
7 <b>Community based QS (GCCC buy in proposal)*</b>	2	90/10	Initial review in Feb/final action in April 2002 (Nicole) May require finalizing.
8 <b>Groundfish processing s/b, IR/IU, HMAP*/ bycatch discussion</b>	1	80/20	Initial review in April 2002. Primarily outside contract w/ AFA funds.
9 <b>CDQ Amendment (policy committee)*</b>	3	50/50	Final action in April/June. Further work required (Nicole)
10 <b>SSL Trailing Amendment*</b>	2	Oct-90	Review in April/June (Dave/Cathy, plus contract assistance)
11 <b>SR/RE retention*</b>	2.5	80/20	Not started. (Jane/NMFS)
12 Halibut Charter IFQ	4	100/0	Prepare SOC Document (Jane)
13 BSAI pot cod split- amendment 68	3	100/0	Final Action in June (Nicole). Work to occur in April/May.
14 Observer Program (short-term changes/extension)	1	10/90	Initial review in February (Nicole and Chris) Follow up required
15 Shark/Skate FMP amend. and CDQ aspect	2	90/10	Review in the fall (Jane)
16 GOA Rationalization	?	90/10	Discuss in April - Council direction (Jane,Mark) Major Project
17 GOA Salmon Bycatch Caps	?	90/10	Tasked but on hold pending GOA rationalization progress.
18 Other Species (Target and non-target)& CDQ aspects	6	40/60	Further analysis required (NMFS/Council Staff) Review this fall.(Jane)
19 BSAI Amendment 64 - P.cod fixed gear allocations	6	90/10	Sunsets December 31, 2003
20 Additional P. Cod sideboards (Prichett proposal)	2	100/0	Initial review in April. Possible further analysis. (Jon)
21 AFA single geographic location change	2	100/0	Review in April. (Jon)
22 IFQ Program reg. Amendments	1	10/90	Final action in June (Jane)

**Other Projects Previously Tasked**

23	TAC Setting Process	2	10/90	Review in June (Jane)
24	Opilio VIP	2	50/50	Tasked in February - Not started
25	Catch/bycatch disclosure (vessel level)	1	70/30	Discussion paper in February (Elaine) - Postponed
26	Scoping paper on fee/loan program for IFQ Charter (NMFS?)	1	10/90	Sometime in 2002
27	Pollock roe-stripping reg. Changes	1	10/90	Initial Review in June
28	F <sub>40</sub> Independent Review	2	90/10	Will occur between May and September (Chris).
29	Independent Legal Review	2	100/0	Will occur between April and August (Chris).

**Potential New Projects or Lower Priority Projects**

30	Differential gear impacts	?	90/10	Review workplan in June. Major project after June. Possible contract help.
31	AFA s/b caps to quotas and trawl LLP recency	10	80/20	Pending further Council direction and staff availability
32	IFQ amendments (1999)	4	90/10	Pending Staff availability
33	Charter IFQ Community Set-Aside	4	90/10	Pending Council Direction
34	BSAI P.cod gear allocations (trawl vs. fixed gear)	?	90/10	Pending Council Direction
35	Industry proposal for pollock bycatch	?	90/10	Pending proposal and Council Direction

## Analytical Staff Scheduling Through the October 2002 Meeting

Analytical Staff	Calendar Weeks to October 10	Work Weeks Already Committed	Leave Time	Committee & Other Meetings	Council Meetings & Preparation	"Administrative" Overhead*	Total Committed	Available for new projects (after June)
<b>David Witherell</b> DPSEIS EFH Differential Gear Impacts	23 weeks	10 weeks	3 weeks	5 weeks SSL Plan Teams EFH Ecosystem	5 weeks	3.5 weeks (15%)	26.5 weeks	0 weeks
<b>Jane DiCosimo</b> IFQ Subsistence GOA Rationalization	23 weeks	6 weeks	3 weeks	3 weeks Plan Teams GOA Rationalization BOF	5 weeks	3.5 weeks (15%)	20.5 weeks	2.5 weeks
<b>Cathy Coon</b> EFH GIS Salmon Bycatch	23 weeks	10 weeks	2 weeks	3 weeks EFH SSL GIS	4 weeks	1.75 weeks (7.5%)	21 weeks	2 weeks
<b>Nicole Kimball</b> Community Buy In CDQ Observer Program P.cod Split	23 weeks	7 weeks	2 weeks	4 weeks CDQ Observer Socioeconomic	5 weeks	1.75 weeks (7.5%)	20 weeks	3 weeks
<b>Jon McCracken</b> AFA Crab Rationalization/EIS	23 weeks	4 weeks	2 weeks	4 weeks Crab Rationalization National Guard IMPLAN	5 weeks	1.75 weeks (7.5%)	17 weeks	6 weeks
<b>Elaine Dinneford</b> Data Support AKFIN Crab Rationalization	23 weeks	10 weeks	4 weeks	3 weeks AKFIN GOA Research SEIS	2 weeks	1.75 weeks (7.5%)	21 weeks	2 weeks
<b>Mark Fina</b> Crab Rationalization/EIS AFA General Oversight	23 weeks	12 weeks	2 weeks	2 weeks GOA Rationalization Socioeconomic	5 weeks	3.5 weeks (15%)	24.5 weeks	0 weeks
<b>Diana Evans</b> NEPA/DPSEIS MISC	17 weeks	6 weeks	1.5 weeks	3 weeks DPSEIS Other	2.5 weeks	1.35 weeks (7.5%)	14.35 weeks	2.65 weeks
<b>Darrell Brannan</b> 25% time only	5.5	3 weeks	0 weeks	0 weeks	1 week	0 weeks	4 weeks	1.5 weeks

\* "Administrative" overhead = approximate % of time for phone calls, staff meeting, teleconferences, correspondence, public liaison, etc. (conservative estimate)

## DRAFT NPFMC Three Meeting Outlook

April 8, 2002 Anchorage	June 3, 2002 Dutch Harbor	September 30, 2002 Seattle
DPSEIS: <i>Finalize Alternatives</i>	DPSEIS: <i>Identify Preferred Alternative (T)</i>	DPSEIS: <i>Action as necessary</i>
Crab EIS: <i>Finalize Alternatives</i>		Initial Groundfish Specifications
	BSAI pot cod split (Amendment 68): <i>Final Action</i>	
Processor s/b IR/IU/HMAP/Bycatch Measures: <i>Initial Review</i>	Processor s/b IR/IU/HMAP/Bycatch Measures: <i>Final Action</i>	
Community QS Purchase: <i>Final Action</i>		Amendment 64--Fixed Gear Cod Allocations: <i>Discuss</i>
P.cod s/b proposal: <i>Initial Review (T)</i>	P.cod s/b proposal: <i>Final Action (T)</i>	
GOA Rationalization: <i>Committee Report</i>	GOA Rationalization: <i>Committee Report</i>	
AFA Proposal for Pollock Bycatch: <i>Discuss</i>	SSL Trailing Amendments: <i>Initial Review/Discussion</i>	SSL Trailing Amendments: <i>Action as necessary</i>
AFA SGL change: <i>Initial Review (T)</i>	AFA SGL change: <i>Final Action (T)</i>	
CDQ Policy Amendments: <i>Preferred Alternative</i>	CDQ Policy Amendments: <i>Final Action</i>	Shark/Skate FMP: <i>Initial Review</i>
Observer Program: <i>Final Action on Reg Amendments</i>		GOA Salmon Bycatch caps: <i>Initial Review (T)</i>
Chiniak Study: <i>Update</i>		SR/RE Retention: <i>Initial Review (T)</i>
IFQ Implementation Amendments: <i>Final Action (T)</i>	Pollock Roe Stripping Regulations: <i>Initial Review</i>	Pollock Roe Stripping Regulations: <i>Final Review</i>
	TAC-setting process: <i>Initial Review (T)</i>	TAC-setting process: <i>Final Action</i>
Crab Rationalization amendment: <i>Initial Review</i>	Crab Rationalization amendment: <i>Select Preferred Alternative</i>	Crab SEIS: <i>Initial Review</i>
Halibut Subsistence: <i>Final Action</i>		Charter/IFQ Community Set-Aside: <i>Discuss (T)</i>
	Rockfish/Other species breakout: <i>Report</i>	Rockfish/Other species breakout: <i>Initial Review (T)</i>
	Differential Gear Impacts: <i>Review work plan/Direction</i>	Differential Gear Impacts: <i>Review/Discuss</i>
EFH: <i>Review Progress/Committee Report</i>	EFH: <i>Report and Direction</i>	EFH: <i>Identify Alternatives for Analysis</i>

\*NOTE: This tentative timeline will be updated periodically, particularly after each Council meeting, as the Council works through its decision process.

TAC - Total Allowable Catch  
 IFQ - Individual Fishing Quota  
 AFA - American Fisheries Act  
 HAPC - Habitat Areas of Particular Concern  
 LLP - License Limitation Program  
 PSC - Prohibited Species Catch  
 QS - Quota Share

MSA - Magnuson Stevens Act  
 SGL - Single Geographic Location  
 SSL - Steller Sea Lion  
 GHF - Guideline Harvest Level  
 SEIS - Supplemental Environmental Impact Statement  
 CDQ - Community Development Quota  
 GCCC- Gulf Coastal Communities Coalition

SAFE - Stock assessment and fishery evaluation  
 CV - Catcher Vessel CP- Catcher Processor  
 SR/RE - Shortraker/Rougheye  
 MSST - Minimum Stock Size Threshold  
 FMP - Fishery Management Plan  
 (T) Tentatively scheduled

Max Hulse/Scott Hulse  
P. O. Box 770881  
Eagle River, Alaska 99577  
March 25, 2002

David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2817

Re: Scallop License Limitation Program

Dear Mr. Benton:

I am writing to petition the Council to reexamine a decision it made regarding the scallop license limitation program (LLP) that has greatly affected me and my son Scott and our ability to sustain our scallop fishing business. I ask that you please consider this under agenda item D-1 at your upcoming meeting.

We have lived in Alaska since 1966, own and operate the *F/V La Brisa*, and received one of the nine licenses that were issued under the LLP. However, our license has an endorsement that limits us to using a single 6-foot dredge wherever we fish, in Cook Inlet or in statewide waters. You may recall that the Council was faced with a choice of imposing this endorsement on vessels that had never fished outside Cook Inlet or on vessels that had not fished outside Cook Inlet during the recent qualification period, and it chose the more restrictive option. We were the only fishermen who were affected by this option as we fished in statewide waters historically, but were not able to do so during the two recent moratorium years as a result of a series of circumstances that began with closure of the scallop fishery after the *F/V Mr. Big* incident. We explained those circumstances in our public comments and testimony on the scallop LLP, and why we thought, in fairness, that we should be allowed to fish in statewide waters in the same manner as the rest of the fleet. Your Advisory Panel agreed, and recommended that the 6-foot endorsement only be imposed on vessels that had never fished statewide waters. but the Council voted against this recommendation.

The analytical documents that accompanied the LLP (*e.g.*, the EA/RIR/IRFA) recognized that a vessel with the 6-foot gear limit would not be economically viable in the statewide fishery, and that such vessels would effectively be limited to fishing in Cook Inlet only. Our experience has borne this out. In 2000, before the LLP took effect, we fished in statewide waters around Cordova and employed 2 6-foot dredges. Even with this gear, we barely broke even. (I don't use that term in the same sense as used in the break-even analysis in the EA/RIR/IRFA, which included what staff referred to in testimony as a normal share profit or boat share. I mean break even in the sense of barely exceeding our out-of-pocket expenses.) Based on this poor economic experience in 2000, we didn't even try to fish in statewide waters with a single 6-foot dredge during the 2001 fishery when the LLP had been implemented, since we knew we would lose money. There simply is no way we can get the kind of production we need to sustain our business at even a minimal level using a 6-foot dredge.

Nor can we make it by fishing Cook Inlet alone. The quota there is small

(0 – 20,000 pounds) and at \$ 6.00 or so per pound, would only produce a total ex-vessel value of around \$ 120,000. Divided among the three smaller boats in the LLP fleet which are likely to fish in Cook Inlet, this is simply not enough to keep us going. The Council was aware that the Cook Inlet fishery was probably overcapitalized, but never performed any sort of break-even analysis for the vessels that would be relegated to fishing there. We believe if you had, you might have seen the inequity of confining us to Cook Inlet via the 6-foot dredge restriction, and perhaps afforded us a measure of relief in statewide waters. The point is, we cannot maintain our business by fishing Cook Inlet alone.

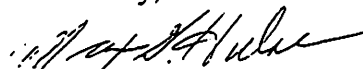
We understand that the Council's intent in adopting the 6-foot dredge restriction, was to avoid an increase in harvesting capacity in statewide waters because this was believed to be potentially detrimental to the economic viability of the other vessels operating there. But we, having the only restricted vessel with fishing history in statewide waters, do not really pose any threat to the larger operations. We don't operate year-round but only in the summer months. Your break-even analysis assumed that the vessels receiving licenses would be fishing full time, but that is not the case. Nor do we ask for permission to use the full complement of gear allowed for the others – two 15-foot dredges. We cannot use dredges that size with our boat, but instead are looking to use two 10-foot dredges, or about two-thirds the gear permitted the others. Moreover, the Council allowed another "Cook Inlet" boat to obtain a license without the restrictive gear endorsement and we think that it would be fair to give us similar treatment. This was the *F/V Northern Explorer*, which never fished with a dredge larger than 6 feet and had no historical fishing history in either statewide waters or Cook Inlet (in fact, we helped the owner of that vessel get into the fishery in the early 1990s). The owner avoided the gear limit because he had made a couple landings from statewide waters during the recent qualification period. (The owner of that vessel has since sold his permit, something we do not intend to do; with the Council's help on this gear problem, we intend to be in the fishery for many years to come.)

In short, we appeal to the Council's sense of basic fairness and ask that you give us some relief from the restrictive gear endorsement. We have been in the scallop fishery since the early 1980s, but will not be able to stay in the fishery without your help. We simply want the ability to maintain a viable fishing business, which we cannot do under the restrictive gear endorsement.

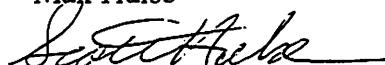
We assume you are aware that we went to court on this issue. We would have preferred not to have to litigate, but with a 30-day statute of limitations under the Magnuson-Stevens Act, we had little choice but to move quickly to protect ourselves. The court recently ruled against us and in favor of the government, and we have now appealed. But we would certainly favor a solution coming from the Council rather than continuing our case, if you can provide one.

Scott and I plan to hopefully address the council when it discusses this petition and will be happy to answer any questions you may have concerning our request. Thank you very much for considering this matter.

Sincerely,



Max Hulse



Scott Hulse

cc: Council Members

B-1

**ALASKA LONGLINE FISHERMEN'S ASSOCIATION**  
403 Lincoln Street, Ste. 237  
Sitka, AK 99835

April 15 2002

North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue Ste 306  
Anchorage, AK 99501

Dear Members of the Council,

I know you have had a very long and difficult week. Please know that I appreciate your work and sympathize completely with your present state of exhaustion. Before you call it quits today, I hope you will direct a little energy to that all important job of staff tasking. In particular, I would like to call your attention to the work that needs to be done to address identified problems in the Halibut Charter GHL Proposed Rule.

I expect you have received a report from the Agency detailing the additional work that is needed to strengthen the GHL Proposed Rule. While the Proposed Rule accurately reflects the Council's intent, a few important elements were either left out or inadequately described. I understand that the Agency intends to address these areas, adding, for example, the steps that would be taken to liberalize harvest measures in the charter industry if harvest fell below the GHL. As the record substantiates, the Council addressed this issue, but measures were not included in the Proposed Rule. In other words, it is my understanding that the work that still needs to be done will not in any way change Council intent; instead, it will ensure that the Proposed Rule adequately represents Council action.

I have also been briefed on the decision by ADFG to terminate the log book program. Suffice it to say that I am disappointed, if not disgusted. I am impressed by the Agencies willingness to implement a NMFS logbook program, and believe it will lead to vastly improved accountability. I recognize that designing and implementing this logbook program will be no easy task.

I do not have to remind any of you of the years of work, weeks of testimony, etc., etc., that has gone into the GHL. I know both Agency and Council staff are chronically overworked (to them I offer my humble apology). But somehow this additional work needs to be completed so this issue can be laid to rest. I respectfully request that you task work on the GHL as a high priority, and urge expeditious revision of the Proposed Rule.

Thank you for your time and attention.

Sincerely,   
Linda Behnken



## Halibut Coalition

PO Box 22073  
Juneau, AK 99802-2073  
[halibutcoalition@gci.net](mailto:halibutcoalition@gci.net)  
April 15, 2002

Mr. David Benton  
Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

Dear Mr. Benton,

Re: Halibut Charter GHL Proposed Rule

It is my understanding that the proposed rule (67 FR 3867, January 28, 2002) needs additional work to resolve some issues.

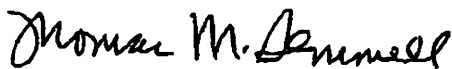
We urge you to keep both the charter halibut GHL and IFQ as high priority issues for the Council and NMFS staffs.

As you recall, the charter/commercial halibut allocation issues have been before the Council for over 10 years. The Council acted on the charter GHL in February 2000 and the charter IFQ in April 2002. This has been a long involved process and we appreciate all the work that the Council, NMFS, and their staffs have put into this effort.

Both the longline and charter sectors need to have this issue resolved. Stability is important to both sectors as they consider the future, including long term investment decisions and the development of markets.

Your consideration of our request is appreciated.

Sincerely,



Thomas M. Gemmell  
Executive Director

Copy: Dr. Jim Balsiger, NMFS Alaska