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News & Notes

North Pacific Fishery Management Council

October 2012

Olson Re-Elected Council Chair

The Council unanimously re-elected Eric Olson as Chairman and elected John Henderschedt as Vice Chairman. Also at this meeting, Dr. Jim Balsiger administered the Oath of Office for new Council member Craig Cross, and for re-appointed members Dan Hull and Ed Dersham.

Plan Team Appointments

The Chairman also announced nominations that were approved for the Groundfish Plan Teams: Christopher Siddon was appointed to the BSAI Groundfish Plan Team, and Mark Stichert, and Elisia Russ on the GOA Groundfish Plan Team. Dr. Siddon is the Chief Scientist for Marine Fisheries in the ADF&G Commercial Fisheries Division. Mr. Stichert is the Area Manager for Kodiak, Chignik and Alaska Peninsula Shellfish/Groundfish. Ms. Russ is currently the Acting Area Management Biologist for the central region commercial groundfish and shellfish fisheries.

Upcoming Meetings

Charter Management Implementation Committee:
October 19, teleconference 10am

SSLMC: October 18-19, Juneau,
November 7-9 - Juneau
November 28-29 - Seattle, WA,

Groundfish Plan Teams,
September 11-14, 2012, AFSC
November 13-16, 2012, AFSC



Photo: Steve Minor, SeaAlliance

Observer 2013 Deployment Plan

The Council reviewed NMFS' Annual Deployment Plan for the 2013 Observer Program. The plan describes the methodology that is proposed to deploy observers on vessels in the partial coverage category (distinct from the full coverage category, where a minimum of 100% observer coverage is required). Catcher vessels that are over 57.5' length overall will be in the trip selection pool, where every trip must be registered, and each trip has a probability of being randomly selected for observer coverage. Vessels from 40' to 57.5' length overall will be in the vessel selection pool, where each vessel has a probability of being randomly selected on a quarterly basis for observer coverage; if selected, that vessel must have an observer onboard for all trips during the calendar quarter. Catcher vessels under 40' length overall, or that fish with jig gear, will be not be required to carry observers. Under the 2013 plan as presented, the probability of trips (in the trip selection pool) and vessels (in the vessel selection pool) being selected for observer coverage is equal, that is, a 13% probability in either case. The Council acknowledged the considerable work of agency staff in developing the deployment plan, and keeping the restructured observer program amendment on track for implementation in 2013.

The Council recommended two changes to the plan. First, that the plan be revised to reflect a priority for monitoring vessels managed under prohibited species catch (PSC) limits in the trip selection pool. Including this as a priority would necessarily result in modifying the probability of being selected for observer coverage in both selection pools, occasioning higher coverage rates on trips in the trip selection pool, and lower coverage rates on vessels in the vessel selection pool. Secondly, the Council asked NMFS to reconsider the duration of observer coverage for vessels in the vessel selection pool, to change the proposed 3-month (calendar quarter) period to a 2-month deployment period.

The plan, and NMFS' presentation, also described the objectives for the 2013 electronic monitoring (EM) project. For 2013, the project will focus on vessels in the vessel selection pool, operating out of Homer, Petersburg, Sitka, and (if funding permits) Kodiak, and with landings of halibut and sablefish IFQ. NMFS will be soliciting volunteers to carry a video-based EM system for a calendar quarter, as well as exploring whether other, non-camera systems may provide alternate options for improving catch and discard estimation.

The Council also requested that NMFS develop a strategic planning document specific to the Council's April 2011 EM management objective, to collect at-sea discard estimates from the 40' to 57.5' IFQ fleet. The strategic plan should include a timeline, vision, and funding outlook for how the 2013 EM project and future years' work will serve to meet this objective.

The Council had a number of other specific recommendations, including requesting clarifications on the implementation of the program be addressed through NMFS' outreach efforts, scheduled for the fall and early spring. The Council also recommended a number of measures that should be included in the agency's first performance review, scheduled for June 2013. The full motion is available on the Council website.

Finally, for 2013, the Council requested NMFS work together with trawl vessels in the partial coverage category (in particular, the BSAI Pacific cod catcher vessel fleet, but also GOA trawl vessels) to develop a mechanism to allow for voluntary 100% observer coverage at certain times, with the additional costs to be borne by the vessel owners. However, the Council notes that this is an interim solution for these vessels, and also advises the trawl industry to work with NMFS to identify options for a long-term solution, which could be presented to the Council for a proposed amendment analysis at some time in the future. Staff contact is Diana Evans.

Call for SSC Nominations

The Council's Scientific and Statistical Committee (SSC) is widely recognized as a critical foundation to the North Pacific fisheries management success story. The SSC advises the Council on numerous management decisions, including stock assessment and modeling techniques, data collection, ABC recommendations, achievement of rebuilding targets, social and economic impacts of management decisions, protected species interactions, and sustainability of fishing practices. SSC members shall be federal employees, state employees, academicians, or independent experts not employed by advocacy or interest groups. SSC members serve one-year terms, but may be reappointed indefinitely. The SSC generally meets five times per year, for three days at a time, and stipends are provided to non-governmental SSC members. The Council is accepting nominations to the SSC for 2013 in all areas of fishery-related expertise (biology/stock assessment, statistics, resource economics, sociology/anthropology, marine mammals, or other relevant disciplines). Please submit resume' and cover letter to the Council offices by **November 19, 2012**. SSC appointments for 2013 will be determined by the Council at the December 2012 meeting. Council staff contact is Chris Oliver.

Central GOA Trawl Catch Shares

Over the course of the past few years, the Council has advanced a number of actions to reduce the use of prohibited species catch (PSC) in the Gulf of Alaska fisheries. The Council recently introduced Chinook PSC limits in the Gulf pollock fisheries and will consider an action to extend similar Chinook PSC limits to non-pollock groundfish fisheries in the Gulf at its December meeting. At its June meeting, the Council took action to reduce halibut PSC available to trawl and longline fisheries in the Central and Western Gulf. This series of actions reflects the Council's commitment to reduce prohibited species catch in the Gulf fisheries. Participants in these fisheries, particularly in the Central Gulf trawl fishery, have raised concerns that the current limited access management creates a substantial disincentive for participants to take actions to reduce PSC usage (particularly actions that could reduce target catch rates). Other participants, who choose not to exert efforts to avoid PSC, stand to gain additional target catch by continuing to harvest fish at a higher catch rate, at the expense of vessels engaged in PSC avoidance. The Council has adopted a purpose and need statement and goals and objectives to support the development of actions to modify management of the Central Gulf trawl fisheries to remove this disincentive.

The purpose and need statement states that the current management limits the ability of the fleet to effectively address challenges arising from limits on PSC, Steller sea lion measures, and variable total allowable catches. The new management structure is intended to eliminate the derby-style

race for fish by allocating catch shares (i.e., the allowable harvest) to individuals, cooperatives, or other entities, which will eliminate the derby-style race for fish. The goal of the program is to improve stock conservation by creating vessel-level and/or cooperative-level incentives to eliminate wasteful fishing practices, providing mechanisms to control and reduce bycatch, and creating accountability measures when utilizing PSC, target, and secondary species. The action should also have the added benefits of reducing the incentive to fish during unsafe conditions and improving operational efficiencies. The program is expected to support the continued direct and indirect participation of the coastal communities that are dependent upon those fisheries.

To facilitate the development of alternatives for analysis, the Council requested staff to provide a discussion paper that outlines various catch share options for the Central Gulf trawl sector that may meet its objectives. The paper should also examine how other comparable programs have considered and applied Magnuson Stevens Act catch share provisions to meet similar objectives.

The Council also stated its intent to develop a data collection program for fisheries included in the program and that it would attempt to implement prior to the implementation of management changes, in order to provide baseline data to assess the effects of the change of management.

The Council also expressed concern that stating its intention to develop a catch share program could induce speculative entry to the fisheries. To dampen this effect, the Council stated that it may not credit any catch history after December 31, 2012 for purposes of making any allocation under a future fishery management program. The full motion is on the Council website. The Council will review this issue again at its February 2013 meeting. Staff contact is Mark Fina.



F/V Cape Reliant, F/V Advancer, King Cove, Courtesy PVOA

Freezer Longline MLOA Adjustment

The Council took final action on an amendment to change the maximum length overall (MLOA) on License Limitation Program (LLP) licenses that have a Pacific cod hook-and-line catcher processor endorsement for the Bering Sea or Aleutian Islands (i.e., the BSAI freezer longline cod fleet). The MLOA on all LLP licenses in the sector would be increased to 220'. Additionally, the Council affirmed that the "large vessel" capacity restrictions of the AFA should no longer apply to this sector, given the conservation and management measures in place in the BSAI cod fishery, including a direct sector allocation and a limited class of participants. The Council observed that while vessels within this sector can currently replace their vessels, relaxing length and capacity restrictions could provide substantial benefits both by improving production efficiency and addressing safety concerns that have been identified by the Coast Guard and industry.

The Council took into account the potential for this action to impact other fisheries, but noted that in most cases, capacity restrictions already exist. In order to protect other participants in the BSAI and GOA Pacific cod pot fisheries, however, an option was included in the preferred alternative which would require qualifying LLP license holders that also have pot cod endorsements to choose either to receive the larger MLOA and thus extinguish their pot cod endorsements, or to retain both the original MLOA and the endorsements. These owners have 36 months to make this decision. The Council discussed impacts to other participants in the GOA freezer longline Pacific cod fishery, but concluded that relaxing length restrictions does not change the ability of the BSAI fleet to increase its participation in GOA cod, and noted that a cooperative is under development which will provide the best mechanism for protection of vessels operating exclusively in the GOA. Staff contact is Diana Evans.

Bering Sea Habitat Conservation Area Boundary

The Council received an update from Jason Anderson (Alaska Seafood Cooperative) and Victoria Brown (Trustees for Alaska, representing Association of Village Council Presidents) on the negotiations to come to agreement on a southern boundary for the Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area. Mr. Anderson and Ms. Brown presented a letter signed by Fred Phillip (Bering Sea Elders Group), Jason Anderson (Alaska Seafood Cooperative), and Myron Naneng (Association of Village Council Presidents) that provided highlights of an agreement reached by these groups to adjust the southern boundary of the HCA, and establish a working group to share information, review fisheries data and subsistence impacts, and work together to design and fund research that will be useful to all parties. The presenters noted that there are a few, small details that are yet to be finalized, but they are confident that the agreement will soon be in place. Therefore, Mr. Anderson and Ms. Brown requested that the Council not take any action on this issue for at least the next five years.

The Council commended all parties on their ability to reach agreement and took no action on the issue. Staff contact is Steve MacLean.

Northern Bering Sea Research Area

The Council received a brief summary from staff regarding the discussion paper prepared by the Alaska Fisheries Science Center that summarized existing knowledge of the Northern Bering Sea ecosystem, potential effects of non-pelagic trawling on the Northern Bering Sea ecosystem, and provided some considerations for designing a research plan for the Northern Bering Sea Research Area. The Council also heard public testimony from tribal, community, conservation, and environmental organizations that requested that the Council not authorize non-pelagic commercial trawling in the Northern Bering Sea, and forego any further development of a research plan for the Northern Bering Sea Research Area. The Council elected to take no further action on this issue. Staff contact is Steve MacLean.

Vessel Monitoring System

The Council requested that the staff discussion paper identifying current VMS coverage in the groundfish and crab fleets, and potential needs and possibilities for VMS usage in the future, be updated to include additional considerations as suggested by the Council's Enforcement Committee for review at its December meeting. These include an evaluation of previous search and rescue cases, and further refinement of the characterization of vessels that are not currently required to carry VMS. Staff contact is Jon McCracken.

Call for AP Nominations

The Council is calling for nominations to the Council's **Advisory Panel (AP)**. The AP is composed of representatives of the fishing industry and others interested in the management of the North Pacific fisheries, and provides advice from those perspectives. Members of these panels are expected to attend up to five meetings, three to six days in length, each year. The AP appointees serve three-year terms. There are eight AP seats up for appointment. AP members whose terms expire at the end of this year include

Tim Evers (AK), Becca Robbins Gisclair (AK), Jan Jacobs (WA), Craig Lowenberg (OR), Matt Moir (AK), Joel Peterson (WA), Anne Vanderhoeven (AK), and Andy Mezirow's (AK) special one-year appointment. The Council also confirmed Joel Peterson to the AP for the remainder of 2012 to fill the seat left vacant by Craig Cross. Brian Lynch, the new ED of PVOA, was appointed to through 2013 to fill the vacancy left by Julianne Curry.

Letters of interest or nomination, along with a resume of experience, for persons wishing to be considered for the AP should be sent to the NPFMC, 605 W. 4th Avenue, #306, Anchorage, AK 99501, by 5:00 pm on **Monday, November 19**. Appointments will be announced at the end of the next Council meeting the week of December 3 at the Hilton Hotel in Anchorage and will become effective in January 2013. For more information, contact the Council office.

AFA Vessel Replacement/GOA Sideboards

At this meeting, the Council reviewed an analysis to clarify AFA vessel replacement provisions of the Coast Guard Authorization Act of 2010 and to prevent participating AFA vessels that are replaced from increasing fishing effort beyond historical catch in the GOA. The Council requested the analysis be revised per SSC comments and bring back to the Council for initial review in December 2012. Staff contact is Jon McCracken.

AFA Vessels as Amendment 80 Replacement Vessels

At this meeting, the Council reviewed a discussion paper examining the potential for allowing American Fisheries Act (AFA) vessels to be used as Amendment 80 replacement vessels. Current regulations prohibit AFA vessels from use as Amendment 80 replacement vessels. After reviewing the discussion paper and receiving recommendations from the Advisory Panel and testimony from public, the Council initiated an analysis of options that would allow the use of AFA vessels as Amendment 80 replacement vessels. The full purpose and need statement and options for analysis are on the Council's website. Staff contacts are Mark Fina and Jon McCracken.

Proposed Groundfish Harvest Specifications

The Council recommended proposed harvest specifications for the Bering Sea Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fisheries for 2013 and 2014. The purpose of the proposed specifications is to allow the public an opportunity to review and comment on potential final specifications for 2013 and 2014 that will be decided during the December 2012 meeting. The proposed harvest specifications for the next two years are based on rollovers of the harvest specifications currently in effect for the start of 2013, as no new information was available.

NMFS will publish proposed overfishing levels (OFLs), acceptable biological catches (ABCs), total allowable catches (TACs), and prohibited species catch (PSC) limits. The action includes proposed halibut discard mortality rates for Community Development Quota (CDQ) fisheries in the BSAI and non-CDQ fisheries in the BSAI and GOA based on revised estimates from the IPHC using established methodology. The Council will review the proposed rates again in December.

The Council also received numerous reports from the GOA and BSAI Groundfish Plan Teams on the results of research surveys, working group reports, other research initiatives in support of stock assessments, and a plan for revising the process for identifying 5-year research priorities each year. The Council supported a biennial cycle for all flatfish stocks, which will be timed to coincide with new survey biomass estimates, as already is the case for rockfish stocks, and other Tier 5 and 6 stocks. The Council also identified a lack of clarity and transparency for the processes by which the Stock Structure Working Group and Groundfish Plan Team account for management trade-offs under the current approach when uncertainty regarding stock structure results in a conservative recommendations for splitting stocks into separate management areas for the purpose for setting harvest specifications. The Council requested that the teams address how it will incorporate potential management solutions by federal managers, Council policy makers, and industry in its process for determining when and how to split stocks.

The Plan Team reports, proposed harvest specifications for the BSAI and GOA are posted on the Council website. Contact Jane DiCosimo (BSAI) and Diana Stram (GOA) for more information.

Crab OFLs and ABCs

The Council reviewed the final SAFE report for the BSAI crab stocks. The SSC recommended the OFLs and ABCs for the remaining six of the ten stocks (four stocks have already had specifications set in June).

One of the ten BSAI stocks remains overfished (the Pribilof Islands blue king crab stock). The Council took final action on a revised rebuilding plan for that stock in June and the analysis is being prepared for Secretarial review. The Council's preferred alternative closed the Pribilof Islands Habitat Conservation Zone (PIHCZ) to fishing with pot gear for Pacific cod, the highest source of blue king crab mortality in the groundfish fisheries.

Biomass estimates for Tanner, Norton Sound red king crab and St. Matthew blue king crab are all above their B_{MSY} estimates while estimates for Bristol Bay red king crab, EBS snow crab and Pribilof Islands red king crab are below their B_{MSY} estimates. No BSAI crab stock experienced overfishing in 2010/11. The Tanner crab stock has previously been listed as overfished following the Council being informed in October 2010 that informed by NMFS that the then most recent stock assessment for Tanner crabs indicated that the stock biomass had declined below its minimum stock size threshold (MSST). The most recent assessment approved by the SSC uses a new model which has been under development for several years and was approved for use in June to estimate stock status in this cycle. Based primarily on a modification in the time frame employed to estimate recruitment in this model, the model indicates that the stock status has changed and the stock is neither overfished nor below B_{MSY} . A rebuilding plan under these circumstances is no longer necessary.

The SSC responded to a request by the CPT for clarification of the utility of the current maxABC control rule and the treatment of uncertainty in this control rule, by proposing the formation of a joint Plan Team/SSC workgroup to evaluate how uncertainty is currently being addressed and to consider improvements to this process. The Council endorsed this request and looks forward to receiving additional suggestions for addressing uncertainty in ABC control rules by this joint workgroup. The final Crab SAFE report, Crab Plan Team report and a table with final OFL and ABC recommendations for all stocks are posted on the Council's website. Staff contact is Diana Stram.

Steller Sea Lion Issues

The Council received a presentation from staff on the activities of the Steller Sea Lion Mitigation Committee (SSLMC) and received the SSLMC's recommended scoping comments for the 2012 Steller Sea Lion Protection Measures EIS. Staff presented consensus comments when consensus was reached by the SSLMC. Otherwise, non-consensus comments were submitted to the Council. The Council also received a NMFS report on the recent CIE review of the 2010 Biological Opinion (BiOp). The Council, based largely on the recent CIE review of the BiOp, passed a multi-faceted motion requesting NMFS:

1. Take appropriate regulatory action to vacate the management measures implemented by the interim final rule in time for the 2013 fishery and revert to 2001 measures except where no longer appropriate (e.g., HLA regs with 178 degrees west line, and platooning).
2. Adopt an expedited schedule for completion of the EIS so that it supports the completion of rulemaking for a final rule with new final management measures such that these measures can be fully in place for start of the 2014 fishery.
3. Concurrent with the expedited EIS process, immediately re-initiate consultation with regard to Central and Western Aleutian Islands, and prepare a supplemental Biological Opinion that incorporates the findings and recommendations of the CIE review and Independent Scientific Review Panel. These findings substantially change what is the best scientific information that is now currently available, and the new supplemental Biological Opinion should reflect this new information as it reconsiders the jeopardy and adverse modification determinations for groundfish fisheries in the Aleutian Islands.
4. In light of the continuing overall growth of the western DPS of SSLs and the findings of the two independent scientific review panels, the Council recommends the following as part of the EIS scoping process:
 - a. The range of alternatives analyzed should include: Alternative 1 would be the 2010 interim final rule; Alternative 2 would be the regulations and RPAs in place prior to adoption of the 2010 interim final rule adjusted to take into account changes in fishery management that have been implemented since 2003 (Amendment 80, etc); and Alternative 3 has the Alternative 2 regulations with reductions in the pollock closures in the central and western Aleutians. The Council notes that the SSLMC will be

working on additional alternatives that may be appropriate to include in the EIS.

- b. The recommendations of the SSC and the SSLMC report on scoping should be fully addressed.
- c. The EIS analysis should fully incorporate the critiques and recommendations made by the CIE review reports from Dr. Bowen, Dr. Stewart, and Dr. Stokes and the Independent Scientific Review Panel report of October 8, 2011.
- d. The EIS should address and respond to public comment received on the draft 2010 BiOp and the public comment received on the interim final rule.

The Council noted that it felt that these actions are necessary to restore public confidence in the quality, validity, and reliability of NOAA science as well as the management and regulatory process, particularly in light of the recent independent scientific reviews of the BiOp. The Council will submit a letter to NOAA Administrator Dr. Jane Lubchenco outlining their concerns related to the CIE review of the BiOp, and the Council's recommended actions in response to the CIE and other independent scientific reviews. The full motion is posted on the Council website.

Scoping comments, incorporating this motion and the comments of the SSC and SSLMC will be prepared separately and presented to NMFS before the October 15, 2012 scoping comment deadline. Staff contact is Steve MacLean.

Guidelines for comments submitted by email

Comments for Council meetings may be submitted electronically via npfmc.comments@noaa.gov. The Comments must identify the submitter by legal name, affiliation, and date, and must also identify the specific agenda item by number (C-1(a) for example), and must be submitted by the comment deadline. Comments received under these conditions, will be sorted, copied, and included in the Council notebooks. PDF attachments will be accepted, as long as the above criteria are met. Comment received after the deadline will not be copied and distributed, but will be treated the same as written late comments. Emails submitted for the comments must be to the above address, and not to specific Council staff or Council members. Additionally, email comments will only be accepted on items that are on the scheduled agenda.

For more information, call the Council office.

The Council discussed several important items during staff tasking, and provided feedback on relative priority for scheduling various agenda items. Two new discussion papers were initiated. The first is a white paper on potential administration and other issues regarding development of a compensated reallocation common pool for the use of IFQ in the halibut charter fisheries. The Council also requested a discussion paper on elements and options for an economic data reporting program for CV, CP, and processors in the Central GOA prior to potential implementation of a catch share program.

Several letters will be sent to other agencies. The Council authorized the Executive Director to submit comments to NMFS on proposed rulemaking for the National Standard 1 guidelines. The Council discussed the letter from the IPHC requesting comments on reopening the halibut fishery closed area in the Bering Sea, and stated its support for the IPHC action, but requested that the IPHC come back to the Council if additional allocation issues are raised at the IPHC meeting. The Council also requested a letter be sent to the NOAA Administrator requesting immediate action to relax Steller sea lion measures in response to recent independent reviews by the Center for Independent Experts and the independent reviews initiated by the states of Washington and Alaska.

Lastly, the Council requested a joint protocol meeting of representatives from the Council and Alaska Board of Fisheries to discuss issues involving proposals to the Board that affect federally regulated fisheries.

Crab Management

The Council took up several crab management issues at its October 2012 meeting. The Council reviewed an analysis of five actions to modify **community provisions** established by the program. The first action would modify the time period for community entities to exercise rights of first refusal on transfers of PQS and allow additional time for a community entity to perform under any contract on which it exercises the right. The second action would remove a provision under which rights lapse after 3 years of consecutive use of IPQ outside of the community that holds the right and, in the event an entity fails to exercise the right when it is triggered by a transfer, either continues the right in the original community entity or allows the new PQS holder to designate a community entity to hold the right. The PQS holder designation of the entity is intended to recognize that the holder will determine the community that is likely to become dependent on the PQS after the transfer. The Council removed options from consideration that would have limited the community entities that could be selected to hold the right. The third action would apply the right to either only the PQS being transferred or the PQS and any assets based in the community, rather than the PQS and all assets included in the transfer (as the right is currently defined). The fourth action would require a PQS holder to receive permission from the community entity holding the right to use IPQ outside of the community represented by that entity. A fifth action would require additional notices of the location of use of IPQ and transfers of PQS to NOAA Fisheries and the right holder from a PQS holder. The Council asked staff to include in this action an additional notice to NOAA Fisheries from the PQS holder affirming the existence of a contract establishing the right in the annual application for IPQ. The Council also added a sixth action to this analysis that would allocate PQS to Aleutia Corporation (the right holder for Aleutians East Borough non-CDQ communities) in an amount that results in that company receiving 0.0055 percent of the PQS pool. The Council is considering this allocation to address a dispute that arose after the transfer of PQS on which Aleutia held a right of first refusal. According to representatives of the right holder, it received no notice of the transfer or the triggering of the right. Although the transferor asserts that a notice was given, the transferor did not and has not provided an affidavit attesting to the notice, as required by regulations at the time of the transfer and no known record of the notice exists. The allocation would be made from newly issued PQS.

The Council took up two **arbitration** issues. First, staff presented a report of a workgroup selected to consider issues with the formula price issued under the arbitration system in the golden king crab fisheries to the Council. Harvesting and processing sector representatives have contested the formula in each of the seven years since implementation of the program. The Council took no action with respect to this agenda item, noting that although the parties did not reach any agreement concerning the formula, the difference in the positions of the two sides is slight and that the parties should be capable of resolving the dispute without further Council oversight. The Council requested that the workgroup

participants report to the Council on the resolution of the formula in the future. Second, staff presented a discussion paper concerning IPQ holder initiation of arbitration, lengthy season agreements, and release of arbitration decisions. The Council took no action on this item.

The Council postponed its review of an analysis of **active participation** requirements for holders of owner quota shares and its consideration of a discussion paper on **cooperative provisions to address crew issues**. The Council stated its intention to take up those items at a future meeting.

The Council also reviewed and approved a regulatory package (including data collection forms) implementing its revisions to the **crab economic data reporting (EDR)** program. That action will be implemented after submission of the regulatory package and completion of the rule making process.

Staff contact on these issues is Mark Fina.

Halibut Catch Sharing Plan – Final Action

The Council adopted a halibut catch sharing plan (CSP) that establishes a clear allocation, with sector accountability, between the charter and commercial setline halibut sectors in Area 2C (Southeast) and Area 3A (Southcentral). The Plan would create a combined catch limit for both the commercial and charter sectors, and then adjust the sector allocations depending on the size of the combined catch limit. Higher percentages would be allocated to the charter sectors at lower levels of halibut abundance.

Under the CSP the Council would request that the International Pacific Halibut Commission (IPHC) annually set a combined charter and setline halibut catch limit, to which the allocation percentage for each area will be applied to establish the domestic harvest allowances for each sector. The Council also would request that the IPHC deduct wastage in the commercial sector from the commercial sector's allowance and wastage in the charter sector from the charter sector's allowance. Each sector's wastage minus their allowance will determine their annual catch limit. The Alaska Department of Fish and Game (ADF&G) is developing estimates of charter wastage for IPHC consideration at a future annual meeting. The plan would be implemented by NMFS for 2014, at the earliest. Upon implementation, the ADF&G logbooks would be used as the primary data source for estimating charter halibut harvest.

The Council selected Alternative 3 (its 2012 Preliminary Preferred Alternative) for Area 2C and Alternative 4 (its 2008 Preferred Alternative plus 3.5% of the combined charter and commercial catch limit (or CCL)) for Area 3A as its final preferred alternative. The plan would replace the Guideline Harvest Level Program in both areas and add a prohibition on retention of halibut by skipper and crew while paying clients are on board in Area 3A; this last action would mirror federal regulations for Area 2C.

The Council stated that the original Area 2C CSP percentage, at the lowest CCL levels, was calculated based on 125% of the average charter harvest from 2001 through 2005. This allowed the sector limited future growth. The proposed charter allocation percentage was calculated based upon the 2005 charter harvest estimates at higher CCLs. Given that Area 2C charter halibut harvests exceeded the GHL since it was implemented (2004) through 2010, the Council determined that basis was more appropriate for determining charter allocation percentages at higher CCLs.

Alternative 4 was selected for Area 3A because it closely represents recent charter harvest, incorporating the change to logbooks and removing harvest for skipper and crew. This alternative intends to ensure that Area 3A charter halibut anglers are not immediately subjected to more restrictive harvest limitations. Alternative 4 increases the charter allocation at lower levels of halibut abundance, but did not change the allocation relative to the 2008 CSP at higher levels of abundance.

Due to an artifact in the charter allocation percentage at predefined points along the CCL, there is one point in Area 2C and two points in Area 3A where a one pound increase in the CCL results in a reduction to the charter sector allocation. To remedy this situation the Council's allocation percentages are retained over most CCL levels, but the charter allocations are set at a fixed poundage level during the short transition between CCL tiers in which this artifact occurs.

Under both the current GHL Program for 2013 and future implementation of the CSP, annual management measures for both areas would be implemented through what is described as the "2012 approach." Prior to adoption of annual management measures by the IPHC, the Council would select the management measure that best minimizes the difference between the annual projected harvest and charter halibut allocation. The Council would review recommendations from its charter halibut committee, advisory panel, and the public that would be provided after those groups review an analysis of the most current information regarding the charter fishery and its management. This approach reduces the delay in implementing regulations to address overages, allows for consideration of a greater range of potential measures, and allows for the use of the most recent charter fishery data for implementation of appropriate measure(s) for the next year. The Council recognizes that management measures are imprecise; therefore, a small variance can be expected to occur around the target allocation. The Council's expectation is that these variances will balance over time, to ensure IPHC conservation and management objectives are achieved, and that harvest projections will improve over time as fishery information improves.

**Area 2C
Combined charter and setline**

halibut catch limit	charter allocation
<5 million pounds	18.3% of combined catch limit
≥5 and ≤5.755 million pounds	0.915 million pounds
>5.755 million pounds	15.9% of combined catch limit

**Area 3A
Combined charter and setline
halibut catch limit**

	charter allocation
<10 million lbs	18.9% of the combined catch limit
≥10 million lbs and ≤10.8 million lbs	1.890 million pounds
>10.8 million lbs and ≤20 million lbs	17.5% of the combined catch limit
>20 million lbs and ≤25 million lbs	3.5 million lbs
>25 million lbs	14.0% of the combined catch limit

And under the Guided Angler Fish (GAF) Program, charter halibut permit (CHP) holders would be allowed to lease commercial IFQ in order to provide charter anglers with harvesting opportunities, not to exceed limits in place for unguided anglers. Details of the GAF Program can be found in the Council's October motion posted on the Council website. The Catch Sharing Plan would be implemented, if approved by the Secretary of Commerce, in 2014 at the earliest.

The Guideline Harvest Level Program will remain in effect for 2013, while rulemaking for the CSP is prepared by NMFS. The Council's **Charter Management Implementation Committee will meet on October 19, 2012** by teleconference to recommend a narrow range of management measures for analysis by ADF&G. The analysis will be released prior to the December 2012 Council meeting. The committee will convene again prior to the December meeting to recommend management measure(s) for Area 2C and, if needed, for Area 3A. Meeting information is posted on the Council website. A report on final estimates of 2011 sport halibut harvests is also posted.

On a related issue, the Council requested a discussion paper on whether a proposal to create a **Recreational Quota Entity (RQE)** to administer a common (halibut quota share) pool plan as a form of compensated reallocation under the halibut CSP would fit into the current Community Quota Entity Program. The Council requested that the paper include a discussion of legal issues by NOAA General Counsel. The Council received testimony that the full recommendations of Catch Accountability Through Compensated Halibut (CATCH) would be provided to the Council at its February 2013 meeting, at the earliest. The Council may schedule its review of this paper to coincide with the full CATCH proposal or at a later meeting to include additional details of the CATCH proposal that are still under development.

Also under its staff tasking discussion, the Council supported a potential action scheduled for consideration by the IPHC at its January 2013 meeting, which would open a currently closed area for halibut fishing and combine it into **Area 4E**. The IPHC action would not affect the commercial catch limit that the IPHC sets for the combined Area 4C/D/E area. The Council clarified that its Area 4C/D/E Catch Sharing Plan also would not be affected. If the IPHC determines that there may be allocative effects from its potential action to open the area, it would notify the Council prior to the December 2012 Council meeting. The Council would then have an opportunity to comment further prior to IPHC action at its annual meeting in January 2013. Contact Jane DiCosimo for more information on these issues.

