

# North Pacific Fishery Management Council

## News and Notes



Stephanie Madsen, Chair  
Chris Oliver, Executive Director

605 West 4<sup>th</sup> Avenue, Ste 306  
Anchorage, AK 99501-2252  
Phone (907) 271-2809  
Fax (907) 271-2817

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## IR/IU Amendment 80

The Council received a progress report on Amendment 80 and made several modifications to the components and options in order to clarify the Council's intent. Primary among these clarifications was that Amendment 80 is intended to create a license-based program for both sector allocations and the cooperative structure for the non-AFA trawl catcher processor sector. The Council also clarified the language for the excessive share option (Component 7 of Amendment 80b) to include the following changes:

- The excessive share cap would be applied to the legal entity which owns the license
- The excessive share cap would be limited to the holding of history in the fisheries
- The excessive share cap would be applied at the individual species level
- The excessive share cap would be applied using the 'individual and collective' rule.

In addition, the Council received a discussion paper from staff concerning the threshold option for underutilized species (Component 10 of Amendment 80a). The Council elected to retain the component, but referred the component to a reconstituted IR/IU Technical Committee for further refinement prior to the June meeting.

The Council also modified other components and options. They broadened the suite of sector eligibility components to include new options for the <60' pot and H&L catcher vessels sector, added a new component that would use the eligibility criteria established in Amendment 67 to define which fixed gear vessels may participate in the directed BSAI Pacific cod fisheries, and expanded the PSC reduction option so that it could apply to any PSC allocation option included in Amendment 80a.

The Council also directed staff to prepare three discussion papers for the June Council meeting:

- The first paper would provide an analysis of splitting the BSAI Pacific cod allocation into separate allocations for the BS and AI. The paper will focus on how that split would effect historical fishing patterns and area endorsements issued for the BS and AI. Included in the paper would be options that would allow participants to continue fishing in their historic patterns.

- The second paper would further develop the concept of a groundfish retention pools for the non-AFA trawl catcher processor sector and recommend options for applying retention pools to bridge the implementation gap between Amendment 79 and Amendment 80.
- The third paper would examine the concept of allowing multiple cooperatives to form in the non-AFA trawl catcher processor sector (Amendment 80b).

The Council also moved initial review for the amendment package to October 2004, due to the need to further refine the threshold option for underutilized species and to fully review the discussion papers noted above.

A revised list of components and options based on the Council's April actions, is available on the Council website. Staff Contact is Jon McCracken.

## Preston and Underwood leaving the Council

The April Council meeting was the last one for CAPT Rich Preston, the alternate for RADM James Underwood. He will be retiring from the Coast Guard and we will miss him after his three years on the Council. RADM Underwood is also leaving Alaska to take a position at the US Coast Guard Headquarters in Washington, DC. We thank them both for their contributions to the process, and wish them luck in the future.

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# GOA Rockfish

At its February 2004 meeting, the Council requested industry stakeholders to submit management proposals for the Central Gulf of Alaska rockfish demonstration program. At its April 2004 meeting, the Council received a proposal from industry for the management of that fishery. The Council adopted that proposal, along with another pilot program alternative for analysis. The Council also adopted the following problem statement:

*The present management structure of the CGOA rockfish fishery continues to exacerbate the race for fish with:*

- *Increased catching and processing capacity entering the fishery,*
- *Reduced economic viability of the historical harvesters (both catcher vessels and catcher processors) and processors,*
- *Decreased safety,*
- *Economic instability of the residential processor labor force,*
- *Reduced product value and utilization,*
- *Jeopardy to historical groundfish community stability,*
- *Limited ability to adapt to Magnuson-Stevens Act (MSA) requirements to minimize bycatch and protect habitat.*

*While the Council is formulating GOA comprehensive rationalization to address similar problems in other fisheries, a short-term solution is needed to stabilize the community of Kodiak. Kodiak has experienced multiple processing plant closures, its residential work force is at risk due to shorter and shorter processing seasons and the community fish tax revenues continue to decrease as fish prices and port landings decrease. Congress recognized these problems and directed the Secretary in consultation with the Council, to implement a pilot rockfish program. The fishing fleets have had little experience with cooperative fishery management and needs to begin the educational process. For the fishery to be rationalized all aspects of the economic portfolio of the fishery needs to be recognized. To stabilize the fishery economy all the historical players - harvesters (both catcher vessels and catcher processors) and processors need to be recognized in a meaningful way. The demonstration program is designed as a short-term two-year program for immediate economic relief until comprehensive GOA rationalization can be implemented.*

The industry proposed program would establish cooperative programs for both the trawl catcher vessel sector and trawl catcher processor sector. LLP holders with targeted landings in the Pacific Ocean perch, Northern rockfish, or pelagic shelf rockfish (i.e., dusky, yellowtail, and widow rockfish) fisheries would be eligible for the program. Allocations would be made to each sector based on the catch histories of eligible participants in the sector during the harvester qualifying period (1996-2002 (drop 2)). In turn, each cooperative would receive annual harvest allocations based on the qualifying histories of its members. Each eligible catcher vessel LLP holder would be permitted to join a cooperative in association with the eligible rockfish processor that it delivered the most pounds of targeted rockfish to in the processor qualifying period (1996-2001 (drop one)). Catcher vessel LLP holders that choose not to join a cooperative would be permitted to participate in a limited entry fishery made up of all allocations of non-members of cooperatives. Catcher processors

would be permitted to form cooperatives with other members of that sector. Various options are under consideration for the management of other species caught incidentally in the rockfish fisheries. These options are intended to protect the interests of both rockfish pilot program participants and harvesters in other fisheries. Use caps are proposed for catcher vessel cooperatives, catcher processors, and shoreside processors to prevent overconsolidation during the life of the program. Between 3 percent and 5 percent of the TAC would be set aside for an entry level fishery for harvesters and processors that are not eligible for the pilot program. In addition, sideboards will be developed that limit the harvests from other fisheries by participants in the pilot program to minimize negative effects on harvesters that are not eligible for the program.

Although not included in the industry proposal, the Council directed staff to develop a third alternative for analysis. (The status quo and the industry proposal are the first two alternatives.) This third alternative would be a harvester cooperative program that provides processor protection through a license limitation for eligible processors. Under this alternative, participating harvesters would be required to deliver their harvests exclusively to licensed processors. Processors that processed in excess of 250 metric tons of the allocated rockfish species in at least three of the years from 1996 to 2001 would be eligible for a limited entry license. A complete copy of the Council motion is posted at the Council's website.

The demonstration program has a maximum term of two years and would expire earlier, if the Gulf of Alaska groundfish rationalization program is implemented. Staff will attempt to compile initial data requests for review at the June meeting. Staff contact is Mark Fina.

## Miscellaneous Issues

The Council took a number of actions under their Management Reports and under the Staff Tasking item. These actions included (1) requesting the Executive Director and Chair to participate in the review and comment on the U.S. Commission on Ocean Policy report that is due to be released on April 20, (2) scheduling for June a review of halibut subsistence and halibut/sablefish IFQ alternatives and tasking, and (3) in June, discuss the recommendations of the State Board of Fisheries relative to eligibility in the halibut subsistence program.

# Scallop FMP

The Council approved a problem statement and draft alternatives to evaluate potentially modifying the gear restriction endorsement on the federal scallop license limitation program (LLP).

The problem statement approved by the Council is as follows:

*The current federal LLP limits two license holders to fish with a single 6 ft dredge in federal waters while 7 license holders are allowed to use the full complement of gear (two 15 ft dredges). The Council approved this LLP under amendment 4 to the federal scallop FMP, as a means to address excess capacity in the scallop fishery. Since the federal LLP was implemented in 2001, it has come to the attention of the Council that given observer requirements and their associated costs, this gear restriction may create a disproportionate economic hardship when fishing outside of state waters. The Council is considering modifying or eliminating this gear restriction on those federal LLP licenses. Additionally, the current scallop FMP does not reflect current management and biology and needs to be updated in this regard.*

The draft alternatives approved by the Council are:

- Alternative 1: Status Quo. Maintain the current 6 ft dredge restriction endorsement.
- Alternative 2: Modify the current 6 ft dredge restriction to allow vessels with the current endorsement to fish in statewide waters outside of Cook Inlet with a maximum of two ten-foot dredges (or two dredges with a combined width of no more than 20 feet).
- Alternative 3: Eliminate the current 6 ft dredge restriction such that there are no gear restrictions on any Scallop LLP for fishing in statewide waters outside of Cook Inlet.

These alternatives will be analyzed in an EA/RIR/IRFA which will examine the relative costs and benefits of the range of alternatives as well as discuss any potential impacts upon the existing cooperative structure in the scallop fishery. Concurrently with this analysis, the FMP will be updated to better reflect the current biology and management of the scallop stocks. This analysis is tentatively scheduled for initial review by the Council at its' June 2004 meeting. Staff contact is Diana Stram.



# Habitat Areas of Particular Concern

The Council received a report from the Plan Teams on the 23 HAPC proposals received. The teams reviewed the proposals for scientific and technical merit, and how well they met the HAPC considerations of the EFH Final Rule (ecologically important, sensitive to disturbance, exposed to development activities, or rare.) Enforcement and socioeconomic considerations were also reviewed for each proposal.

The Council adopted many of the HAPC proposals for further consideration. The Council tasked staff to provide a 'strawman' recommendation on boundaries for those sites where several of the proposals had overlapped. Additionally, the Council will establish a small technical committee to refine the boundaries for the coral sites proposed off Southeast Alaska. In June, the Council will identify final alternatives for analysis.

Additionally the Council reviewed a draft purpose and needs section and adopted a problem statement for the analysis:

## HAPC Problem Statement:

*Habitat Areas of Particular Concern (HAPC) are site-specific areas of Essential Fish Habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. Based on these considerations, the Council has directed that each HAPC site should meet at least two of these criteria, with one being rarity.*

*The Council has set the priorities of seamounts and undisturbed coral beds outside of core fishing areas important as rockfish or other species habitat as priority sites for identification as HAPC and for additional conservation measures. Seamounts may have unique ecosystems, contain endemic species, and may thus be sensitive to disturbance. Some deep-sea coral sites may provide important habitat for rockfish and other species and may be particularly sensitive to some fishing activities. The Council intends to evaluate alternatives to designate HAPC sites and take action, where practicable, to conserve these habitats from adverse effects of fishing.*

Full details on the Council's action on HAPC during the April 2004 meeting is available on the NPFMC website. Staff contact is Cathy Coon.

# Alaska Groundfish Programmatic SEIS

## Preferred Alternative for the PSEIS

The Alaska Groundfish Fisheries Programmatic SEIS analyzes alternative management policies for the BSAI and GOA groundfish FMPs. At the April meeting, the Council identified a preferred alternative that reflects a conservative, precautionary approach to ecosystem-based fisheries management, and communicates a policy direction for the future of the groundfish fisheries. The preferred alternative consists of three components: a management approach statement that describes the goals of, and rationale and assumptions behind the alternative; a set of management objectives that complement and further refine the goals set forth in the management approach; and a pair of example FMP "bookends" that illustrate and frame the range of implementing management measures for that alternative. The full text of the preferred alternative is available on the Council website.

The preferred alternative will be identified in the Final PSEIS. Also, the management approach statement and objectives will be recommended to the Secretary of Commerce as an FMP amendment to each of the BSAI and GOA FMPs. This language will amend the existing Goals and Objectives sections of the FMPs.

The Council also approved the release of the Final PSEIS, to be filed with EPA and made available to the public. Staff will incorporate the Preferred Alternative in the analysis and finalize the document, and it will be available to the public in early June. A record of decision on the PSEIS will occur no later than September 1, 2004, concurrently with a decision from the Secretary on the FMP amendment.

The PSEIS team would like advance notice of who will be requesting a copy of the document, and the format (hard copy vs. CD) that will be requested, in order to estimate the size of the print run. If you would like to receive a copy, please contact Anne Maki by May 5, at (907) 261 9741 or [anne\\_maki@urscorp.com](mailto:anne_maki@urscorp.com), and specify your preferred format.

## Timeline for implementing the groundfish management policy

The Council discussed developing a timeline for further implementation of the groundfish management policy. Action on this item is scheduled for June, 2004. The Council endorsed the sample format provided by staff, for the purpose of facilitating public comment. The format, updated to reflect the Council's preferred alternative, is available on the Council website. The Council alerted the public that it intends to use a similar format to develop the timeline in June.

## Technical revisions to the groundfish FMPs

The Council chose to defer action on the FMP technical revisions at the April meeting. As a result, the revisions will be separated from the management policy amendments for the BSAI and GOA FMPs, and will be forwarded to the Secretary as separate amendments at a later date. Currently, the Council has indicated that it will review the FMPs in June, and may take final action on the revisions at that meeting. A draft of the revised FMPs will be available to the Council and the public in late April, and will be posted on the Council website. Staff contact is Diana Evans.

# Aleut Corporation Pollock Fishery in the Aleutian Islands

During its February meeting, the Council received information on recent U.S. Congressional action that requires the Council to allocate TAC to the Aleut Corporation for a directed pollock fishery in the Aleutian Islands. The Council tasked staff with the preparation of an analysis that examines the potential environmental effects of this action. During the April meeting, the Council reviewed the draft EA/RIR, and asked that the document be modified to include some additional data and analyses and then go out for public review. The Council intends to take final action at its June meeting.

The Council's discussions during this meeting focused on several elements of the proposed action. These include:

- the size of the potential allocation to the Aleut Corporation,
- how the allocation to the Aleut Corporation would be "funded",
- how CDQ apportionments would be calculated,
- how the fishery might affect Chinook salmon bycatch caps in the BSAI,
- what level of reporting would be sufficient to track how the Aleut Corporation apportionment is contributing to economic development in Adak,
- whether to consider granting <60 ft vessels LLPs with endorsements allowing trawling for groundfish other than pollock in the AI, and
- how the fishery might participate in the repayment of the \$75 million loan obligation incurred under the AFA Section 207 (fee on BSAI pollock harvested from the directed fishing allowance by the AFA inshore catcher vessels).

After discussing these and other aspects of the proposed Aleut Corporation fishery, the Council passed a series of motions that modify the list of decision elements and alternatives. The Council also asked staff to include in a revised draft document a qualitative discussion of any effects an allocation to the Aleut Corporation may have on repayment of loans to the government on pollock as mandated under AFA. The Council chose not to consider changes in the LLP program at this time. Staff will provide an analysis of the added elements and alternatives, and include in the document other requested information, and prepare a revised draft EA/RIR which will be sent out for public review in May. The Council will review the revised draft EA/RIR and take final action at the June meeting. Staff contact is Bill Wilson.

# GOA Groundfish Rationalization

At its April 2004 meeting, the Council received a report from the State of Alaska Board of Fisheries concerning the future management of Gulf of Alaska State water fisheries and coordination of that management with the management of federal water fisheries under the Gulf of Alaska comprehensive rationalization program. In response to the recommendation of the Board of Fisheries, the Council adopted the following options for allocating a portion of the TAC to the State water fisheries (inside of 3 nautical miles):

1. An amount equivalent to the total annual catch (for each groundfish species/group) from state waters (inside of 3 nautical miles [e.g., parallel and 25% Pacific cod fishery]) by all vessels will be managed directly by the State of Alaska Board of Fisheries as a TAC/GHL equivalent to:
  - a. Highest amount taken in state waters by area;
  - b. Highest amount taken in state waters by area plus 15%;
  - c. Most recent four-year average harvest from state waters.
2. All catch inside of 3 nautical miles by non-federally permitted vessels fishing the parallel fishery, plus all catch under the 25% state water cod fishery and the PWS Pollock fishery remains under the authority of the State of Alaska Board of Fisheries.
3. Only the catch associated with the 25% state water cod fishery and the PWS Pollock fishery remains under the authority of the State of Alaska Board of Fisheries.

These provisions will be substituted for the existing provisions concerning allocations to the State waters fisheries in the elements and option for Gulf rationalization. Staff contact is Mark Fina.

## Observer Program

The Council reviewed the Observer Advisory Committee (OAC) report and approved the addition of three new alternatives to its draft analysis for an FMP amendment to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program (Observer Program). Under the new system, NMFS would contract directly with observer providers for observer coverage, and the program would be funded by a user fee assessed on vessels and processors receiving coverage under the new program and/or direct Federal funding. Vessels and processors that are not covered under the new program would continue to operate under the existing program, whereby vessels contract directly with observer providers. In 2003, the Council approved a problem statement and the original five alternatives which limited the scope of the new program primarily to vessels fishing in the Gulf of Alaska, with the potential to include halibut vessels, Gulf processors, and BSAI groundfish vessels that currently have less than 100% coverage requirements. These alternatives focused the fee-based program on the fleets with less than 100% observer coverage that represent the most acute data quality and disproportionate cost concerns.

Of the three new alternatives approved by the Council, two were recommended by the OAC, and one was recommended by NMFS. At the February Council meeting, NMFS requested the addition of a program-wide alternative, based on concerns that observer accountability and compensation would differ in the GOA and the BSAI if the direct contract system was only implemented in the GOA. NMFS' concerns stem from the potential effect on data quality if there are not consistent and effective procedures for addressing observer performance and conduct problems in both the GOA and the BSAI, contending that these procedures can only be put in place through a service delivery model that provides direct contractual arrangements between NMFS and observer providers. In response, the Council tasked the OAC with considering revisions to the problem statement and exploring new alternatives that address the issue of combining the BSAI and the GOA as one comprehensive observer program.

The OAC met in March and recommended the addition of two alternatives that include specific sectors of the BSAI that may also experience disproportionately high observer costs or have modes of operation that would make it difficult to retain observer services under two different programs in the BSAI and GOA. The OAC did not recommend revising the current problem statement or adding a program-wide alternative. In a letter to the Council in late March, NMFS reiterated its concerns with having two separate programs in the BSAI and the GOA. The Council ultimately approved both of the OAC's new alternatives and a program-wide alternative for analysis. The new alternatives for analysis focus on the scope of the program (i.e., which vessels and processors will be covered under the new fee-based program for observer coverage), and do not specify how the fee should be determined or collected.

In addition, in February, the Council sent a letter to NMFS HQ requesting an explanation and reconsideration of its recent policy on observer compensation and overtime pay that would apply to observers when contracted by the government. Due to current agency involvement in the litigation of these issues in U.S. District Court, a response cannot be provided until the litigation concludes. Given these constraints on the ability to analyze the total cost of observer coverage to the various fleets under the proposed fee-based program, Council review of the initial draft analysis has been rescheduled for October 2004. The problem statement and revised suite of alternatives are on the Council website. Staff contact is Nicole Kimball.

# CDQ Program

The Council took action to amend its previous motion on BSAI Amendment 71 (approved June 2002) and split the FMP amendment package into two parts: 71a and 71b. Amendment 71a will address revisions to the purpose of the Community Development Quota (CDQ) Program and the allowance for a portion of the CDQ groups' royalties to be spent on non-fisheries related projects, as approved by the Council previously. This FMP and regulatory amendment will move forward as a first priority.

Amendment 71b will address the oversight issues and the CDQ allocation process. Staff will provide additional analysis of the oversight issues to the Council for initial review at a future Council meeting. The Council also recommended that the regulatory revisions addressing quota transfers and alternative fishing plans in Issue 8 of BSAI Amendment 71 be implemented through a separate regulatory amendment as soon as possible.

The Council's recommendation to move these issues forward as three separate rulemaking packages (71a and 71b are also FMP amendments) stems from concern that continued legal and policy questions about the appropriate role of NMFS and the State in the oversight of the CDQ Program are hindering the implementation

of the non-fisheries projects allowance, for which no legal issues have been identified. Completion of the Amendment 71 package has been delayed due to legal advice that NMFS' approval of the CDQ groups' Community Development Plans (CDPs) and amendments to those plans constitute a Federal action subject to the consultation requirements of the Endangered Species Act. NMFS requested additional time to evaluate this issue and the possibility that approval of CDPs and amendments are also actions subject to environmental review under NEPA. NMFS is suggesting the addition of an alternative which would remove the requirement for NMFS prior review and approval of community development plans and amendments from Federal regulations under Amendment 71b.

Implementation of both BSAI Amendment 71a and the regulatory amendment to simplify the quota transfer process is anticipated by the end of 2004. Council initial review of Amendment 71b is tentatively scheduled for October 2004. In addition, the Council will review an initial draft analysis to revise the fishery management regulations for the CDQ Program in June 2004. This proposed regulatory amendment contains alternatives to provide more flexibility to adjust the CDQ reserve categories and allocations to the groups in the case that it is necessary to avoid very small CDQ reserves. Both the Council's original motion on BSAI Amendment 71 and the motion from the April meeting are on the Council website. Staff contact is Nicole Kimball.

## NPFMC Tentative Meeting Dates for 2004-2007

	<b>February</b> Week of/Location	<b>April</b> Week of/Location	<b>June</b> Week of/Location	<b>October</b> Week of/Location	<b>December</b> Week of/Location
2004		3/29 Anchorage	7/Portland Benson Hotel 503-228-2000	4/Sitka	6/Anchorage
2005	7/Seattle	4/Anchorage	6/Dutch Harbor*	3/Anchorage	5/Anchorage
2006	6/Seattle	3/Anchorage	5/Kodiak*	2/Anchorage	4/Anchorage
2007	5/Portland*	2/Anchorage	4/Sitka*	1/Anchorage	3/Anchorage

\*Meeting dates subject to change depending on availability of meeting space. Any changes will be published in the Council's newsletter.

**DRAFT NPFMC THREE-MEETING OUTLOOK - updated 4/9/04**

June 7, 2004 Portland, Oregon	October 4, 2004 Sitka, Alaska	December 6, 2004 Anchorage, Alaska
Halibut Subsistence: <b>Consider adding communities per BOF findings</b>		
CDQ Eligibility Amendments: <b>Report</b> CDQ Fisheries Management Issues: <b>Initial Review</b>	CDQ Fisheries Management Issues: <b>Final Action</b>	
GOA Rockfish Demonstration: <b>Action as necessary</b>	GOA Rockfish Demonstration: <b>Action as necessary</b>	
	IFQ Allocational changes: <b>Initial Review (T)</b> IFQ Administrative Changes: <b>Initial Review (T)</b>	IFQ Allocational changes: <b>Final Review (T)</b> IFQ Administrative Changes: <b>Final Review (T)</b>
	GOA Rationalization: <b>Action as necessary</b>	GOA Rationalization: <b>Action as necessary</b>
HAPC: <b>Finalize Alternatives for Analysis</b> EFH: <b>Review public comments on EIS</b>	HAPC: <b>Initial review</b> EFH: <b>Receive CIE review; action as necessary</b>	EFH and HAPC: <b>Report and Action as necessary</b>
DPSEIS Timeline for Management Policy: <b>Discuss further action</b> Groundfish FMP Updates: <b>Final Action</b>		
SSL adjustments in GOA: <b>Initial &amp; Final Action</b>		
Crab EIS: <b>Final Action</b>		
Flatfish IRIU Trailing Amendment 80A & 80B: <b>Review discussion papers and action as necessary</b>	Flatfish IRIU Trailing Amendment 80A & 80B: <b>Initial Review (T)</b>	Flatfish IRIU Trailing Amendment 80A & 80B: <b>Final Action (T)</b>
Observer Program: <b>Update and approve fee options</b>	Observer Program: <b>Initial Review (T)</b>	Observer Program: <b>Final Action (T)</b>
Non -Target Species: <b>Committee report and action as necessary</b>	Non -Target Species: <b>Discuss/action as necessary</b>	
AI Pollock Fishery Allocation: <b>Final Action</b>		
Scallop LLP and FMP update: <b>Initial Review (T)</b>	Scallop LLP and FMP update: <b>Final Action (T)</b>	
	Crab SAFE Report: <b>Review</b>	

TAC - Total Allowable Catch  
BSAI - Bering Sea and Aleutian Islands  
IFQ - Individual Fishing Quota  
AFA - American Fisheries Act  
HAPC - Habitat Areas of Particular Concern  
LLP - License Limitation Program  
PSC - Prohibited Species Catch

MSA - Magnuson Stevens Act  
GOA - Gulf of Alaska  
SSL - Steller Sea Lion  
VIP - Vessel Incentive Program  
SEIS - Supplemental Environmental Impact Statement  
CDQ - Community Development Quota  
IRIU - Improved Retention/Improved Utilization

SAFE - Stock assessment and fishery evaluation  
VMS - Vessel Monitoring System  
CV - Catcher Vessel CP- Catcher Processor  
SSC - Scientific & Statistical Committee  
FMP - Fishery Management Plan  
DPSEIS - Draft Programmatic Groundfish SEIS  
**(T) Tentatively scheduled**