Election of Officers and new appointments

The Council’s Advisory Panel unanimously re-elected Tom Enlow from Unisea as Chair and elected Lori Swanson and Becca Robbins-Gisclair as co-Vice Chairs. The Council’s Scientific and Statistical Committee re-elected Pat Livingston as Chair and Bob Clark as Vice Chair. Chairman Olson announced the following two-year appointments to the Pacific Northwest Crab Industry Advisory Committee (PNCIAC): Keith Colbern, Lance Farr (Chair), Mark Gleason, Kevin Kaldestad, Garry M. Loncon, Steve Minor, Gary Painter, Kirk Peterson, Rob Rogers (Vice Chair), Vic Scheibert, Dale Schwarzmiller, Gary Stewart, Tom Suryan, Elizabeth Wiley, and Arni Thomson (non-voting Secretary).

GOA Trawl Bycatch Management

The Council reviewed a discussion paper and then initiated analysis of a focused data collection program that can be established prior to the implementation of a trawl bycatch management program in the GOA. The motion included a purpose and need statement that focused on collecting data to provide the Council and analysts with relevant baseline information for use in assessing the impacts of a catch share program on affected harvesters, processors, and communities in the GOA. The Council also indicated that the information collected should be relevant, reliable, and currently unavailable through other sources. Given the potential for implementation of catch shares in both the Central and Western GOA, the data collection effort will include participants in Federal trawl groundfish fisheries from both management areas.

The Council then took action by addressing the next step in developing a GOA trawl bycatch (PSC) management program. After reviewing a staff discussion paper focusing on the Magnuson-Stevens Act requirements for the development of a catch share program and taking public testimony, the Council revised their purpose and need statement to broaden the scope to include all Federal GOA trawl fisheries. A control date of March 1, 2013 was approved for the Western Gulf; any catch history after this date may not be credited in any future allocation system developed for the Western Gulf of Alaska trawl fishery. Finally, the Council requested that staff bring back an expanded discussion paper(s) that focuses on the following four issues and how they would relate to a GOA trawl catch share program:

- Expanded discussion of state waters management, including options for addressing expansion into state waters which may result from a catch share program that applies to federal waters.
- Potential benefits and detriments of limited duration quota allocations. This should include the identification of possible bycatch performance incentives upon which to base ongoing quota allocation, and exploration of non-monetary auction options, and bycatch performance incentives that can encourage bycatch avoidance at all times throughout the fishery.
- Expand the discussion of community protections to include the mechanics and applicability of Community Fisheries Associations and other alternative measures (e.g., port of landing requirements, regionalization) to the GOA trawl fisheries.
- Information on the number of trawl participants by area in the GOA, including the amount of landings by groundfish species, PSC use, landings by community, and participation in GOA trawl fisheries relative to other fisheries. Include information on the number of trawl licenses that are also endorsed for Pacific cod pot gear in the WG and/or CG.

Staff contact on this issue is Sam Cunningham.
Federal Definition of Sport Fishing Guide Services

In April 2012, the Council received a report from the NOAA Office of Law Enforcement highlighting a fishing practice in Area 2C that may allow anglers to circumvent charter halibut daily bag and size limits and allow operators to provide sport fishing guide services without the required Charter Halibut Limited Access Permit (CHLAP) for the Pacific halibut charter sector. Beginning in 2011, law enforcement staff observed and received anecdotal reports of businesses offering “unguided” halibut fishing to anglers, where guides provide assistance to anglers for compensation from adjacent vessels or shore, presumably to circumvent the Federal regulations that limit charter halibut anglers. In general, State regulations require that charter logbooks be filed for harvests by anglers receiving guide services from adjacent vessels or shore, because the state definition of “sport fishing guide services” does not require the guide to be aboard the vessel with clients. This report corroborated previous public testimony about the use of fishing practices to circumvent charter halibut bag and size limits.

Based on the agency report, the Council requested a discussion paper to review the different Federal and State definitions of a charter guide in order to determine if the current Federal regulatory definitions used to determine charter fishing are consistent with its intent for management of the charter halibut harvests.

At its February 2013 meeting, the Council reviewed the interagency staff discussion paper and adopted a problem statement and alternatives and options for an analysis to revise Federal regulations to close this loophole. The Council adopted the No Action alternative for analysis, along with a second alternative to revise and clarify the federal definition of sport fishing guide services. The Council also adopted options to revise the definition to remove the language “by being onboard a vessel with such person;” and within the definition of sport fishing guide services define (a) compensation, and (b) assistance. The Council provided proposed language for consideration. The Council’s motion is posted on the Council website. Contact Jane DiCosimo for more information.

AFA Vessel Replacement and GOA Sideboards

The Council, at the February meeting, reviewed an analysis of allowing vessel replacement of American Fisheries Act (AFA) vessels. The purpose of this action is to clarify AFA vessel replacement provisions of the Coast Authorization Act of 2010 (Coast Guard Act) and to prevent AFA vessels that are replaced from increasing fishing effort beyond historical catch levels in the Gulf of Alaska.

At this meeting, the Council modified Option 2.4 to prohibit GOA exempt AFA vessels that are replaced or rebuilt from exceeding the MLOA specified on the GOA LLP at the time the Coast Guard Act was approved (October 15, 2010). The Council noted that the vessel length recorded on the Federal Fishing Permit is not verified by the Coast Guard, and using the MLOA on the LLP is consistent with other options. The Council also selected Alternative 2 as the preliminary preferred alternative. The vessel removal provision, which would extinguish the sideboard exemption, is also included in the preliminary preferred alternative. The purpose of selecting a preliminary preferred option at this time to indicate to the public the likely direction the Council may select at final action and provide for more focused public comments. Finally, the Council released the document for public review once it has addressed the comments from the SSC and AP to the extent practicable. Staff contact is Jon McCracken.

Upcoming Meetings

Scallop Plan Team: February 19-20 Kodiak
Crab Modeling workshop on AIGKC and NSRKC February 26 - March 1, Anchorage
Steller Sea Lion Mitigation Committee: March 21-22 in Anchorage, NPRB Board Room
Stock Structure Workshop: April 16 (tentative)
Crab Plan Team: April 30-May 3 in Anchorage; September 17-20 in Seattle
Managing Our Nation’s Fisheries: May 7-9 in Washington DC
Groundfish Plan Teams: September 10-13; November 18-22
Skate Egg Sites

Habitat Areas of Particular Concern (HAPC) are geographic sites of special importance within the distribution of essential fish habitat for the Council's managed species that may require additional protection from fishing activity and adverse fishing effects. HAPCs must be rare and may be ecologically important, sensitive to human disturbance, or stressed by development activities. In 2010, the Council decided that the skate nursery sites (areas of skate egg concentrations) should be considered and evaluated as HAPC.

At its February 2012 meeting, the Council took final action on this issue by selecting Alternative 2, which will amend the Groundfish, Crab, and Scallop FMPs to identify six areas of skate egg concentration as HAPCs in the eastern Bering Sea. The identification of these sites as a HAPC highlights the importance of this essential fish habitat for conservation and consultation on activities such as: drilling, dredging, laying cables, and dumping, as well as fishing activities. In addition, the Council identified several options as part of its preferred alternative: (1) a request that NMFS monitor the areas of skate concentration HAPCs for changes in egg density and other potential effects of fishing, (2) a recommendation that research and monitoring of skates be added to the research priority list, and (3) approval of housekeeping amendment to standardize federal descriptions of Bering Sea habitat conservation measures. Staff contact is David Witherell.

International Group to Consider Best Practices for Trawl Fisheries

One of the most contentious issues in management of marine fisheries is the use of mobile bottom contact gears, trawls and dredges. About 25% of world fish catch comes from the use of these gears and catch from trawls is an important element in food security in much of the world. At present, a continental shelf area approximately equivalent to three times the area of Brazil is affected by mobile bottom contact gear. Trawls can dramatically transform sensitive benthic ecosystems, eliminating much of the associated emergent surface-dwelling flora and fauna especially on hard bottoms. Conversely, extensive studies have shown that there are fewer changes to less sensitive habitats, particularly in regions subject to frequent natural disturbance.

A working group of experts in ecology and fisheries management is being established to provide a scientific basis for evaluating policies on trawling. The group is currently requesting input from stakeholders to identify and prioritize the scientific knowledge needs that will help to focus and prioritize activities during the project. The goal is to identify the most pressing scientific needs in relation to our understanding of how towed bottom-fishing gears interact with the seabed and its biology, and the means to mitigate these effects. These scientific needs, if answered, would have a short or medium term positive impact on trawl fisheries (i.e. leading to greater efficiency, increasing productivity, reducing impact on the environment, etc). For this information gathering task, interested parties may send e-mail to bob.mcconnaughey@noaa.gov for instructions and a copy of the questionnaire.

The full project will consist of 5 phases spread over the next two years. Additional details about the project and the study group are available at http://trawlingpractices.wordpress.com/.
BSAI Crab Issues

At its February meeting, the Council took final action on several provisions to modify rights of first refusal created to benefit community interests under the Bering Sea and Aleutian Islands crab rationalization program. The program allocates processing shares to processors based on their respective processing histories. To protect community interests, holders of most processor shares were required to enter agreements granting community designated entities a right of first refusal on certain transfers of those shares. Since implementation, community representatives and fishery participants have suggested that some aspects of the rights of first refusal may inhibit their effectiveness in protecting communities. To address these shortcomings, the Council took three actions. Under the first, time available for a community entity to exercise a right of first refusal from 60 days to 90 days, and the time for a community entity to perform under the contract from 120 days to 150 days. The second action included two provisions – the first removed a provision under which rights lapse, if a processor uses its share allocation outside the protected community for three consecutive years. The second provides for a new right of first refusal in the event a community entity fails to exercise the right, once it is triggered. Under this second provision, the processing share holder designates the community entity that will be the holder of the right. The third action of the Council provides for several notices from the processing share holder to the right holder and NOAA Fisheries. These notices are intended to ensure the rights have their intended effect by providing better information concerning the use of the processing shares and the status of the right.

The Council elected to maintain the status quo with respect to two other actions under consideration. Under the status quo, the rights of first refusal apply to all assets in a transaction that includes the subject processor shares. The Council considered (and rejected) alternatives that would have applied the right to either 1) the processor shares only or 2) the processor shares and assets based in the protected community. The second of these actions would have required community entity consent for any use of processor shares outside of the community that is protected by the right. Under the status quo, processor shares may be used in any location (subject to any applicable regional use restrictions). Although the Council took no action on these items, it suggested that it may be receptive to changes from the status quo, if stakeholders reached a consensus on appropriate measures.

The Council elected to take no action at this time on a sixth action, which would have allocated up to 0.55 percent of the Bristol Bay red king crab processing quota share pool to Aleutia Corporation (a right holding entity) to address a grievance concerning a right of first refusal that it formerly held on shares in that fishery. The Council urged the parties to that dispute to work to resolve their issues prior to further Council consideration of the matter at a future meeting.

The Council elected to take no further action concerning alternatives to define active participation requirements for vessel owner harvest shares. Currently, holders of those shares have no ongoing requirement to remain active in the fisheries as either vessel owners or crewmembers. The Council also received a discussion paper concerning the development of cooperative measures to i) promote share acquisition by active participants, ii) address high quota lease rates, and iii) ensure reasonable crew compensation. Although the Council elected to take no regulatory action, it expressed concern with high lease rates, crew compensation, and the availability of quota shares to active participants in the fisheries. To that end, the Council passed a motion requesting that each cooperative in the program submit a voluntary report annually describing measures taken by the cooperative to facilitate share acquisitions by active participants and affecting high lease rates and crew compensation. The reports should describe effects of those measures, including the estimated level of member participation in any voluntary measures and supporting information and data. The motion suggests that these reports be provided at the Council’s October meeting.
The Council reviewed an initial draft analysis of a proposed action that would allocate the ABC surplus (the difference between acceptable biological catch (ABC) and total allowable catch (TAC) for flathead sole, rock sole, and/or yellowfin sole, among the Amendment 80 cooperatives and CDQ groups, using the same formulas that are used in the annual harvest specifications process. These entities would be able to exchange their flathead sole, rock sole, and/or yellowfin sole quota share for an equivalent amount of their allocation of the ABC surplus for these species.

The Council released the analysis for public review, following some minor revisions and the addition of a new alternative. The new alternative is similar to the current Alternative 2, except that instead of allocating the ABC surplus among the qualified entities, the Council would establish a harvest limit that could either be equal to ABC, or could be reduced from ABC for social, economic, or ecological considerations. The harvest limit surplus (the difference between the harvest limit and TAC) for the three flatfish species would then be allocated among the entities, according to existing formulas. The revised alternatives are posted on the Council website. Staff contact is Diana Evans.

Observer Program

The Council received an update from the Alaska Fisheries Science Center (AFSC) on the implementation of the restructured observer program to date, in both trip and vessel selection pools, as well as progress with the 2013 electronic monitoring (EM) pilot project. The Council continued its support for the restructured program, as expressed in December, including the EM pilot project and the timeline that includes review of the draft EM strategic plan, the first year report, and consideration of potential regulatory changes to the program, at the June Council meeting.

The Council chose to schedule an Observer Advisory Committee meeting just prior to the April Council meeting, focused specifically on two of the reports that are scheduled for the Council in April:
1. Receive an update on the implementation of the Observer Program for the current year.
2. Review the EM strategic plan outline that the AFSC develops, and provide comments and recommendations to the Council.

The Council also asked the AFSC to assess a proposal, submitted in public testimony, to implement a deployment plan essentially based on vessels that account for the greatest percentage of harvest for any sector. If the proposal appears consistent with the Council’s objectives from December, of improving cost effectiveness while maintaining data collection needs, the agency should consider incorporating the proposal into April’s analytical outline or framework for the first year program report.

NMFS continues to do outreach on the observer program, and materials are available on the NMFS observer webpage: [http://www.alaska fisheries.noaa.gov/sustainablefisheries/observers/](http://www.alaska fisheries.noaa.gov/sustainablefisheries/observers/). Staff contact is Diana Evans.

Ecosystem Committee

The Council chair appointed Council member Bill Tweit to be the new chair of the Ecosystem Committee, as part of an effort to ensure that Council members are represented on all Council committees, while thanking Stephanie Madsen for her service. The Council also adopted a motion on the path forward for the Ecosystem Committee, both with respect to immediate Council issues and integration of ecosystem-based management approaches with fishery management in the longer term. The Council requests that the Committee develop a proposed workplan for the next year to two years, identifying opportunities for further work, both with respect to the integration of emerging ecosystem science with management, and responding to changing environmental conditions, in order to allow the Council to continue its leadership role in the evolution of ecosystem-based management. The motion is available on the Council website.

The Council received a report from the Ecosystem Committee about NMFS’ EFH consultations with the Corps of Engineers Regulatory Division on Norton Sound mining activity. The Council noted that the Committee had not had the benefit of hearing from ADFG staff working on these issues, and asked the Committee to get input from ADFG staff at a future meeting, to incorporate into the Committee’s recommendation to the Council. Staff contact is Diana Evans.

Call for Proposals

NOAA’s National Bycatch Reduction Engineering Program (BREP) should soon release a Request for Proposals for non-federal researchers working with industry to identify fishing technologies to reduce bycatch. A competitive notice, pending final approval, will be soliciting projects up to a total of about $2.5M. The review process will be similar to last year’s notice and the approximate due date for Letters of Interest is early March, with full proposals due at the end of March (dates are dependent upon final publication date of the RFP). As federal researchers are excluded, the NMFS AFSC Conservation Engineering program cannot take a principal role on proposals, however they are willing to discuss how their department could help facilitate or collaborate on proposed projects. Contact Craig Rose (Craig.Rose@noaa.gov) at AFSC for more information.
BSAI crab protection issues: PSC limits and Bristol Bay red king crab closure areas

The Council considered two different discussion papers related to crab bycatch management and habitat protection in the BSAI groundfish fisheries. The first paper discussed issues related to Bristol Bay red king crab spawning and closure areas, while the second addressed alternatives for establishing PSC limits in the groundfish fishery for all ten of the BSAI crab stocks in the Crab FMP. After considering each issue separately, the Council moved to combine further discussion of these two topics. Discussion of each is summarized below; the combined Council motion is available on the Council website.

**Bristol Bay red king crab habitat**

The Council received an update on the timing of research to investigate the importance of an area southwest of Amak Island as red king crab habitat, and its sensitivity to environmental variables. This issue was raised as a potential concern during the 2010 EFH 5-year review, due to indications of increased trawling activity in this area, and recent shifts in the distribution of the red king crab spawning population. Research results will likely be available in 2014 or 2015, to inform a Council discussion of whether increased protection in this area is warranted.

The paper also provided an update on a related issue tasked by the Council, namely evaluating the continued efficacy of permanent closures to groundfish trawling in Bristol Bay, instituted to protect red king crab, in light of changes in the distribution of the stock. The paper noted that the scope of this task is larger than originally anticipated, as a simple index to evaluate efficacy is not available, and evaluation needs to involve input from additional AFSC and NOAA scientists with different types of expertise. One of the next steps would be to conduct a statistical analysis of historical catch and bycatch data, by month and gear type, and correlate any patterns of changing distribution with warm versus cold years. Another avenue is to investigate how adaptive management measures might be used to vary protection based on an environmental variable, such as temperature. The paper suggested that given the Council’s concurrent effort to reevaluate PSC limits, it may be productive to evaluate protection measures for Bristol Bay red king crab comprehensively.

**Crab bycatch limits in BSAI groundfish fisheries**

The Council also received a discussion paper on current and proposed bycatch management measures in the BSAI groundfish fisheries for the ten BSAI crab stocks. In conjunction with taking action to meet annual catch limit (ACL) requirements in 2010, the Council initiated an analysis of PSC limits and bycatch management measures for the ten BSAI crab stocks under the Crab FMP. Since 2011, BSAI crab stocks have annually-specified overfishing limits (OFLs) and acceptable biological catch (ABC) levels. Total allowable catch (TAC) levels (and guideline harvest levels (GHLs) for the Norton Sound red king crab and Pribilof Islands golden king crab stocks) are established exclusively by the State. All catch accrues towards the ABC (or ACL). Additional bycatch outside of the directed crab fisheries occurs in the BSAI groundfish fisheries. Total catch from all sources may not exceed the ACL, thus currently the State must annually assume anticipated levels of bycatch for each stock in order to set TAC or GHL at a level where the total catch from directed and non-directed sources will not exceed the ACL. If an ACL is exceeded, the TAC or GHL in the following year would be reduced, in order to prevent exceeding the ACL concurrently. Thus all accountability measures associated with exceeding an ACL are currently borne solely by the directed crab fishery, regardless of what caused the overage.

The Council reviewed the discussion paper on existing measures for trawl and pot bycatch management in the BSAI groundfish fisheries, as well as trends in bycatch by stock, and the relative percentage of the crab stock ABC the current bycatch comprises. For most stocks, while variable across years, groundfish bycatch represents a small (often <1%) component of the catch accruing towards the ABC. For those stocks for which the bycatch is more variable and/or stock status fluctuates dramatically (e.g., Bristol Bay red king crab, EBS Tanner crab, St. Matthew blue king crab), assumptions of bycatch needs in the groundfish fisheries becomes more problematic in setting a TAC level for the directed crab fishery. Staff noted to the Council that if the intent of pursuing this is to provide guidance to the State of Alaska in establishing appropriate buffers beneath the ABC for groundfish bycatch, to inform appropriate TAC levels, the current alternative set may be overly complex for achieving that objective.

**Council action**

Following discussion of the relative complexity of the PSC limit analysis and its objectives, as well as the scope and timing of Bristol Bay red king crab habitat research and analysis of existing closures, the Council focused an expanded discussion paper on four stocks: Bristol Bay red king crab, Bering sea Tanner crab, Bering Sea snow crab and St. Matthew blue king crab. The paper will include an historical evaluation of the existing closures for these stocks, for both permanent closures and those triggered by a PSC limit. Additionally, the paper will describe the stock and PSC (by groundfish gear type) distribution relative to these areas.

In discussing the motion, the Council affirmed their priority support for the continuing habitat research on Bristol Bay red king crab. The Council also welcomed consideration of adaptive management tools as this issue moves forward, including encouragement to industry to engage with the Crab Plan Team and crab scientists to develop innovative mechanisms to ensure crab protection.

The Council further recommended that the BSAI Groundfish Plan Team work together with the State to provide estimates of crab bycatch mortality in the respective groundfish fisheries by crab stock. This could help to reduce the uncertainty in projecting these estimates annually in TAC-setting, and assist the State in estimating an appropriate buffer level for groundfish bycatch, below the ACL. Staff contact is Diana Stram.
## DRAFT NPFMC THREE-MEETING OUTLOOK - updated 2/15/13

<table>
<thead>
<tr>
<th>April 1-9, 2013</th>
<th>June 3-11, 2013</th>
<th>Sept 30 - Oct 8, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage, AK</td>
<td>Juneau, AK</td>
<td>Anchorage, AK</td>
</tr>
</tbody>
</table>

### AFA Co-op Reports; ICA report: Action as necessary
- BSAI Chum Salmon Bycatch: Industry Progress Report
- Amendment 80 Co-op Reports: Action as necessary
- CGOA Rockfish Co-op Reports: Action as necessary
- Salmon Bycatch Genetics: Update

### Observer Program: Report
- GOA Trawl Bycatch Management: Discussion Papers; roadmap
- GOA Trawl Data Collection: Initial Review

### SSL EIS: Initial Review, Select PPA
- BS and Al P. cod ABC/TAC split: Updated Discussion Paper
- Retention of 4A halibut in BSAI sablefish pots: Discussion Paper

### BS Sablefish IFQ & non-IFQ specifications: Discussion Paper
- Crab modeling report: SSC only

### Scallop SAFE and harvest specifications: Review and Approve
- AFA Vessel Replacement GOA Sideboards: Final Action
- Round Island Transit: Initial Review
- BSAI Flatfish Specification Flexibility: Final Action
- CQE Small Blocks: Initial Review/Final Action

### Research Priorities: SSC only
- Industry update on turbot fishery negotiations

---

### Items Below for Future Meetings
- BSAI Crab PSC numbers to weight: Discussion paper
- BSAI Crab bycatch limit evaluations: Expanded discussion paper
- Salmon EFH revisions: Initial Review
- ROFR Aleutia PQS: Final Action
- Greenland Turbot allocation: Initial Review

### Alaska - Aleutian Islands
- AFA - American Fisheries Act
- BIoP - Biological Opinion
- BSAI - Bering Sea and Aleutian Islands
- BKC - Blue King Crab
- BOF - Board of Fisheries
- CQE - Community Quota Entity
- CDQ - Community Development Quota
- EDR - Economic Data Reporting
- EFH - Essential Fish Habitat
- EFP - Exempted Fishing Permit
- EIS - Environmental Impact Statement
- GOA - Gulf of Alaska
- GKC - Golden King Crab
- GHL - Guideline Harvest Level
- HAPC - Habitat Areas of Particular Concern
- IFQ - Individual Fishing Quota
- IBO - Individual Bycatch Quota
- MPA - Marine Protected Area
- PSEIS - Programmatic Supplemental Impact Statement
- PSC - Prohibited Species Catch
- RKC - Red King Crab
- ROFR - Right of First Refusal
- SSC - Scientific and Statistical Committee
- SAFE - Stock Assessment and Fishery Evaluation
- SSL - Steller Sea Lion
- TAC - Total Allowable Catch

### Future Meeting Dates and Locations
- June 3-11, 2013, Juneau
- September 30-Oct 8, 2013, Anchorage
- December 9-17, 2013, Anchorage
- April 7-15, 2014, Anchorage
- June 2-10, 2014, Nome
- October 6-14, 2014, Anchorage
- December 8-16, 2014, Anchorage
- February 2-10, 2015, Seattle

(T) = Tentative