

**C-3(b) West region exemption in the Western Aleutian Islands golden king crab fishery
North Pacific Fisheries Management Council
February 13, 2010**

The Council adopts the following changes to its purpose and need statement and alternatives (with additions in bold and deletions striken):

Purpose and need statement

The Council adopted the following purpose and need statement for this action:

*The purpose of this proposal is to develop a regulation to allow waiver of the requirement that west-designated Western Aleutian Islands gold king crab (WAG) individual fishing quota (IFQ) be delivered west of 174 ° W. longitude. ~~in the event that no~~ **A reliable** shoreside processing facility ~~is open~~ **may not be available each season** to take delivery and process WAG IFQ. ~~In that circumstance,~~ **Relaxing** the regional landing requirement ~~needs to be relaxed to~~ **would** allow the IFQ to be delivered outside the west region, to promote full utilization of the TAC.*

Alternatives

To meet the identified purpose and need, the Council has adopted the following alternatives for analysis:

Alternative 1: Status Quo (no exemption from West region landing requirements)

Alternative 2: Contractually Defined Exemption

To receive an exemption from the regional landing requirement in the WAG fishery,

Option 1: specified QS holders, PQS holders, shoreside processors, and municipalities

Option 2: specified QS holders, PQS holders, and municipalities

shall have entered into a contract. The contract parties will annually file an affidavit with NMFS affirming that a master contract has been signed.

Definitions:

QS Holders: Any person or company that holds in excess of [options: 5, 10, or 20] percent of the west-designated WAG QS.

PQS Holders: Any person or company that holds in excess of [options: 5, 10, or 20] percent of the west-designated WAG PQS.

Shoreside Processors: A shoreside processing facility that is located in one of the defined municipalities and that processed in excess [options: 5, 10, or 20] percent of the west-designated WAG IFQ in the preceding fishing year.

Municipalities: The municipalities of Adak and Atka.

Approval of Exemption:

An exemption to the regional landing requirement will be granted if the contracting parties have filed an affidavit with NOAA Fisheries affirming that a master contract has been signed.

~~Option 1)~~ In the affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing.

~~Option 2) In the affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing, which shall not be unreasonably withheld. A contracting party's refusal to approve an exemption from the regional landing requirement is subject to binding arbitration. The arbitrator shall be selected from the list of arbitrators identified under the crab rationalization program, and the costs of the arbitration shall be split among the contracting parties. If the arbitrator finds that the contract party unreasonably withheld its approval of an exemption, the arbitrator may order that the requirement for that party's approval be waived and the exemption approved, provided that all other requirements for an exemption are satisfied.~~

Alternative 3:

Remove the West designation from IFQ and IPQ in Western Aleutian Islands golden king crab fishery.