

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver
Executive Director
DATE: March 24, 2009
SUBJECT: Other groundfish issues

ESTIMATED TIME 1 HOUR

ACTION REQUIRED

- (a) Review and approve Halibut Sorting EFP
- (b) Review HAPC evaluation criteria and EFH 5-year review methodology (SSC only)

BACKGROUND

- (a) Review and approve Halibut Sorting EFP

An exempted fishing permit (EFP) application has been submitted by the Best Use Cooperative (BUC) to investigate on-deck sorting of Pacific halibut as a means of reducing halibut bycatch mortalities on Amendment 80 vessels. The EFP would allow three BUC non-pelagic trawl vessels to sort halibut removed from a codend on the deck, and release those fish back into the water after accounting for halibut condition. All groundfish and halibut harvested would be within the BUC's allocation for groundfish and halibut mortality. A letter to the Council chairman from Mr. Doug Mecum (NMFS AKR) regarding receipt of this application, AFSC's approval of the experimental design, and the EFP application itself, are attached as Item D-1(a)(1).

The first phase of the experiment would begin in mid-May, 2009, and continue until the end of June, 2009, when a sufficient number of halibut have been sampled and assessed for condition and likelihood of survival. Upon review and approval by NMFS, the second phase of the EFP may allow EFP participants to carry out additional groundfish fishing up to the BUC's allocation by applying any saved halibut mortality from EFP work. A representative of the applicant, Mr. John Gauvin, will be available to present a description of the experiment.

- (b) Review HAPC evaluation criteria and EFH 5-year review methodology (SSC only)

HAPC proposal evaluation criteria

Under the Council's existing Habitat Areas of Particular Concern identification process, the Council will periodically issue a call for proposals for candidate areas that focus on a specific priority habitat types to be identified as HAPC. The sites proposed under this process are then sent to the Plan Teams for scientific review to determine whether they have ecological merit, and are also reviewed for socioeconomic and management and enforcement impacts. This combined information is presented to the

SSC, the AP, and the Council, and the Council may choose to select various HAPC proposals for further analysis.

During the last HAPC proposal cycle, in 2003-2004, the Council received feedback from the public and the Plan Teams about the criteria used to evaluate the HAPC site proposals. It was noted that the review criteria had not been made available during the call for proposals, so that the proposers had no way of knowing the full range of information that would be required to rate their respective proposals. Additionally, some of the rating criteria were ambiguous, and because of this it was difficult for the Plan Teams to evaluate proposals in a consistent manner.

In 2004, the SSC was asked to review the rating criteria for evaluating HAPC proposals prior to releasing a new request for proposals (RFP) for candidate HAPC sites. The Council will be considering whether to set new HAPC priorities and initiate another HAPC proposal cycle in June 2009. The rating criteria that would be used to evaluate candidate sites should be established and listed as part of the RFP that would go out for HAPC proposals. Because the SSC might need two meetings to review and revise the HAPC criteria, this issue is on the agenda for the SSC in April 2009.

Attached as Item D-1(b)(1) is a background memorandum that summarizes existing guidance on HAPCs, and the Council's existing HAPC identification process, as well as specific concerns from the 2004 HAPC proposal cycle by the Joint Plan Teams and the SSC. The memorandum was mailed out to the SSC in mid-March. There are four criteria listed in the EFH final rule as considerations for HAPC:

- Importance of ecological function
- Sensitivity
- Stress
- Rarity

The criteria were defined for the 2004 proposal cycle as described on page 13 of the attachment. Some suggestions for revised definitions are provided on page 3 of the attachment.

EFH 5-year review methodology

The EFH Final Rule and each of the Council's FMPs require that a review of EFH components be completed every 5 years. The Final Rule provides guidance that EFH provisions be revised or amended on this timeline, as warranted, based on available information. There are ten EFH components that are required to be in each of the Council's FMPs, and any change to text of the FMP requires a formal FMP amendment. The ten components are: 1. EFH Descriptions and Identification; 2. Fishing activities that may adversely affect EFH; 3. Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH; 4. Non-Fishing activities that may adversely affect EFH; 5. Cumulative impacts analysis; 6. EFH conservation and enhancement recommendations; 7. Prey species list and any locations; 8. HAPC identification; 9. Research and information needs; and 10. Review EFH every 5 years.

At this meeting, the SSC is scheduled to review the proposed methodology that will be used to complete the 5-year review requirement, and to provide feedback as appropriate. NMFS, Council, and ADFG staff members have been asked to prepare an initial evaluation of the FMPs' EFH text, for review by the Joint Crab and Groundfish Plan Teams at their September 2009 meeting¹. This evaluation, and the Plan Teams' recommendations, will be synthesized into a draft summary report which will be presented to the SSC, AP, and Council to review in December, 2009. At that time, the Council may choose to initiate FMP amendments, if any change to the EFH text in any of the FMPs is warranted. A detailed handout on the methodology and the schedule proposed for the review are attached as Item D-1(b)(2).

¹ The Scallop Plan Team review will not occur until February 2010. As there is no Salmon Plan Team, staff will consult with salmon experts for their recommendations.