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News & Notes

North Pacific Fishery Management Council

December 2008

AP and SSC Appointed

Appointments to the Council's Scientific and Statistical Committee and Advisory Panel were made at the December meeting. The Council announced the following re-appointments for 3 year terms to the Advisory Panel: John Crowley, Jerry Downing, Chuck McCallum, Beth Stewart, and Lori Swanson. Tim Evers was also re-appointed for a 1 year term. Additionally, the AP welcomes two new members: Theresa Peterson from Alaska Marine Conservation Council, Kodiak, and Jeff Favour of Sitka. Thanks to Michelle Ridgway and Robert Gunderson for their participation on the Advisory Panel, and we look forward to working with them in different capacities in the future. The Council reappointed the remaining SSC members to 1 year terms, with Dr. Ray Webster of IPHC, replacing Bill Clark, who will be joining the BSAI Plan Team. The Council presented Bill with a plaque thanking him for his many years of service on the SSC.



A full list of AP, SSC, and Council members and their contact information and terms is available on our website. PNCIAC appointments are noted on page 5.



Photo Credit
Jeb Morrow

BSAI Crab Program

The Council received a staff report summarizing the performance of the Bering Sea and Aleutian Islands crab rationalization program during its first three years. That report considered the effects of all aspects of the program, including its effects on harvesters, processors, communities and crews. The Council also received a report from the Crab Advisory Committee concerning proposals to address crew issues, community rights of first refusal, and the Western Aleutian Islands golden king crab fishery. Staff also presented a brief paper summarizing alternatives created by the Council's April 2008 motion to revise the crab rationalization program.

In response to these presentations and public testimony, the Council revised its purpose and need statement and its proposed alternatives to modify the program, focusing its alternatives on crew issues and the redesignation of owner quota share and crew quota share, the development of regional fishery associations to address crew issues, and an industry proposal to facilitate crew acquisition of quota share. Under the alternatives, quota share could be redesignated such that up to 10 percent of the total quota share pool would be designated as crew quota share, which may be held only by persons meeting active participation requirements.

The alternatives include a component to reduce poundage thresholds on annual individual processing quota that may be issued in the Bristol Bay red king crab and Bering Sea *C. opilio* fisheries and an option to auction IFQ amounts in excess of the threshold. The Council's alternatives also include a component that would withhold the allocation of annual individual processing quota, in the event the holder of processor quota share fails to apply for an annual allocation. Under current regulations, those individual processing quota are allocated to processor quota share holders that apply for annual allocations, in proportion to their processor quota share holdings. As a part of its motion, the Council requested the Crab Committee to explore the development of regional fishery associations to protect crew interests, as well as review the industry financing proposal.

In addition to revising its motion, the Council tasked staff with discussion papers to examine several aspects of the program including revisions to management of the Western Aleutian Islands golden king crab fishery to address unutilized individual fishing quota, potential extinguishment of processor quota shares from all fisheries, and measures to address the effects of leasing on crew and crew compensation. Some of these discussion papers may be scheduled for review in February. Staff contact is Mark Fina.

Upcoming Meetings

Salmon Bycatch Workgroup meeting: January 20th 2009, 9am-5pm, Hilton Hotel, Anchorage.

Chinook Salmon bycatch outreach meeting: January 22nd, 2009: 9am-12pm: Nome Eskimo Community Hall (Trigg Hall), Nome.

Scallop Plan Team meeting: February 19-20, 2009. Hilton Hotel, Anchorage

Crab Advisory Committee meeting: January 14, 2009 at the Anchorage Hilton, 500 West 3rd Avenue, Birch/Willow Room, Anchorage, AK 9:00am to 5:00.

Comprehensive Data Collection Committee will meet in conjunction with the Council in February in Seattle. Date and time TBA.

February Council Meeting Reminder

The Council will be meeting the week of February 2 at the Renaissance Hotel in Downtown Seattle. Please make your reservation under the NPFMC room block to receive the special discounted room rate. (1-800-546-9184) When the Council travels, the deadline for comments is moved up a day in order to accommodate packing and shipping of the materials to our meeting location. Submission of written comments and materials to be included in the notebooks for this meeting **MUST BE RECEIVED** by 5:00 pm Alaska time **January 27 (Tuesday)**. If you miss the deadline and bring your own copies, please bring **25** for the Council, **28** for the Advisory Panel, and **18** for the SSC.

Arctic FMP

At the December meeting, the SSC reviewed a revised draft Arctic FMP and accompanying EA/RIR/IRFA. The SSC also reviewed a November 26, 2008 letter sent to the Council from NMFS that suggested a third option - Option 3 - for specifying conservation and management measures in the Arctic FMP as required under MSA Section 303a. In particular, the suggested Option 3 addressed legal and other issues with Options 1 and 2 previously raised by the SSC. Based on the NMFS letter, staff incorporated the suggested Option 3 into a revised draft Arctic FMP, and reviewed this document with the SSC. Staff also briefed the SSC on how their comments on the previous draft documents were addressed, both in the FMP text and the EA/RIR/IRFA. The SSC provided additional comments and suggestions for the draft Arctic FMP, and after staff addresses these additional SSC concerns, the SSC felt the analysis package would be ready for public review. Since the Council has already requested that a draft Arctic FMP and EA/RIR/IRFA be sent out for public review (per Council motion from the October 2008 meeting), staff will proceed with preparation of public review drafts of both the Arctic FMP and the EA/RIR/IRFA and release these documents for updated public review in early January 2009. The Council is scheduled to take final action at its February 2009 meeting and intends to conduct an outreach event later this spring in Barrow or some other Arctic community. Staff contact is Bill Wilson.



Proposed Arctic Management Area

SSL Issues

On November 17, 2008, the National Marine Mammal Laboratory (NMML) released a report that summarized the 2008 survey of Steller sea lions in Alaska. NMML reported that this was the first complete survey of the entire western stock of SSL since 2004 and the first complete survey of the eastern stock of SSL since 2002. The report notes that trends in numbers of adults and juveniles (collectively termed non pups) in the western stock are stable or slightly declining over the period 2004-2008 following a 4-year period of population increase between 2000 and 2004. NMML scientists also indicated that SSL counts in the central and western Aleutian Islands are declining, the eastern Aleutians and eastern GOA is increasing, with the remainder of the GOA showing an increase from 2004-2007 but a decline from 2007-2008. The report is available at www.afsc.noaa.gov/nmml/pdf/SSLNon-ps2008memo.pdf. The Council requested that a presentation of the 2008 SSL surveys be provided to the Council at their February 2009 meeting in Seattle, including a comparison of trends over the period 2000-2008.

Also scheduled for the February 2009 meeting is an update from the NMFS Protected Resources Division (PR) on the schedule for preparation and release of the draft *status quo* Biological Opinion. Previously, during the Council's October 2008 meeting, PR had provided two schedules for the draft *status quo* BiOp – one schedule if a jeopardy or adverse modification of designated critical habitat (JAM) were determined, and another schedule if no JAM determination were made. Since October 2008, those schedules have been revised, and PR will provide updated versions in February.

Finally, since the Council is considering proceeding with an analysis of a TAC split for Bering Sea and Aleutian Islands Pacific cod, which may have ramifications to the current *status quo* consultation and upcoming draft *status quo* BiOp, the Council requested an opportunity to discuss this issue with PR staff. Staff contact is Bill Wilson.

BSAI Pcod Parallel Waters Action

In 2008, several fixed gear CPs participated in the BSAI Pacific cod parallel waters fishery that do not hold the permits, licenses, and endorsements necessary to participate in the Federal waters fishery. This vessel activity may be circumventing the intent of previous decisions made by the Council regarding license limitation and endorsements, sector allocations, and catch reporting. At its October 2008 meeting, the Council identified for staff analysis two options and several suboptions to limit the ability of fixed gear catcher processors to circumvent the intent of previous conservation and management measures implemented for the BSAI Pacific cod fishery. In a November 2008 letter to the Council, NMFS expressed several concerns with Option 2 as proposed by the Council. This option would require any pot or hook-and-line CP to surrender the FFP and LLP prior to participating in the BSAI Pacific cod parallel waters fishery. Requiring a vessel owner or operator to relinquish an FFP or LLP in order to fish in the parallel fishery for Pacific cod appears to be contrary to conservation and management objectives if that action also removes recordkeeping, reporting, and observer coverage requirements. While this option may dissuade some persons from participating in the parallel fishery, it would also weaken existing conservation and management regulatory authority.

The draft analysis is scheduled for initial review in February 2009, and will address Option 1 and all three of the suboptions identified in the Council's October 2008 motion. The full motion is available on the Council website. Staff contact is Jeannie Heltzel.

BS and AI Pacific Cod Allocation Split

At its December 2008 meeting, the Council received a discussion paper on dividing BSAI Pacific cod sector allocations between the BS and AI. The discussion paper reviews three primary action alternatives originally proposed in Amendment 85 Part II. The intent of the action is to provide direction to NMFS regarding how to establish sector allocations in the BS and AI management areas should separate TACs be issued in a future specifications process. Absent this direction, there is concern that the time necessary to undergo an analysis and notice and comment rulemaking after the TAC is divided would cause significant disruption of the cod fisheries.

Complicating this action is that NMFS Protected Resources Division (PR) is currently developing a new *status quo* Biological Opinion (BiOp) on the effects of the current Alaska groundfish fisheries on ESA-listed species, particularly Steller sea lions. The draft *status quo* BiOp is scheduled for release in August 2009. Of concern is the unknown conclusion of the BiOp; that is, the BiOp may include a jeopardy or adverse modification of designated critical habitat conclusion. Mitigation measures resulting from such a conclusion may

directly affect the current management regime for the BSAI Pacific cod fishery.

Furthermore, interrupting the process of developing this BiOp by changing Pacific cod management in the BSAI (by consulting on proposed BS and AI sector allocations) would delay preparation of the BiOp by diverting staff resources. It will be very difficult to simultaneously propose changes to Pacific cod management and continue development of the BiOp.

At the meeting, the Council discussed the possibility of establishing a committee that could provide a recommendation on dividing Pacific cod sector allocations between the AI and BS that would be reflect current catch patterns of the sectors. The Council also discussed having the Steller Sea Lion Mitigation Committee review this issue in relation to current Pacific cod proposals. The Council decided to discuss the direction of this action after receiving the Steller sea lion BiOp schedule, which will be presented in detail at the February 2009 Council meeting. Staff contact is John McCracken.

Essential Fish Habitat Review

NMFS reported to the Council on a draft plan to review and revise the essential fish habitat (EFH) components of the Council's fishery management plans (FMPs). National regulations require that EFH provisions be reviewed at least once every five years. The agency does not expect that the EFH review will reveal the need for substantial changes, because the descriptive approach used to define EFH in all of the FMPs allows for some ecological and environmental variability, and stock conditions have not changed dramatically within the last five years. There may, however, be some information gaps and new information requiring some revisions to existing EFH definitions. The review will also encompass the evaluation of the effects of fishing on EFH, and update the analysis if warranted. Staff contact is Diana Evans.

Proposed timeline for EFH review:

2009

- assess information gaps and new information
 - prepare new EFH descriptions as appropriate
 - review by stock experts
- feedback from Plan Teams

2010

- SSC, AP, and Council review
- Council final decision on any proposed revisions
- implement changes through FMP amendments

Sea Otter Critical Habitat Announced

On December 16, 2008 the U.S. Fish & Wildlife Service (USFWS) announced a proposed designation of critical habitat for the southwest Distinct Population Segment (DPS) of northern sea otter. This range of the southwest DPS extends from approximately Prince William Sound westward to the end of the Aleutian Islands, and the proposed critical habitat encompasses an area within that range of approximately 15,000 sq km of nearshore, shallow waters. The proposed rule, press release, and maps of the proposed critical habitat are available at <http://alaska.fws.gov/fisheries/mm/m/seaotters/criticalhabitat.htm>

The Council will receive a report on the proposed rule at their February 2009 meeting. Comments to the USFWS on the proposed rule are due no later than February 17, 2009. Staff contact is Bill Wilson.

PNCIAC Membership Announced

The Council announced re-appointment of the current Pacific Northwest Crab Industry Advisory Committee members with a new appointee, Dave Schwarzmilller. Re-appointed members include Steve Minor (Chair), Keith Colburn, Lance Farr, Phil Hanson, Kevin Kaldestad, Garry Loncon, Gary Painter, Rob Rogers, Vic Sheibert, Gary Stewart, Tom Suryan and Arni Thomson, Secretary (non-voting).

Gulf of Alaska Groundfish Specifications

The Council approved the 2008 Gulf of Alaska Stock Assessment and Fishery Evaluation (SAFE) report and recommended final catch specifications for the 2009 and 2010 groundfish fisheries. This is an off-year for the GOA groundfish survey thus full assessments are presented for pollock, Pacific cod, sablefish and some other species while executive summaries are presented for all remaining species. Proposed and final specifications are now established for a period of up to two years. This requires specifying OFLs, ABCs and TACs for 2009 and 2010.

Following approval of GOA FMP amendment 79, this assessment cycle represents the first time specifications are established in aggregate for the other species complex in the GOA. Previously neither OFL nor ABC was established for this complex but a TAC was set at or below 5% of the sum of the target TACs. In this year's SAFE report separate assessments are presented for sculpins, squid, octopus and sharks with an resulting aggregate OFL and ABC recommendation for the complex.

The sum of the preliminary 2009, 2010 ABCs for target species are 516,055 t (2009), 562,762 t (2010). The sum of 2009 and 2010 OFLs are 632,498 t and 722,134 t, respectively. The sum of the ABCs decreased by 5% (26,700 t) compared with last year (not counting "other species"). This is primarily driven by decreases in pollock and Pacific cod (both declined by 17% or by 21,500 t). Sablefish also declined by 1,600 t (-12%). ABC levels increased in deep water flatfish (3%) and flathead sole (4%). Arrowtooth flounder was down by 2% (about 5,000 t). The ABC level increased slightly for Pacific ocean perch (112 t or 2%). The ABC for northern rockfish declined by 187 t (-4%)

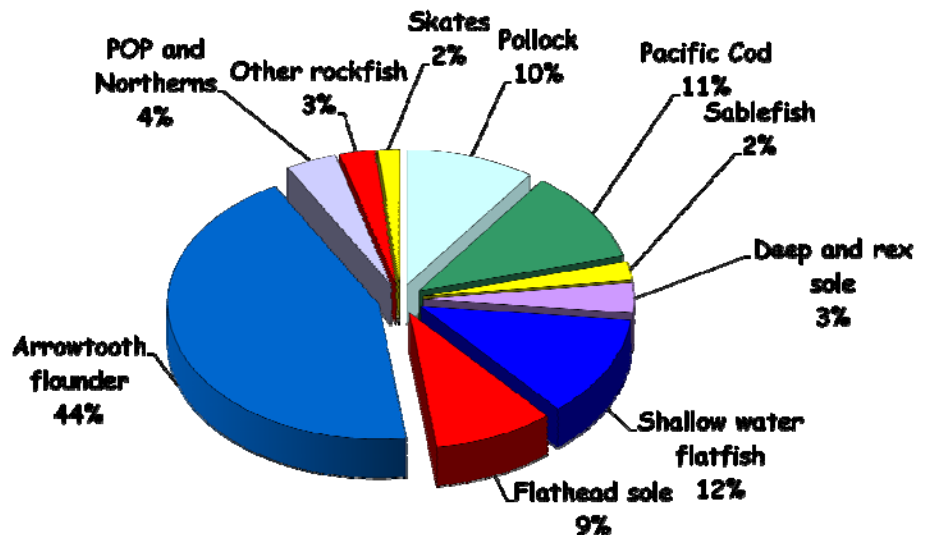
while demersal shelf rockfish ABC dropped by 5% and pelagic shelf rockfish by 9%. All other species groups ABC levels stayed the same since new survey data were unavailable.

The abundances of Dover sole, flathead sole, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, northern rockfish, and dusky rockfish are above target stock size. The abundances of pollock, Pacific cod, and sablefish are below target stock size. The target biomass levels for other deep-water flatfish, shallow-water flatfish, rex sole, shortraker rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, thornyhead rockfish, Atka mackerel, skates, sculpins, squid, octopus, and sharks are unknown. None of the groundfish stocks are overfished nor are they approaching an overfished condition.

2009 ABCs by species groups are shown in the adjacent graph.

For most stocks, the Council established TACs equal to ABCs with some exceptions. These exceptions include Pacific cod, where the quota was reduced approximately 24.4% to account for removals in the state managed fishery, and those fisheries where the bycatch of other target species is a concern, specifically for Shallow water flatfish (W and C GOA), Flathead sole (W and C GOA), Arrowtooth flounder (GOA wide) and Other slope rockfish (EYAK/SEO). For those fisheries, the TAC was set below the ABC. Atka mackerel was also established at levels to meet incidental catch needs in other fisheries only (no directed fishing is allowed). The Council recommended OFLs, ABCs and TACs for 2009 and 2010 are attached. The SAFE Report for the GOA groundfish and additional information on the summary of GOA groundfish stocks may be viewed at www.afsc.noaa.gov/refm/stocks/assessments.htm. Tables for halibut and trawl Prohibited Species Catch (PSC) limits are available on our website. Staff contact is Diana Stram.

GOA 2009 ABC's: 509,515 t



BSAI Groundfish Specifications

The Council established final catch specifications for the 2009 and 2010 BSAI groundfish fisheries. The sum of the recommended ABCs for 2009 is 2,204,000 mt. This is still well above the 2 million mt cap, which was adopted as an overall ecosystem conservation measure for setting total quotas. Total biomass for 2009 (17.2 million mt) increased by more than half million metric tons relative to last year's estimate. The general trend of BSAI groundfish biomass and ABCs continues to be down for gadids (particularly walleye pollock and Pacific cod) and up for flatfish stocks, although biomass is expected to increase for gadids in 2010 due to increased recruitment into the fishery.

Highlights of the Ecosystem Considerations

chapter 1) No groundfish stocks are overfished or approaching an overfished condition; 2) No systematic decline in the amount of large fish from 1982 to 2006 was identified in community size spectrum analysis of the EBS; 3) Recent exploitation rates on biological guilds are within 1 standard deviation of long-term mean levels; 4) Discards & discard rates are below those prior to 1998; 5) Five new closures were implemented in 2008 as part of protection for Essential Fish Habitat encompass a large part of the northern Bering Sea (almost 50% of Alaska's EEZ is now closed to bottom trawling); 6) Despite warming trends throughout the Arctic, Bering Sea climate will remain controlled by large multi-annual natural variability; 7) In the Bering Sea, there is a return to below average groundfish recruitment from 2004.

Pollock Abundance of EBS walleye pollock has declined steadily since 2003 due to poor recruitment from the 2001-2005 year classes; however a strong 2006 year class is already evident in the trawl and echo-integration surveys and fishery. Both surveys have been conducted an unprecedented three years in a row and will be conducted again in 2009 and 2010. Both surveys play a major role in reducing uncertainty in stock assessment results and better management advice results, therefore both the BSAI Plan Team and the Scientific and Statistical Committee (SSC) recommended that the pollock ABC be set at 815,000 mt for 2009 and 1,230,000 mt for 2010, as recommended in the stock assessment. The Council set the TAC (quota) for EBS pollock equal to the ABCs.

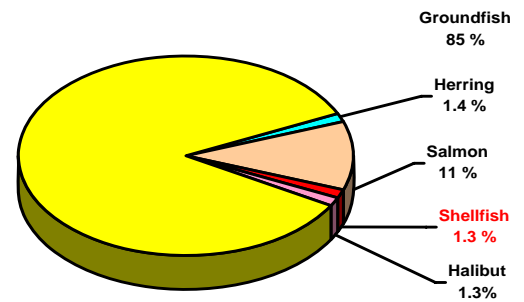
Pacific cod A number of stock assessment models were determined to provide reasonable estimates of Pacific cod. The

SSC set the ABC at 182,000 mt for 2009 and 199,000 mt for 2010, which was the maximum ABC from the model that was accepted by both the Plan Team and SSC. Five consecutive year classes of the EBS Pacific cod stock from 2001-2005 are noticeably below the 30-year average year class strength; however, the 2006 year class appears to be above average and currently is estimated at more than 1.6 times the average recruitment.

Sablefish The spawning biomass of sablefish is projected to be similar between 2007, 2008 and 2009, but expected to decline through 2012. The 1997 year class has been an important contributor to the population but has been reduced and comprises 13% of 2008 spawning biomass. The 2000 year class now appears to be larger than the 1997 year class, but is only 85% mature and should comprise 23% of spawning biomass in 2009. Biomass estimates for the entire sablefish stock (including the Gulf of Alaska) declined by 12% since last year, but only 5% in the BSAI.

Flatfish Total flatfish biomass decreased 13% from last year. Biomass of yellowfin sole declined by 9%. Greenland turbot continues to be the only flatfish species that remains low in abundance compared to 1970 levels, but increased by 15% since last year. The arrowtooth flounder biomass has peaked and declined by nearly 30% from last year. Alaska plaice biomass declined by nearly 30%. The Atka mackerel biomass increased by 13% due to the large increase in the estimated magnitude of the 2004 year class and revisions to the stock assessment following an extensive peer review.

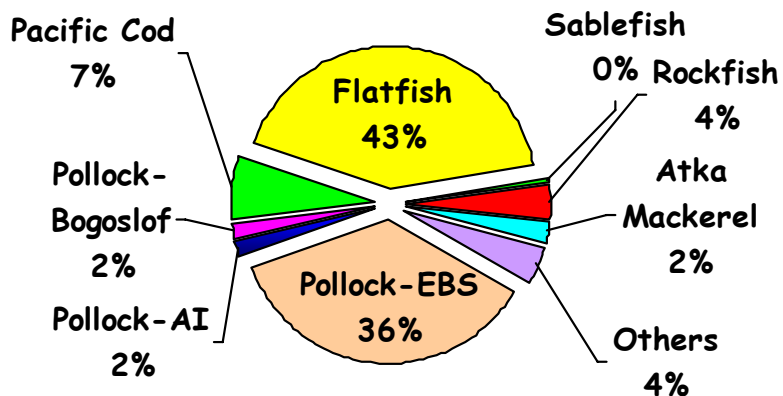
Rockfish comprise 4% of the BSAI Groundfish complex. Pacific Ocean Perch (POP) and Northern Rockfish dominate, with most of the biomass in the Aleutian Islands. For POP, the 2004-2008 EBS biomasses were all higher than during 1983-2003; the AI biomass is now steady,



Composition of 2008 BSAI Commercial Harvests

and exploitation rates generally have been light. Northern rockfish biomass has been on a steady increase since 1977 due to strong year classes. Shortraker rockfish biomass has declined continuously since 1980. Biomass of blackspotted/rougheye rockfish complex in the AI are increasing since 2002, with a huge 1998 year class; there has been large year-to-year variability in the EBS survey biomass, with 2006 biomass near the high end of 1991-2006 range.

The Council adopted total TACs less than the 2 million mt cap for all species in 2009 and equal to 2 million mt in 2010, based on recommendations from the Advisory Panel and public. The 2009 pollock quota decreased by 185,000 mt from 2008 and the Pacific cod quota increased by nearly 6,000 mt (after a reduction of 3% from the ABC level to account for state water fishery catches). The Atka mackerel quota increased from last year by nearly 16,000 mt. The yellowfin sole quota decreased by 15,000 mt, while northern rock sole increased by the same amount and flathead sole increased by 10,000 mt. The Greenland turbot quota increased from 2,540 mt to 7,380 mt for 2009. The Council recommended catch specifications for all species and complexes are posted on the Council website. Staff contact is Jane DiCosimo.



Exploitable Biomass of Bering Sea/Aleutian Island Commercial Groundfish Species in 2008.

Board of Fisheries Proposals

At its December 2008 meeting the Council reviewed proposals that are scheduled for action by the Board of Fisheries later this month and recommended support for the following four proposals.

#369 Clarify Bristol Bay non-pelagic trawl regulations - Clarify a loophole in State regulations to close State waters.

#370 Close certain Bering Sea areas to non-pelagic trawling - The Council reiterates its supports detailed in its September 1, 2008 letter for this proposal by ADF&G on behalf of NMFS, which seeks to close two areas in state waters of the Bering Sea to non-pelagic trawl gear to complement our recent EFH closures in adjacent federal waters.

#373 Restrict vessel size in BSAI parallel Pacific Cod fishery - The Council finds that the proposal is consistent with action being considered by the Council.

#374 Management Plan for Parallel Groundfish Fisheries - The Council supports this proposal by ADF&G on behalf of NMFS, which would resolve a Catch Accounting problem that NMFS and ADFG staff has addressed informally.

AI processing sideboards

At its December meeting, the Council reviewed a discussion paper on the preliminary results of options to establish processing sideboards on catcher vessel deliveries of Pacific cod harvested in the Eastern and Central Aleutian Islands (Areas 541 and 542, respectively). The sideboards are intended to limit the amount of Pacific cod harvested in these areas that can be delivered to processing vessels (catcher processors, floating processors, motherships) that participate in the American Fisheries Act (AFA), BSAI crab rationalization, and BSAI Amendment 80 sectors. The options provide several sets of qualifying years on which to base sideboard amounts and dates, which are intended to reflect historical processing participation in this capacity.

Upon review of the discussion paper, the Council approved a motion to revise the proposed alternatives and options, and requested that the discussion paper be updated with the results of those changes. In sum, the Council decided to exempt AFA processing vessels from the proposed action, if they had continuous processing participation in the Area 541/542 Pacific cod fishery since the implementation of the AFA (1999). Council discussion clarified that 'continuous participation' should mean continuous *annual* participation; the intent is not that the vessel must have received deliveries every day or every season. Given public testimony, the Council also added an option that would limit the action to Area 542 only. Thus, the next version of the discussion paper would evaluate each option for the sideboard amount and date for both Areas 541 and 542 combined, and also for Area 542 separately.

The Council also requested additional information in the next version, including borough tax data, updates on a potential Alaska Board of Fisheries action, and additional background tables. The revised discussion paper is currently scheduled for Council review at its February (if possible) or March 2009 meeting.

The Council also reviewed a discussion paper on the preliminary results of similar options to establish processing sideboards on catcher vessel deliveries of Atka mackerel and Pacific ocean perch harvested in the Eastern and Central Aleutian Islands. This action was proposed to limit the amount of Atka mackerel and Pacific ocean perch from the BSAI trawl limited access allocation in these areas that can be delivered to catcher processors eligible under BSAI Amendment 80, with a similar intent to protect shoreside processing opportunities and provide opportunities for a residential fleet in Adak. The Council approved a motion to table this issue indefinitely, due to the short time period in which the BSAI trawl limited access allocation has existed (2008 is the first year) and the currently limited shoreside markets for these species in the Aleutians. Should the Council identify this as a problem in the future, it could initiate an amendment package at that time. Staff contact is Nicole Kimball.

GOA Pacific Cod Sector Split

At the December meeting, the Council reviewed an initial draft analysis of the proposed GOA Pacific cod sector splits. The action would allocate the Western and Central GOA Pacific cod TACs among the various gear and operation types. The Council stated its intent to pursue the GOA Pacific cod sector split action immediately following resolution of the fixed gear LLP recency issue. In order to incorporate recent public input into this package, the Council directed staff to develop an initial review draft of the Pacific cod sector split analysis, tentatively scheduled for review at the April Council meeting in Anchorage.

The Council made several major revisions to existing components in the motion. Under Component 4, there are now eight options for defining the set of years used to calculate qualifying catch, including two new options to calculate allocations based on catch during 2002-2008 (best 3 or 5 years). The Council also added an option to use each sector's best set of qualifying years to calculate sector allocations. The full range of qualifying years across all options includes catch from 1995 through 2008.

The Council made substantial revisions to Component 8, addressing protection of processing patterns established under inshore/offshore regulations. There are three options to limit the amount of catch delivered to vessels acting as motherships: Option 1, no mothership processing activity would be allowed in the GOA; Option 2, mothership processing would be capped as a percentage of the Federal Pacific cod TAC in each management area; Option 3, the Council could establish a mothership processing cap of 5% to 10% of the TAC. The caps do not apply to deliveries to stationary floating processors operating at a single geographic location during a given year. There are suboptions that would allow the Council to select different options for each management area, and to apply the caps to directed cod landings only. Finally, there is a suboption to exempt motherships that operate within the boundaries of a municipality, but do not operate at a single geographic location during the entire year, from the processing caps.

The Council added Component 10 to the motion to initiate analysis of potential models for resolving parallel fishery management issues. In Option 1, parallel waters Pacific cod catch would be capped, using the Aleutian Islands sablefish fishery as a model. In Option 2, vessels that hold an FFP or LLP would be required to hold the appropriate area and gear endorsements to participate in the Western or Central GOA Pacific cod parallel waters fisheries. In addition, vessels using pot or hook-and-line gear would be required to hold a gear-specific Pcod endorsement. Suboptions would preclude vessels from surrendering the FFP to circumvent this requirement.

The complete sector split motion is available on the website. Initial review of this revised analysis will be in April. Staff contact is Jeannie Heltzel.

GOA Fixed Gear LLP Pacific cod Endorsements

At its December 2008 meeting, the Council reviewed an initial draft analysis of the proposed Gulf of Alaska fixed gear recency action. The action would add gear-specific (pot, hook-and-line, and jig) Pacific cod endorsements to fixed gear licenses to limit entry to the directed Pacific cod fisheries in Federal waters of the Western and Central GOA. Licenses that meet the selected catch threshold (1, 3, or 5 landings, or 5 mt, 10 mt, 25 mt, or 100 mt of directed Pacific cod catch) using pot, hook-and-line, or jig gear would receive gear-specific Pacific cod endorsements. Licenses are eligible to qualify for more than one gear-specific endorsement if they have qualified landings using more than one gear type. The Council could select different catch thresholds for vessels in the sectors (gear, operation type, and vessel length) listed under Component 2.

Under Component 3, the Council could choose the set of qualifying years in either Option 1 (2000-2006) or Option 2 (2002-2006). In addition to this qualifying period, the Council will choose one of the suboptions under Option 3. Under these suboptions, catch from January 1, 2007 through either June 4, 2008 or December 8, 2008 will be credited to licenses in addition to catch during either 2000-2006 or 2002-2006. If an LLP only qualifies for a Pacific cod endorsement when this supplemental range of years is included, there is an option to designate any Pacific cod endorsements granted to licenses under this action non-transferable. Under this option, Pacific cod endorsements would be extinguished upon transfer of the license to a different owner or vessel. Finally, there is a provision under Component 3 to exempt hook-and-line CPs that voluntarily participated in the informal halibut PSC co-op in 2006, 2007, or 2008 from the catch thresholds.

There are two provisions in the motion to expand entry opportunities for small vessels and residents of coastal communities. Currently, only vessels less than 26 ft LOA are exempt from the LLP requirement in the GOA. The proposed action would exempt vessels using jig gear and operating with 5 or fewer jig machines, up to 30 hooks per line, and one line per machine from the LLP requirement. The Council also added a provision to the motion that exempts licenses held by residents of community quota eligible (CQE) communities from the catch thresholds. These licenses would receive Pacific cod endorsements as a result of the action. Under the CQE exemption, there is an option to exempt only licenses with a maximum length overall (MLOA) endorsement of less than 60 ft.

The Council has expressed interest in exploring ways to limit entry of high capacity 58 ft vessels into the GOA Pacific cod fisheries. One approach that has been identified is to add a vessel capacity

endorsement to fixed gear licenses. The intent of adding such an endorsement to each license is to limit the width or tonnage of the vessel that can be assigned to a license. Currently, LLP licenses have an MLOA endorsement, but there is no limit on the width or tonnage of the vessel that can be assigned to a license. The fixed gear recency motion includes a provision to add a width restriction to each CV and CP fixed gear LLP license that is eligible to access Pacific cod under this action. The width restriction would be 1 ft of width for each 3 ft of length, and is based on the LOA of the vessel assigned to the license on December 8, 2008. The licenses that are assigned to vessels on December 8, 2008 that exceed the width restriction will be grandfathered at their present LOA. For vessels under construction on December 8, 2008, the width restriction for the license shall be equal to the vessel width upon completion. Vessels would be required to report width measurements to RAM.

An option to divide catch history among 'stacked' licenses was removed from Component 5 because of concerns that such an approach could complicate implementation of the action. Licenses are stacked when there are multiple LLPs with duplicate gear designations and area endorsements assigned to a single vessel. Groundfish harvest history will be fully credited to all stacked licenses.

The Council released the document for public review, and final action is scheduled for the April 2009 meeting in Anchorage. The full fixed gear recency motion is available on the Council website. Staff contact is Jeannie Heltzel.

Chum Salmon Bycatch

The Council recommended that the NMFS publish a notice of intent for scoping for a forthcoming analysis of non-Chinook (chum) salmon bycatch management measures. Alternatives suggested in the scoping notice include hard caps on the pollock fishery, triggered time and area closures and other alternatives that may be suggested through public comments. Further discussion of chum salmon management alternatives is scheduled for the April 2009 Council meeting in conjunction with final action on the Chinook Salmon Bycatch Management Measures draft EIS (DEIS). The Council reiterated its intent to focus upon Chinook salmon measures as a high priority. The DEIS/RIR/IRFA is accessible electronically through the NMFS Alaska Region's website at <http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>. Additional CDs or printed copies of the DEIS/RIR/IRFA may be requested from this website. The comment period for the Chinook draft EIS/RIR/IRFA ends on February 3, 2009. Staff contact is Diana Stram.

Council Scheduled to Reconsider prior action to withdraw Inactive IFQ Permits

The Council noticed the public that at its February 2009 Council meeting it will reconsider, and possibly rescind, a previous recommendation to withdraw unused halibut and sablefish commercial IFQ quota shares (QS), and development of a lottery for eligible IFQ crew members for those unused QS. Since the action was taken in 2006, transfers of QS have reduced the number of inactive persons to 5 who hold sablefish QS and 277 who hold inactive halibut QS, as of November 2008. There are now less than 1,500 lb of unused sablefish QS and 35,500 lb unused halibut QS in 2008 year equivalents. There now are less than the 50,000 lb threshold identified by the Council to hold a lottery. The Council has proposed that sufficient transfers of inactive QS have occurred through public outreach by NMFS to eligible QS holders, along with a back log of other proposed regulatory action currently assigned to NMFS staff, to warrant reconsideration of this action by the Council. Contact Jane DiCosimo for more information.

Call for Proposals and Nomination to IFQ Implementation Team

The Council is calling for halibut and sablefish IFQ proposals in 2009. Current Council policy is to have a June deadline for the public to submit proposals and for the team to convene in October to review them and develop recommendations to be reported to the Council at its December meeting. Then the policy would have initial review of the amendment proposals in April and final action in June, with planned implementation for the subsequent IFQ season. The Council will consider accelerating the proposal cycle in February 2009 and will decide on a deadline for proposals and schedule for IFQ Implementation Team and Council consideration of all received proposals. As with all new analyses, the Council will have to weigh its priority against other analyses already tasked to staff. The form to submit proposals is posted on the halibut webpage. The Council is also seeking nominations for one representative from westward Alaska on the IFQ Implementation Team. Staff contact is Jane DiCosimo.

Observer Program

The Council most recently reviewed an analysis on restructuring the groundfish observer program in June 2006. At that time, the Council recommended to continue the existing groundfish observer program (by removing the sunset date in regulations), due to external issues that were unresolved prior to final Council action. Two primary issues hindered restructuring: 1) legislative authority was necessary to implement any of the fee-based alternatives proposed; and 2) observer labor issues needed clarification in order to provide adequate cost estimates of changing to a new service delivery model in which NMFS contracts directly with observer providers. The Council recommended that a new amendment proposing restructuring be considered at such time that these issues were sufficiently resolved.

In April 2008, the Council requested development of a discussion paper to evaluate the problem statement, issues, and alternatives in the previous 2006 observer restructuring analysis, in order to determine whether conditions were reasonable to reinstate a restructuring analysis. The Council reviewed this paper at its December 2008 meeting. The paper reviewed the fact that recent amendments to the Magnuson-Stevens Act provide new authority to implement the previous (2006) fee-based alternatives, and that NMFS has provided an approach to estimating observer labor, non-labor, and agency costs associated with a restructured program. Upon review of the discussion paper, the Council initiated a draft analysis to restructure the observer program.

The Council approved a revised suite of alternatives, which included a new comprehensive restructuring alternative that would assess the same ex-vessel value based fee on all vessels in the groundfish and halibut fisheries in the GOA and BSAI to pay for observer services. The Council also approved minor changes to the problem statement, in order to identify that there are currently no observer

requirements for either the <60' groundfish sector or commercial halibut sector. The Council also requested that the analysts first develop a description of how NMFS would deploy observers under a new program (i.e., an agency implementation plan). Staff would meet with the Observer Advisory Committee upon completion of this component, in order to solicit input prior to developing the entire draft analysis.

The Council also requested that NMFS proceed with development of a proposed rule to make the observer coverage requirements for catcher/processors using hook-and-line gear in the CDQ fisheries consistent with observer coverage requirements for catcher/processors in other rationalized fisheries. This rule is not intended to come back to the Council for further review.

Finally, the Council approved a motion to reconstitute the Observer Advisory Committee, and to consider including representatives from the <60' sector and electronic monitoring industry. **Interested persons should send a letter of interest to the Council (attention Executive Director) by the end of January 2009.** Note that the observer restructuring discussion paper that was reviewed at this meeting, as well as the full Council motion, is provided on the Council website. Staff contact is Nicole Kimball.



Sample Basket



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MPA Nominations

In 2000, President Clinton signed Executive Order 13158, which requires NOAA to establish a Marine Protected Area Center to develop a framework for a national system of marine protected areas (MPAs). In late November 2008, the final framework was published on the MPA Center's website (www.mpa.gov). At the December meeting, Dr. Joe Uravich, Director of the MPA Center, presented information about the National System of MPAs and the nomination process for the incorporation of existing MPAs into the national system. A letter from NMFS with the set of potential MPA sites for the Northern Pacific is forthcoming. In February, the Council will review the letter and determine how to proceed with nominations of MPAs for our region. Staff contact is Dave Witherell.

Amendment 80 Vessel Replacement Provision

At this meeting, the Council reviewed a letter from NMFS concerned about whether the Council has identified an adequate range of alternatives for an analysis of Amendment 80 vessel replacement provision. Specifically, alternatives that allow vessel replacement only in cases where a vessel is lost may not adequately "consider efficiency in the utilization of fishery resources" or "promote the safety of human life at sea" to the extent practicable consistent with National Standards 5 and 10, respectively, in the Magnuson-Stevens Fishery Conservation and Management Act.

At the October 2008 meeting, the Council initiated an analysis for a proposed FMP amendment to address lost vessels in the Amendment 80 program. The analysis was initiated to address a May 19, 2008, ruling of the U.S. District Court of the Western District of Washington that invalidated the Amendment 80 provisions that limit the vessels used in the Amendment 80 program. In *Arctic Sole Seafoods, Inc. v. Gutierrez*, the district court found the statutory language of the Capacity Reduction Program ambiguous as to whether replacement of qualifying vessels with non-qualifying vessels was permissible, and found the agency's interpretation of the statute to be arbitrary and capricious.

Given the information presented in the NMFS letter, the Council expanded the alternatives under consideration to include a third alternative that would allow the replacement of an original Amendment 80 vessel under any condition. Further, the Council emphasized the need to clarify statutory restrictions on new and replacement vessels which exceed 165 feet in length. The analysis is scheduled for initial review during the April 2009 meeting. Staff contact is Jon McCracken.