North Pacific Fishery Management Council

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MINUTES

208th Plenary Session
North Pacific Fishery Management Council
March 28-April 3, 2012

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March 28-April 3, 2012

APPROVED:_____

DATE:___June 12, 2012_____

The North Pacific Fishery Management Council met in Anchorage at the Hilton Hotel. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair
Dave Benson, Vice Chair
Sam Cotten
Duncan Fields
Dave Hanson
John Henderschedt
Roy Hyder
Dan Hull
Cora Campbell/Dave Bedford
Ed Dersham
Jim Balsiger
Bill Tweit
CDR Phil Thorne/LT Tony Keene

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Peggy Kircher
Steve MacLean
Sarah Melton
Jon McCracken
Chris Oliver
Maria Shawback
Diana Stram
David Witherell

Scientific and Statistical Committee

The SSC met from March 26-March 28.

Members present were:

Pat Livingston, Chair *NOAA Fisheries—AFSC*	Farron Wallace, Vice Chair *NOAA Fisheries—AFSC*	Jennifer Burns *University of Alaska Fairbanks*
Henry Cheng *Wash. Dept. of Fish and Wildlife*	Robert Clark *Alaska Department of Fish and Game*	Alison Dauble *Oregon Dept. of Fish and Wildlife*
Sherri Dressel *Alaska Department of Fish and Game*	Anne Hollowed *NOAA Fisheries—AFSC*	George Hunt *University of Washington*
Gordon Kruse *University of Alaska Fairbanks*	Franz Mueter *University of Alaska Fairbanks*	Jim Murphy *University of Alaska Anchorage*
Lew Queirolo *NOAA Fisheries—Alaska Region*	Terry Quinn *University of Alaska Fairbanks*	Ray Webster *International Pacific Halibut Commission*

Seth Macinko, Kate Reedy-Maschner and Kathy Kuletz were absent.

Advisory Panel

The AP met from March 26-March 30, at the Hilton Hotel, Anchorage, Alaska.

Kurt Cochran	Jeff Farvour	Matt Moir
Craig Cross	Becca Robbins Gisclair	Theresa Peterson
John Crowley	Jan Jacobs	Ed Poulsen
Julianne Curry	Alexus Kwachka	Neil Rodriguez
Jerry Downing	Craig Lowenberg	Lori Swanson
Tom Enlow	Chuck McCallum	Anne Vanderhoeven
Tim Evers	Andy Mezirow	Ernie Weiss

Appendix I contains the public sign in register and a time log of Council proceedings, including those providing reports and public comment during the meeting.

Mr. Hull moved, which was seconded, to approve the minutes of the previous meeting from February 2012. Motion passed unanimously.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:30 am on Wednesday, March 28, 2012.

Mr. Bill Tweit participated in the entire meeting in place of Phil Anderson, WDF Director.

AGENDA: The agenda was approved with the change of moving the executive session to Friday rather than Thursday, and moving the D-1(a) BSIERP Management Strategy Evaluation report to when staff was available. The agenda was approved with the changes.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1); NMFS Management Report (B-2); ADF&G Report (B-3); USCG Report (B-5); USFWS report (B-6); and Protected Species Report (B-7).

Executive Director's Report

Chris Oliver reviewed his written report. He updated Council members on items in their packet, including comments the Council needs to make on various pending legislation. He noted that Council members may be contacted by the Government Accountability Office for participation in a recent study in moving NMFS to USF&W. He also wanted to make sure everyone was aware of two upcoming workshops, the Halibut Workshop and the Plan Team meeting on stock recruitment relationships. Mr. Oliver also reminded the Council that they will be reviewing the SOPPS for approval at the executive session during this meeting.

NMFS Management Report

Glenn Merrill briefed the Council on the status of FMP amendments and provided an overview on the NMFS regulatory review process. There was discussion regarding the timeline and the number of participants involved in reviewing an FMP, and various ways to streamline the process. Mr. Merrill discussed the areas where complications can arise, and answered questions from the Council. The Council also discussed the need for specific priorities across organizations.

Brandee Gerke and Martin Loefflad (AFSC) reviewed the status of the proposed rule on the Observer Program Restructuring. She reviewed the timeline and the next steps in the rulemaking process. Martin Loefflad discussed several implementation and deployment issues, and there was discussion regarding implementation of the program. The Council also generally discussed Electronic Monitoring (EM)for use in the Observer Program. Mr. Loefflad noted that the focus, along with direction from the Observer Advisory Committee, that EM is currently a best fit for smaller hook and line vessels.

ADF&G Report

Karla Bush (ADF&G) provided the Council with a review of the State fisheries of interest to the Council and answered general questions from the Council members.

NOAA Enforcement Report

Ron Antaya, NOAA Fisheries Office of Law Enforcement gave a report on issues related to halibut enforcement, both with the commercial halibut/sablefish IFQ fisheries and the guided halibut fisheries. Mr. Antaya answered questions from the Council regarding violations.

USCG Report

LT Tony Keene of the USCG provided the Coast Guard Year in Review report and answered questions from the Council.

USF&W Report

Denny Lassuy reviewed his written report briefly discussing seabirds and effective collaboration with the observer program as well as with other agencies. Mr. Lassuy also noted he will be taking a new position outside Fish and Wildlife, and this will be his last meeting. He noted that Don Rivard will continue to fill in until a new person is put in his position.

Protected Species Report

Steve MacLean gave a brief report on protected resources and reviewed a summary of the Marine Mammal Commission meeting. He reviewed his written report and noted that the draft Memorandum of Understanding between NMFS and USF&W to promote the conservation of migratory bird populations is included in the packet, and that the Council may want to provide comments by the mid-April deadline.

Melanie Brown from NMFS addressed the Council regarding the Draft Notice of Intent for the Steller Sea Lion Environmental Impact Statement that NMFS has been ordered to prepare. She reviewed the background, the scoping process, and timing of the issue and there was brief discussion as to how and where the Steller Sea Lion Mitigation Committee would be engaged.

Public comment was taken on all B items.

COUNCIL DISCUSSION/ACTION

Mr. Benson noted that the Council may need to make comments on the seabird Memorandum of Understanding. Mr. Oliver noted that comment letters – both on the seabird MOU and legislative actions – will be drafted and reviewed during the staff tasking portion of the meeting.

The Council members reviewed items that would be included during staff tasking:

- discussion of the varying definitions of "guide" both in state and federal regulations;
- discussion of ways to streamline the regulatory process
- discussion of discard mortality rates for sablefish
- revisit electronic monitoring as part of staff tasking
- take questions on the in-season management report

Chairman Olson noted these items will be revisited again during staff tasking.

C-1 Cooperative Reports

Three Cooperative programs subject to Council management require that cooperatives submit an annual year-end cooperative report summarizing their fishing activities from the preceding year to the Council. Due to the volume of these materials, a few copies of the complete reports from the various cooperatives will be made available at the meeting, and full copies are available from our offices.

a) Amendment 80 Co-op reports

Implemented in 2008, the Amendment 80 program is a limited access privilege program (LAPP) that allocates a portion of total allowance catches (TACs) for Atka mackerel, Pacific ocean perch, and 3 flatfish species (yellow sole, rock sole, and flathead sole), along with an allocation of prohibited species catch (PSC) quota for halibut and crab, in the Bering Sea/Aleutian Islands, to the Amendment 80 sector. A single cooperative formed in 2010. A report from that cooperative will be provided at the meeting.

b) CGOA Rockfish Co-op reports

Cooperatives participating in the Central GOA of Alaska rockfish pilot program also provide annual reports of their fishing activities in that program. Several cooperatives formed in the offshore sector and inshore sector. The I.S.A. Rockfish Cooperative, North Pacific Rockfish Cooperative, OBSI Rockfish Cooperative, Star of Kodiak Rockfish Cooperative, Trident Offshore Rockfish Cooperative, Western Alaska Fisheries Rockfish Cooperative, FCA Cooperative, and Best Use co-op were mailed to the Council in advance of the meeting. Cooperatives will provide a summary report to the Council at this meeting.

c) AFA Co-op reports and IPA reports

Each year, the AFA Bering Sea Pollock fishery cooperatives submit year-end reports summarizing their fishing activities from the preceding year and cooperative agreements for the upcoming year (these were mailed to you on March 5). This requirement is interpreted such that the cooperatives submit information only if and to what degree such agreements have been notified from existing agreements. Co-op representatives will provide a joint, summary report to the Council at this meeting. Under Amendment 91 to the BSAI Groundfish FMP, sector representatives are also now required to provide an overview of their Chinook salmon bycatch reduction efforts under individual incentive program agreements (IPAs). Representatives will provide their first IPA reports from the 2011 fishing year at this meeting. Written copies of these reports are not due until April 1.

Members of the Cooperatives presented their written reports. They included:

Jason Anderson of Alaska Seafood Cooperative
Bill McGill of Alaska Groundfish Cooperative
Julie Bonney of the CGOA Cooperatives
Todd Loomis of Best Use Cooperative and Mike Szymanski of Fisherman's Finest
Stephanie Madsen and Ed Richardson of High-Seas Catcher Vessel Cooperative. Ms. Madsen and Mr. Richardson also gave the report on the Chinook Salmon Bycatch Reduction Incentive Plan.

John Gruver gave his report on the Catcher Vessel Intercooperative. Karl Haflinger reported on the inshore Salmon Savings Incentive Plan Agreement.

James Mize of Premier Pacific Seafoods, representing the Mothership Fleet Cooperative, discussed the cooperative report on behalf of Joseph Bersch.

John Gruver reported on the inshore Salmon Savings Incentive Plan annual report.

There was not an AP report or any public comment on this agenda item.

COUNCIL DISCUSSION/ACTION

Mr. Olson thanked all the co-ops for reporting and reported on the results for the first year of the pollock incentive program agreement for Chinook bycatch management. He noted that the Council may need to take a longer view of the performance of this program, but remains convinced that year to year reviews are beneficial. Mr. Olson also noted his concerns over the spike in the bycatch late in the year. Mr. Fields noted that the Council should consider changing the deadline of the reports so the final documents are available ahead of the meeting.

It was agreed to discuss this item during staff tasking.

C-2 BSAI Chum salmon bycatch

C-2 (a) Update on salmon genetics

BACKGROUND
Genetic analyses of samples from the BSAI groundfish trawl fisheries bycatch of Chinook and chum salmon are now being done annually. Two NOAA technical memorandums have been recently published with results from the 2010 genetic stock composition analysis of the Chinook salmon bycatch samples and the 2010 chum bycatch samples. Dr. Jeff Guyon of the NOAA Auke Bay Laboratory will provide an overview of the 2010 genetic results of bycatch samples for both species and be available to answer additional questions on these results and plans for future analyses.

Dr. Jeff Guyon of the Alaska Fisheries Science Center reviewed papers on Chinook and chum salmon genetics and answered questions from the Council regarding the sampling process.

C-2 (b) Initial review of chum salmon bycatch measures

BACKGROUND
At this meeting the Council will take initial review of the draft EA/RIR/IRFA for the BSAI non-Chinook (chum) Salmon PSC Management analysis. The draft analysis was mailed to you on March 11th. The analysis examines three alternatives to reduce chum salmon bycatch in the Bering Sea pollock fishery. The Council last reviewed this analysis in June 2011. At that time the Council made revisions to the alternatives and requested additional analyses. Statewide teleconferences on the chum salmon PSC analysis were held on February 24, 2012 and in May 2010. The purpose of the second call was to again inform the public of the alternatives under consideration to reduce chum salmon PSC in the Bering Sea pollock fishery, to help the public understand the Council process and ways to provide formal input to the Council, and to provide opportunity for the public to express concerns and ask questions of the Council analysts.

At this meeting the Council will take initial review of the analysis. In doing so, the Council may wish to revise the suite of alternative management measures under consideration, request further data and/or analysis, and/or select a preliminary preferred alternative (PPA). The Council is not required to select a PPA and may wait until final action to indicate their preferred alternative. Any modifications recommended by the Council at this meeting will be analyzed in the next draft analysis, prior to it being released for public review. The Council has tentatively scheduled this action for final action in October 2012, but may modify that schedule at this meeting.

Dr. Diana Stram walked through the various parts of the analysis and gave an overview of the logistics of the document presentation. Dr. Stram discussed revisions and updates from the prior analysis, and highlighted additional information, and reviewed the description of alternatives. Additionally, she reviewed outreach efforts, specifically a statewide teleconference on chum salmon PSC and highlighted some of the public comments from that meeting for the Council. Sally Bibb gave a report on NMFS Tribal Consultation meetings with Alaska native tribes from the Norton Sound area. Ms. Bibb also updated the Council on Individual Cooperative Agreements, and how the reports are regulated, amended, and managed. Diana Stram and Jim Ianelli reviewed the impact analysis of the EA for the alternatives. Scott Miller of NMFS reviewed the RIR direct effects with the Council , and Dr. Alan Haynie, AFSC, discussed evaluation of status quo measures for chum salmon PSC in the Rolling Hot Spot program.

Becca Robbins Gisclair gave the Advisory Panel report, Patricia Livingston gave the SSC report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Commissioner Campbell moved, which was seconded, a motion on this agenda item which is attached as ATTACHMENT 5. The motion was seconded by Mr. Henderschedt.

Ms. Campbell thanked the Advisory Panel, and noted the motion is largely based on the one they passed. She noted that many of the modifications and analysis of those modifications should be examined by the industry, using ICA proposals. She also remarked that while there may be differential impacts by river system, she noted it may not be informative to construct "worst-case" scenario, and instead requested a discussion some of the limitations of the data, and what the impact could be. Ms. Campbell also noted that she requested the impacts of closures on the Pollock fleet.

Ms. Campbell noted that new information is available regarding the effects of the alternatives, and the contrast of the alternatives with each other and how they might affect bycatch should be examined in the next version of the analysis.

Mr. Olson noted there has been extensive discussion regarding a 30,000 cap on chum salmon bycatch and Ms. Campbell noted options have been included for analysis that are targeted for protecting Western Alaska stocks, including low caps on June and July fisheries where Western Alaska stocks are impacted. Mr. Fields noted that although he was originally going to amend the motion to include the 30,000 number, but was concerned the number may be too aggressively low for any cooperative industry/council impacts.

Mr. Henderschedt also spoke against the 30,000 cap, noting that a lower hard cap will disrupt the balance between NS 9 and NS 1 because of the loss of catch in the Pollock fishery. He noted that as a goal, 30,000 is a good number but as a hard cap is different and should be listed in the analysis as an alternative considered, but not included.

Mr. Benson noted he is also not supporting the 30,000 number. Mr. Cotten noted that 30,000 reflects the importance of salmon and food security and a respect for the way of life in rural Alaska, but is satisfied with the 50,000.

Mr. Henderschedt moved to amend, which was seconded, to include recommendations from the enforcement committee. He spoke to his motion noting the Enforcement Committee discussed deckloading, regulation and enforcement of Chinook and non-chinook bycatch, observers viewing of salmon in storage containers, and removal of salmon at the end of haul and before delivery. He also noted that the

recommendations would streamline the process and is appropriate to include in analysis at this time. **Motion passes without objection.**

Ms. Campbell, in a response to a question from Mr. Fields, noted that there has been no information that would trigger a threshold to prepare an EIS, or that an EA process would not be appropriate. She noted that if there are concerns, staff would alert the Council that an EIS may be necessary. There is no intention to delay the process. There was general discussion among the Council, and it was generally agreed that the staffs of NMFS and the Council would be working together and can keep everyone informed.

There was general discussion regarding the timing and workplan. It was agreed to revisit those items under staff tasking, noting the importance of expedient review.

Mr. Tweit noted he strongly supports the motion other than a minor difference of opinion of the NEPA vehicle. He emphasized that this action is extremely important in addressing measures to manage chum bycatch, and the Council should do what it can to minimize the impacts of fishing on all salmon bycatch.

Mr. Fields requested that a "plain English" executive summary be made available in the next iteration to better facilitate communication of the analysis to stakeholders.

The amended main motion passed without objection.

C-3 Habitat Issues

C-3 (a) HAPC – Skate Egg Concentration

BACKGROUND:
The Council, from a set "Skate Nurseries" priority type, selected a HAPC proposal from the Alaska Fisheries Science Center (AFSC) for further analysis. In February 2012, the Council made an initial review of an analysis of alternatives and options to identify and conserve six areas of skate egg concentration as HAPC in the eastern Bering Sea. The Council refined its alternatives based on the recommendations of the Enforcement Committee and requested further analysis. Additionally, at the request of NMFS, option f was added to address a housekeeping issue for the BSAI Groundfish FMP. At this meeting, the Council and Enforcement Committee will review the analysis and alternatives.

Dr. Gerald Hoff (AFSC) and Sarah Melton gave the staff presentation on this item and answered questions from the Council. The SSC had given its comments earlier, Lori Swanson gave the AP report, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved the following:

The Council requests the EA/RIR come back for an additional initial review with the following additions and changes:

1. **Add an option under Alternative 2 to have NMFS and industry cooperatively monitor skate egg concentration HAPCs for changes in egg density and other potential effects of fishing.**
2. **Remove options C and D from Alternative 3.**

3. **Analysis should evaluate the use of updated VMS technology, such as increased polling rates and geofencing, to monitor activity in and around skate egg concentration sites for feasibility in reducing the extent of boundary closures under Alternative 3 to more closely approximate area boundaries under Alternative 2.**
4. **Gear description and potential fishery impacts to skate egg concentration sites should be redrafted to reflect current science and technology and to differentiate between survey trawl gear and current commercial trawl gear.**
5. **Include a description of the methodology used in determining target catch rates in skate egg concentration sites.**
6. **Include other existing fishery closures that may overlap with identified skate egg concentration sites.**
7. **Incorporate SSC comments, except for the recommendation to expand the analysis to include discussion of potential disruptions to the spawning activities of skates.**

Mr. Tweit spoke to his motion noting that this is not a biological action, but for the protection of a specific habitat and that conservation measures applied to these sites will provide biological conservation measures. Mr. Tweit expressed strong desire that industry work with NMFS cooperatively to gather information on these sites.

Mr. Tweit noted that as analysts worked with other agencies, more information could be used to designate smaller areas that more closely approximate the biological areas. He reminded the Council that this is a habitat measure, and that the Council is not trying to protect biological functions, but will be protecting certain habitat features.

Mr. Henderschedt moved to amend by modifying option 1. Add an option under Alternative 2 to have NMFS monitor skate egg concentration HAPC for changes in egg density and other potential effects of fishing, and request that industry support collection of data in evaluation of monitoring and management efforts relative to those HAPC. He noted that this strikes "and industry cooperatively" and replaces it with "industry support collection of data…" **The amendment passed without objection.**

Mr. Fields noted that he is concerned with removing options C and D, and appreciates that all sectors have given input and identified where all gear types impact habitat. Although he would like to leave all gear types in for discussion, he will support the motion. Mr. Tweit noted that some of the material used to make a decision will be preserved as part of the Council record.

Motion passes without objection.

C-3 (b) GOA Trawl Sweep Modifications

BACKGROUND
In February 2012, the Council released a public review of an analysis evaluating the requirement for elevating devices on nonpelagic trawl sweeps for vessels targeting flatfish in the Central Gulf of Alaska. The purpose of the proposed action is to reduce unobserved crab mortality in the Central Gulf of Alaska from the potential adverse effects of nonpelagic trawl gear used for flatfish fishing. The Council initiated this action in conjunction with final action on the GOA Tanner crab PSC measures, which created an area closure in Marmot Bay Kodiak to protect Tanner crab.

Jon McCracken gave the staff report on this issue. The SSC had given its report earlier, and the AP report was given. Public comment was heard.

Mr. Henderschedt moved that the Council adopt trawl sweep modifications in the Central Gulf of Alaska flatfish fishery (Alternative 2) as the preferred alternative. This action would include a recommendation to the Secretary to extend slightly the exempted area on the net bridles and door bridles from 180' to 185' to accommodate hammerlocks attached to net and door bridles (as shown on page 16 of the analysis). This change would apply to flatfish gear modifications in both the Bering Sea and the Central GOA. Mr. Henderschedt spoke to his motion noting that the Council clearly stated its intent in a previous action taken regarding Tanner crab bycatch in the GOA, however there were still questions of the efficacy and practicability. Mr. Henderschedt noted that several studies indicated that this gear would reduce mortality, and although challenges may face certain members of the fleet, the challenges can be overcome and there is benefit and interest in having this gear modification.

Mr. Henderschedt pointed out National Standard 9 compels the Council to reduce bycatch to the extent practicable, and this action addresses even unobserved mortality rather than just observed bycatch that comes up with targeted species.

Mr. Fields encouraged industry to work with NOAA in drafting regulations relative to enforcement.

There was general discussion regarding flatfish fisheries and trawl sweep gear modifications. **Mr. Fields moved to amend the motion to use the term "trawl sweep gear modifications" rather than "flatfish modifications."** Melanie Brown clarified that for anyone fishing within a modified gear trawl zone, using non-pelagic trawl gear, modified trawl gear is required. In the Bering Sea, generally, the requirement applies to the flatfish fishery, except in the modified gear trawl zone, the regulations are applied to all fisheries that use non-pelagic trawl gear. **The amendment passed without objection.**

Mr. Hull noted his appreciation for NMFS working with the fleet and industry.

Mr. Tweit moved to amend, which was seconded by Mr. Benson, that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

Mr. Tweit noted that with the adoption of any final action, the Council must specify how regulations should be reviewed to implement the action. The Council is familiar with these regulations from the BSAI and the Council does not need to review the regulations unless the Executive Director and Chair agree it is necessary. **Amendment passed without objection.**

Mr. Tweit notes that he supports the motion, and that it is a positive action that reduces bycatch and waste caused by the gear itself. Mr. Hyder voiced his appreciation for NMFS to work with USCG and industry on enforcement. Cmdr. Thorne noted that the Coast Guard's philosophy is to have the least impact on fishery operations, but they do have the authority to interrupt operations to take action as needed.

Amended main motion passed unanimously by roll call vote.

(c) Review Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area Boundary

BACKGROUND
In July 2007, the Council adopted Amendment 89 to the BSAI Groundfish FMP, which created a number of habitat conservation areas (HCAs) in which bottom trawling is prohibited. One of these areas is the Nunivak Island-Etolin Strait-Kuskokwim Bay Habitat Conservation Area (Nunivak HCA, see map).

During the Council's consideration of Amendment 89, the boundaries for the Nunivak HCA were developed in close consultation with an industry and Association of Village Council Presidents (AVCP) working group. Communities and industry agreed on a southern boundary line for the habitat conservation area, which was subsequently established in regulation. The flatfish industry members committed to continued work with the AVCP communities in an ongoing process to communicate and share information on fishing activities and scientific information about the area, and if appropriate, to consider modifying the boundary line.

As part of the Council's final motion adopting the closure, the Council agreed to review the boundary line developed for the Nunivak HCA in four years, and to consider whether further action is appropriate. The review of that boundary is the subject of this agenda item. At the June, 2011 Council meeting in Nome, AK, the Council heard testimony from industry and communities asking the Council to reschedule this topic to allow interested parties more time for discussion. At the December, 2011 meeting, the Council was again asked to reschedule this topic to allow more time for discussion between the interested parties. The Council passed a motion to reschedule the matter to this meeting. Representatives of industry and tribal and community organizations have met several times since the Council was last updated, and may have a proposed resolution to bring to the Council for review at this meeting.

Steve MacLean gave a brief introduction of this issue and introduced John Gauvin, David Bill, and Valerie Brown. Ms. Brown requested that the Council grant them additional time and they re-schedule this issue for no earlier than the October 2012 meeting. She noted she will be working the seafood co-ops and more community members, and will return in October with an agreement and an additional report.

Lori Swanson gave the AP report on this agenda item.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt moved, which was seconded by Mr. Tweit, to delay action on this agenda item until the October Council meeting. Additionally, he offered thanks and encouragement to the stakeholders and parties involved. **The motion passed without objection.**

C-3 (d) EFH consultation criteria

BACKGROUND
In February, the Council received further information on the NMFS Essential Fish Habitat (EFH) consultation process, following up on a comprehensive report to the Council in December. Under current practice, NMFS notifies the Council, or Council staff, of a pending action that may affect habitats of direct concern to the Council. Nationally, no Councils have developed explicit criteria for when NMFS should inform a Council about EFH consultation issues and seek Council involvement, however, the agency recommended that any criteria that be developed be flexible and fairly broad. The Council asked both the Ecosystem Committee and the State of Alaska to provide input and recommendations on suggested criteria that might apply to consultations resulting in recommendations for mitigation.

Diana Evans and Stephanie Madsen gave a brief report on the Ecosystem Committee's recommendations to the Council on this agenda item. Lori Swanson gave the AP report, and there were no public comments.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded, to adopt a process for Council involvement in the EFH consultation process. The Council requests regular reports from NMFS on EFH consultations that may be of interest to the fishing industry, and/or that may affect habitats of direct concern to the Council.

The Council Chair and the Executive Director will identify a consistent schedule for requesting these reports from NMFS. The reports should focus on major consultations, with a brief summary of routine activities with minor effects on EFH. For activities that may have major effects on EFH, to the extent possible, NMFS should provide advance notice to the Council of these pending activities, so that the Council can choose whether or not to engage directly in the consultation. The following criteria should be used to guide the agency in determining whether the activity is likely to be of particular interest to the Council:

- **The extent to which the activity would adversely affect EFH;**
- **The extent to which the activity would adversely affect Habitat Areas of Particular Concern or other areas established by the Council to protect sensitive habitat features;**
- **The extent to which the activity would be inconsistent with measures taken by the Council to minimize potential adverse effects of fishing on EFH; and**
- **The extent to which the activity would conflict with Council-managed fishing operations.**

The Council will aim to provide its input during appropriate public comment periods. The Council notes that the vast majority of EFH consultations undertaken by NMFS are not actions on which the Council would feel the need to comment. This EFH consultation policy is not intended to create an additional clearance requirement (and potential for delay) in the permit process, rather it is intended to ensure that activities that are of relevance to the Council are brought to the Council's attention in a timely fashion and not overlooked.

The Council also encourages NMFS to report on their involvement in other non-fishing activities, outside of those that are captured under the EFH consultations, which may be of interest to the Council.

Mr. Tweit noted that he used the Ecosystem Committee's recommendations as a basis for the motion, and that it gives the Council a balanced approach to engage in and monitor EFH consultations. He also noted that the motion gives the Council a way to deal with habitat issues that are not necessarily EFH.
The motion passed unanimously.

Mr. Tweit requested a briefing on the Aleutian Islands Risk Assessment report, and it was agreed to discuss this agenda item during staff tasking.

C-4 Halibut Management

C-4 (a) Area 4B "Fish-Up," a proposed regulatory amendment to allow IFQ derived from Category D QS to be fished on Category C vessels in Area 4B.

BACKGROUND
In 2009 the Council called for proposals to amend the halibut and sablefish IFQ and CDQ programs. One proposal, which was supported by the IFQ Implementation Committee in September 2009, requested a halibut IFQ regulatory amendment that would allow IFQ derived from Category D QS to be fished on Category C vessels in Area 4B. The Council approved this proposal for analysis in February 2010. The Council had taken no action for Area 4B in December 2004 when "fish up" was adopted for Area 3B and Area 4C, when no one from the area identified a need for it. For the 2009 proposal; the Council did not schedule an initial review of the analysis because the proposed action had previously been considered and it was deemed not to be controversial. Final action was first scheduled for December 2010.

The proposed action would relieve a restriction placed on IFQ halibut fishery participants in Area 4B. It would further IFQ program goals by increasing the amount of IFQs that may be harvested by vessels < 60' LOA and safety at sea for that fleet. The proposed action would make minor changes in this fishery affecting up to 12 Area 4B Category D QS holders, who hold < 3 percent of IFQs in one area, and a few owners of larger vessels. The Council continues to receive comment letters and public testimony from the proposer and APICDA representatives, who support the proposed action. Note that the analysis would allow the Council to expand the proposed action to Area 4A.

In February 2012, the Council scheduled final action on the November 5, 2010 public review draft for this meeting, after twice tabling the proposed action in 2011.

Jane DiCosimo gave the staff report on this agenda item, reviewing many of the items and timeline that the Council has addressed to date. Lori Swanson gave the AP report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Hull moved, which was seconded by Mr. Tweit, to adopt Alternative 2 as the preferred Alternative for final action, which allows IFQ derived from Category D QS to be fished on Category C vessels in Area 4B. Mr. Hull spoke to his motion, noting that while he understands this is a contentious action with the thought that D class IFQ must be preserved for D class vessels only. However, the Council has taken similar action in Area 3B, and the amount of D class quota is a small percentage of what is available in Area 4B.Allowing the fish-up provision will have a minimal effect on prices. The amount of D category quota shares that remain unfished is highest in Area 4B. Mr. Hull noted that the Council has the flexibility to bring fish to shore, and that the preferred alternative is responsive to National Standards 8 and 10, which provides for their sustained participation and minimizes adverse economic impacts in coastal communities and promotes safety, respectively. He also noted that his motion does not include Area4A.

Mr. Benson noted his support for the motion for all the reasons Mr. Hull stated, and noted that the Council is also being responsive to National Standard 9: minimizing bycatch by cod fishermen who also harvest halibut. NOAA General Counsel, John Lepore, stated that while prudent to look at national standards, this action is under the Halibut Act, and therefore not measured with National Standards, and the Council will not need to deem the regulations.

Mr. Cotten noted his concern of the overall erosion of entry-level idea of Class D shares. Mr. Henderschedt stated that he supports the motion and pointed out that while larger boats are safer, in Area 4B, OY is not achieved, and this action will address National Standard 1.

Mr. Fields noted that for D category quota share, 1.5% is not an issue of optimum yield. He stated that his primary concern is the sustained participation of residents in the community.

Mr. Fields moved to amend to add that the Council review Category D class fish-up provisions in Areas 4B, C and D 5 years from implementation. Mr. Cotten seconded the motion. There was general discussion regarding procedure, and it was generally agreed to address this issue after the vote on the main motion. **Mr. Fields withdrew his motion with the concurrence of his second.**

Discussion continued on the main motion. Mr. Fields noted that he was initially inclined to vote against the motion, primarily because public concerns are market driven, not safety driven. He noted that communities support the motion, so although he remains concerned about the intent of the original program, to give entry level fishermen a chance to buy into the fishery, he will also support it.

Chairman Olson noted that he will be supporting the motion, but is sensitive to the original intent of the program. He also noted the concept of "fish-up" should be discussed broadly, across all areas, and not just Area 4B.

The motion passed 10/1 by roll call vote with Cotten objecting.

Mr. Fields moved to review the Area 4D fish-up provisions in areas 4B, 3B and 4C, 5 years from implementation of the Area 4B implementation of the regulations (for Area 4B). The motion was seconded by Mr. Cotten. Mr. Fields spoke to his motion noting that fundamental to the policy goals of the halibut IFQ program is entry level participation, categorization of QS, and the Block Program. He stated as category D provisions change, the Council should review them using the criteria the original IFQ program was based on.

Mr. Hull recommended Council could ask for assessment by RAM as part of their annual review of IFQ program. Commissioner Campbell noted that there have been many changes over the years that have not met the original intent. She pointed out that seven years from now a review may be done but it may be difficult to point to exactly what changes have resulted from which action. Additionally, she noted it may create instability in the fishery as the industry speculates what will happen as a result of the review.

Mr. Olson noted the Council has the ability to request a review at any time.

Mr. Henderschedt noted that he is sympathetic of the desire to monitor and nurture, however periodic reviews often become bigger than the issue and create instability in the program. He is supportive of the Council monitoring this program, and others, as issues arise. Mr. Balsiger noted that this Council should not determine what a council five years from now should do, and will not be supporting the motion.

DECEMBER 2011 COUNCIL STATEMENT IN SUPPORT OF THE HALIBUT CATCH SHARING PLAN

The Council continues to support implementation of the Halibut Catch Sharing Plan (CSP) as the best approach to resolve longstanding allocation and management issues between the commercial and charter halibut sectors, as currently identified in the CSP Problem Statement.

The Council also recognizes that there are deficiencies in the current analysis that must be addressed before implementation can take place. Additionally, since 2008, changes in halibut management and the condition of the halibut stock have occurred, which will impact the effective implementation of the CSP as envisioned by the Council.

There was general discussion regarding previous review and reporting provisions in the IFQ program.

Mr. Cotten noted his support of the motion, with the focus on broad participation and keeping the original intent of the IFQ program: entry level opportunities, and active level participation by community members. Even if this motion fails, Mr. Cotten noted he is determined to maintain the focus and original intent of the program.

The motion failed 2/9, with Fields and Cotten voting in favor.

C-4 (b) Halibut CSP

BACKGROUND
In October 2011, NMFS informed the Council that would need to revisit its proposed Area 2C and Area 3A Pacific Halibut Catch Sharing Plan (CSP) for the commercial and charter fisheries before NMFS would proceed with final rulemaking. NMFS cited policy and technical issues that compromised its ability to proceed to a final rule without clarification from the Council on those issues.

In December 2011, the Council reviewed a detailed NMFS report of 47 issues for which it was seeking Council guidance in order for NMFS to proceed with final rulemaking .The Council identified a two prong approach for responding to the NMFS October 2011 request for clarifications, and the NMFS December 2011 report, by requesting the following items from staff for review and potential action at its March 2012 meeting:

1) *Supplemental analysis of new information since its 2008 selection of a CSP preferred alternative, and improvements to the Secretarial Review Draft Analysis in order for NMFS to proceed with final rulemaking.*
2) *Discussion paper to review the management matrix in the CSP Preferred Alternative, in terms of current charter halibut harvests and the CSP tier structure, particularly in Area 3A, in order to determine if the Council should adopt different management measures to achieve its goals in a revised CSP Preferred Alternative.*
3) *NMFS report as to whether the clarifications to six public comments it provided in December 2011 also would result in the need for a new proposed rule, so that a timeline can be established for implementing the CSP.*
4) *NOAA guidance on whether clarifications adopted in December 2011, or revisions to its CSP preferred alternative, would warrant publication of a new proposed rule; and*
5) *NOAA guidance on the use of a regional fisheries association to meet long term management goals and objectives under the CSP.*

At this meeting, the Council may (this is not intended to be prescriptive or limiting on potential action):

- *Reaffirm its support for the CSP Preferred Alternative and NMFS would proceed to a final rule, incorporating supplemental analyses and Council staff responses to public comments, which were provided to NMFS separately;*
- *Take no further action on clarifications to public comments #1 through #6, which may require a new, focused proposed rule if any of the Council clarifications are deemed not to be a logical outgrowth of the July 22, 2011 proposed rule;*
- *Revise its CSP Preferred Alternative, which would require a new proposed rule (and perhaps a new analysis depending on the revision);*
- *Request additional analysis (e.g., hierarchical approach); and/or*

- *Initiate a trailing amendment to revise the CSP.*

As separate motion(s) from the CSP action, since they would not be implemented in federal regulation, the Council may:

- *Establish an annual review of ADF&G annual harvest projections by the Scientific and Statistical Committee*
- *Adopt the use of logbooks to monitor charter halibut harvest against its allocation targets (whether under the Guideline Harvest Level Program or the proposed CSP).*

Jane DiCosimo gave the background report on this agenda item. Rachel Baker (NMFS) reviewed NMFS' "Determination of Logical Outgrowth for Potential Changes to the Halibut Catch Sharing Plan" and answered questions from the Council. Darrell Brannan reviewed part 3 which was the supplemental analysis for the Catch Sharing Plan. Jane DiCosimo (NPFMC), Jonathan King (Northern Economics), and Scott Meyer (ADF&G) presented a discussion paper on the Catch Sharing Plan Matrix as it relates to management. John Lepore answered questions regarding legal aspects of the CSP and how they relate to the Halibut Act. Jane DiCosimo reviewed the Charter Management Implementation Committee Report. Lori Swanson gave the AP report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

John Lepore (NOAA GC) revisited earlier Council discussion regarding allocation and a court decision, and clarified that the Council's role is to review any allocations made between US fishermen to be fair and equitable, and reflected in the record.

Mr. Dersham moved, which was seconded, to amend its previous action on the charter halibut catch sharing plan (CSP). The following changes would be incorporated into a new preliminary preferred alternative:

The Council adopts the March 27, 2012, recommendations of the Halibut Charter Management Implementation Committee and the Advisory Panel to adopt the "2012 Model" for determining annual charter halibut management measures under the CSP and removing the current matrix of management measures that are included in the current proposed rule. With this change, the Council also removes the target range around the allocations of +/- 3.5%.

The Council also adopts the unanimous recommendation of the Halibut Charter Management Implementation Committee and the Advisory Panel to use ADF&G logbooks as the primary data collection method under the CSP. The Council recommends using an adjustment factor based on the five-year average (2006 – 2010) of the difference between the harvest estimates provided by the logbooks and the SWHS, with the adjustment factor reduced by the amount of harvest attributed to skipper and crew. The Council's understanding is that applying this adjustment factor would result in the following changes to the CSP allocations:

Area 3A adjustment factor = 15.4%
Area 3A current CSP allocation in Tier 1 = 15.4%
Adjusted CSP allocation = (15.4% * 15.4%) + 15.4% = 17.8%

Area 3A current CSP allocation in Tiers 2 through 4 = 14.0%
Adjusted CSP allocation = (14.0% * 15.4%) + 14.0% = 16.2%

Area 2C adjustment factor = 5.6%
Area 2C current CSP allocation in Tier 1 = 17.3%
Adjusted CSP allocation = (17.3% * 5.6%) + 17.3% = 18.3%

Area 2C current CSP allocation in Tiers 2 through 4 = 15.1%
Adjusted CSP allocation = (15.1% * 5.6%) + 15.1% = 15.9%

The Council recommends revisions to the GAF program as follows:

- **This revision would issue GAF in numbers of fish. Conversion of IFQ pounds to numbers of fish would be based on the average weight of GAF from the previous year.**
- **In the first year of the GAF program, the GAF weight to number of fish conversion factor is based on the previous year's data or most recent year without maximum size limit in effect.**
- **Define the leasing limitation from one IFQ share holder from 10% or 1500 pounds whichever is greater, to 10% of IFQ holdings or 1500 pounds in 2C, and to 15% or 1500 pounds 3A, whichever is greater.**
- **Include a requirement for anglers to mark GAF by removing the tips of the upper and lower lobes of the tail and report the length of retained GAF halibut to NMFS through the NMFS approved electronic reporting system.**
- **A complete review within three years of the start of the GAF program, taking into account the economic effects of both sectors.**

The Council recommends sending a letter to the IPHC supporting the idea of separate BAWM accountability between halibut sectors, and revising the preamble to the rule describing the method that the Council would expect to be used by the IPHC in setting catch limits.

The Council requests that the analysis be revised to incorporate the changes to the preliminary preferred alternative described above, and include analysis of the following options for consideration to revise the charter allocations at lower levels of abundance:

Option 1: Area 2C
At a combined catch limit of <5 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (20.8%); at a combined catch limit of ≥5 - <9 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.6%).

At combined catch limits of ≥9 m lbs, maintain the original target CSP allocation of 15.1%.

Option 2: Area 3A
At a combined catch limit of <10 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.9%); at a combined catch limit of ≥10 - <20 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (17.5%).

At combined catch limits of ≥20 mlbs, maintain the original target CSP allocation of 14.0%.

Note: Under the 2012 model, the +/- 3.5% range around the allocation would be removed, and the Council would be annually recommending management measures that minimize the difference between the projected harvest and the target allocation, without exceeding the allocation.

With the above additions and revisions, the intent of the Council is to review the CSP analysis as a whole and take final action in the near future.

Mr. Dersham spoke to his motion, noting moving to the 2012 model is consistent with the AP motion and the recommendations of the Charter Implementation Committee. He noted that the analysis clearly shows that there is high potential for the current approach of prescribing measures in the matrix format to result in harvests that deviate substantially from the allocation. He suggested that a more flexible approach for selecting annual management measures could be more effective in aligning charter harvests to the sector's allocation.

Mr. Dersham continued, stating that the process used in 2012 for selecting management measures in the halibut charter fishery provided an effective means for considering input from the charter industry and using the most current information concerning the fishery and its management (including maintaining charter harvests to the limits prescribed by the GHL). Adopting a prescriptive process for the selection of management measures at this time could impose unnecessary hardships on the charter industry, by preventing that sector from responding to new information concerning the effects of measures that arise as we develop experience with management measures. Mr. Dersham reminded the Council that the Charter Halibut Implementation Committee, along with input from stakeholders and a process set by the Council, will be able to develop a long-term management for the Charter sector.

Speaking about logbooks, Mr. Dersham noted that the SSC has previously endorsed the use of logbooks, and the Charter Implementation Committee and the AP have both recommended this change at this meeting, along with adjusting allocations for the difference between the logbooks and surveys as part of the CSP. He noted that the 3.5% target range is not necessary to retain under the 2012 model, and although there is uncertainty in harvest projections, as information improves so will the projections.

When discussing the GAF, Mr. Dersham noted the motion's proposed changes to the GAF program are reasonable and take into account the variability of the size fish in the charter industry. He recommended the new GAF changes because they will meet the needs of the charter operators as well as NMFS concern for accurate accounting of both GAF and non-GAF halibut. Additionally, he noted that increasing the limit on the amount IFQ holders can lease in Area 3A will help make the GAF program more feasible. He also reminded the Council of the need to include a marking requirement in the CSP rule to distinguish between GAF and non-GAF fish.

Mr. Dersham noted that the existing IPHC procedure to account for wastage of halibut would continue, and that each sector be held accountable and responsible for its discard mortality, but would revise its process should the Council adopt separate accountability between halibut sectors.

He continued, noting that the supplemental analysis showed that the GHL and CSP result in different allocations to the two sectors at most combined catch limits, and the magnitude of the difference varies annually with the combined catch limit and the magnitude of the removals deducted before setting the combined catch limit. The 2012 model removes the range around the target allocations. The two options proposed are intended to allow analysis of the high end of the proposed range around the allocations (+3.5%) under the existing preferred alternative. The intent is to try to provide some analysis of an increase to the charter sector at the lower levels of abundance, that smoothes out the stairstep provisions of the GHL and falls within the difference between the GHL and the CSP allocations, but also maintains the primary intent of the construct of the CSP, which is to have both sectors' allocations float with halibut abundance.

Additionally, he continued with stating that the options are provided to allow the Council to look at the impacts to both sectors of increasing the allocations at lower levels of abundance to an amount equal to the

high end of the original CSP allocation range, which are 3.5% higher than the current allocations in Tiers 1 and 2. Mr. Dersham reminded the Council that at final action they could choose to maintain only the adjustments made in this motion and not select the options, if that proves to meet the objectives of the CSP. Alternatively, the Council could choose to increase the allocation to the charter sector within the range of the increase analyzed under the options.

Mr. Dersham discussed the impacts on both the charter and commercial fleets. He noted the way the options are structured the Council can address individual issues, or cumulative impacts on the fleet. He also noted in the 19 years engaged in the Halibut Charter process, the Council has taken an annual role in keeping the charter fleet within their allocation and over the next years the Council may spend less time on this issue.

There were questions of clarification from the Council members.

Mr. Hull moved to amend by deleting the following language from Dersham's motion:
The Council requests that the analysis be revised to incorporate the changes to the preliminary preferred alternative described above, and include analysis of the following options for consideration to revise the charter allocations at lower levels of abundance:

Option 1: Area 2C
At a combined catch limit of <5 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (20.8%); at a combined catch limit of ≥5 - <9 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.6%).

At combined catch limits of ≥9 mlbs, maintain the original target CSP allocation of 15.1%.

Option 2: Area 3A
At a combined catch limit of <10 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.9%); at a combined catch limit of ≥10 - <20 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (17.5%).

At combined catch limits of ≥20 mlbs, maintain the original target CSP allocation of 14.0%.

The motion was seconded. Mr. Hull spoke to his motion, noting that he has compared this motion in light of the Council's CSP motion in 2008. Although much is consistent with the 2008 motion, and he can support those points especially with the flexibility the 2012 approach offers; he remains concerned with too many proposed changes: logbook percentages, separate accountability, addition of changing the basis for allocation percentages. He feels it sends a negative message to the longline fleet after years of testimony of the effects of declining abundance. He noted that the changes will result in an allocation far outside of what the current GHL is, and does not feel it is consistent with the process when the Council felt it needed to revisit the issue.

Mr. Dersham responded, noting that final action would be vulnerable to the same criticisms that happened in 2008. He reminded the Council the numbers are there for consideration, and are not immune to change.

Mr. Tweit noted his agreement with Mr. Hull's motion, but will oppose it because prior attempts at condensing the action failed. Mr. Cotten stated his support for the amendment as the adjustment and conversion from the statewide survey to logbook accomplishes what this deleted part would accomplish, and having both is redundant.

Ms. Campbell voiced the importance of leaving the options in the motion and the importance of looking at a different allocation that is reflective of current status quo allocation under the GHL, while preserving the

intention in the catch share plan of having everyone rise and fall with abundance and other removals and how they are treated.

The motion failed 3/8 with Hull, Cotten, and Olson voting in favor.

Mr. Cotten moved to amend the following sentence: "**The Council recommends sending a letter to the IPHC supporting the idea of separate BAWM accountability between halibut sectors…" by removing** the **word "sending" and add "consideration of." The motion was seconded by Mr. Fields.** Mr. Cotten spoke to his motion noting that the Council will consider this in the next analysis but not making a decision at this time. There was general discussion regarding the cooperative element of the IPHC, NMFS, and NPFMC, and it was generally agreed that while a letter wouldn't hurt, the Halibut Commission and NMFS work together as a general rule. Dr. Balsiger noted that BAWM is not an exact term and the Council should address this after the current amendment.

Mr. Tweit discussed timing and questioned if it is necessary to notify the IPHC of the PPA. Mr. Williams noted that the IPHC would address this in its December/January TAC-setting process.

Mr. Benson noted that the amendment would delay the action, and referred to the letter in the packet from the IPHC which gives support to separate accountability should the Council support it. Discussion continued regarding separate accountability and when it would take effect, and Dr. Balsiger noted that separate estimates of wastage could be used before the CSP went into effect if the information was good and appropriate.

Mr. Henderschedt noted that when the Council takes final action it will need to convey to IPHC how its treatment of wastage is supportive of previous actions. **Motion passed with Mr. Benson objecting.**

Mr. Fields noted he supported the amendment, but supported actually doing the separate accounting in addition to the idea of separate accounting.

Mr. Fields moved to amend, which was seconded, to read:
The Council also adopts use of ADFG logbook data as the primary data collection method.
Option 1: Status quo accounting
Option 2: The Council recommends use of an adjustment factor of up to the five year average 2006-2010…the Council's understanding is that applying this adjustment factor could result in the following changes to the CSP allocations.

Mr. Fields spoke to his motion saying that there are two decision points here: the accounting method and the amount of adjustment. He noted it is not his intent to change any substance of Mr. Dersham's motion, but to format it in a way that clearly defines separate decision points.

Discussion ensued, regarding adjustments and allocations and what are the difference between logbooks and the statewide survey. It was noted that because this is a PPA, the Council could adjust the adjustment factor or the resulting allocations. Mr. Brannan reminded the Council that all the options previously considered will be included in the analysis, along with the new proposed range, and the Council needs to provide the rationale at final action as to why the option was chosen.

The amendment failed 2/9, with Mr. Fields and Mr. Cotten voting in favor.

Mr. Fields moved to amend, on page 2, to move the assessment of the program to 5 years from the 3 years proposed in the motion. His amendment was seconded. Mr. Fields noted it is difficult to get data in

timely manner to assess a program in 3 years. A 5 year review may get 3 years of data, and 3 years is not time to do a substantive program evaluation. **The amendment passed without objection.**

The Council members spoke to the amended main motion.

Mr. Hull noted his reluctance of having other options in the motion, even though he understands they are not part of the PPA, he will be supporting the motion.

Mr. Tweit noted his support of the motion, and appreciates those who worked on the motion and stakeholder input. He suggested a discussion for both the Council and stakeholders as to the differences between the GHL and catch share plan, and looks forward to a resolution in October.

Mr. Henderschedt noted his appreciation and support of the motion. He noted that input on charter halibut on a more regular basis at the right level is a more constructive process than trying to get the issue off the agenda. He will be looking for public input and support will be the key to success as this process continues.

Mr. Dersham thanked all the staffs and the committees that put so much work into the motion. **The amended main motion passed unanimously by roll call vote.**

C-5 Scallop Management

BACKGROUND
The Scallop Plan Team met in Anchorage on February 27, 2012 to review the status of the weathervane scallop stocks in Alaska, to prepare the Stock Assessment and Fishery Evaluation (SAFE) report and to recommend an acceptable biological catch (ABC) level to meet Annual Catch Limit (ACL) requirements. The SAFE report was mailed to you on March 12th. The SAFE report provides an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.

Diana Stram gave the staff report on this issue, and reviewed both the Scallop SAFE as well as the Scallop Plan Team minutes. Mr. Olson read the AP report, and there was no public comment. The SSC had given their report earlier.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved the Council approve the SAFE report and set the 2012/2013 ACL = ABC of 1.161m lbs of shucked meat which includes all catch including discards for which 20% mortality would be applied. The motion was seconded. Mr. Tweit noted the motion is based on the SSC's recommendations, and he would like to support the SSC's recommendations to improve the SAFE report, and the scallop stock assessment process in general. **Motion passed without objection.**

C-6 (a) GOA Pacific Cod jig management and the reverse parallel fishery

BACKGROUND
In April 2011, the Council reviewed an analysis of a "reverse parallel fishery," whereby jig vessels would fish in Federal waters and deduct catch off of the State GHL allocation, after the Federal/parallel TAC fishery has closed. The Council postponed taking any further action until after the Alaska Board of Fisheries met in October, to discuss the state-waters fisheries opening and closing dates. At its December 2011

meeting, the Council received a management report from staff that summarized developments in the Amendment 83 rulemaking process and legal and management issues arising out of implementing a reverse parallel fishery for the jig sector. The Council expressed its desire for additional detail on the legal implications of a reverse parallel fishery and for consideration at the March Joint Protocol Committee meeting.

Council staff coordinated with the State, NMFS, and NOAA General Counsel to: 1) update the management report with new Federal and State Pacific cod regulations and catch data, 2) to clarify the legal authority and management issues, and 3) to describe the conditions under which a reverse parallel fishery could provide additional harvest opportunities. Actions taken by the Board to synchronize GHL season opening and closing dates with Federal dates should provide the jig fleet the ability to harvest Pacific cod concurrently in State and Federal waters. Specifically, jig vessels can harvest in the parallel fishery concurrent with the Federal fishery. Further, implementation of the Amendment 83 stair-step allocations for the jig sector should provide the jig fleet sufficient TAC to prosecute Pacific cod during the critical months of mid-March through April, and even into May in future years.

At this meeting, the Council will review the updated report on GOA Pacific cod jig fishery management noting that the Council could postpone further discussion until June, when more 2012 catch participation data will be available.

Sarah Melton and Seanbob Kelly gave the staff report on this agenda item and answered questions from the Council. Lori Swanson gave the AP report, Roy Hyder gave the Enforcement Committee report, and public comment was taken on both (a) and (b) items at the same time.

COUNCIL DISCUSSION/ACTION

After brief legal questions, **Mr. Dersham moved to take no further action at this time. His motion was seconded.** Mr. Dersham spoke to his motion, and noted that the Council has discussed this action for over a year. Discussions at the Joint Protocol Committee were similar to the discussions the Council has had, including amending the FMP to allow for a reverse parallel fishery. He noted that at this time, the sector split (GOA Amendment 83) seems to be working the way the Council has intended, as are the step-up provisions. Mr. Fields commented that he will be supporting the motion, and that it is a good example of the Council exploring possibilities. **Motion passed without objection.**

C-6 (b) Limiting other gear on board jig vessels targeting Pacific cod in the GOA

BACKGROUND
At its December 2011 meeting, the Council requested a discussion paper on limiting other gear on board jig vessels fishing for Pacific cod in the GOA. This request stems from a proposal the Council considered in April 2011 on the "reverse parallel fishery" concept whereby vessels could jig for cod in Federal waters under the State GHL allocations. The Council postponed taking any further action until after the Alaska Board of Fisheries had opportunity to comment, thus the option to limit other gear on board jig vessels was tabled for a future meeting.

The discussion paper identifies possible issues for the Council to consider in deciding whether to move forward with a full analysis on implementing gear prohibitions.

Sarah Melton gave the staff report on this agenda item and answered questions from the Council. There was discussion with NOAA General Counsel, and some regulatory questions. Lori Swanson gave the AP report,

and public comment was heard. Roy Hyder gave the Enforcement Committee report on this agenda item.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved to have staff draft an expanded discussion paper on limiting more than one type of groundfish commercial fishing gear on board vessels while fishing for Pacific cod in the GOA during the federal season. The discussion would include those questions raised in the discussion paper, the bullet points from the AP motion, and concerns from the Enforcement Committee. Mr. Fields spoke to his motion, noting that identifying the problem is as important as identifying specific areas of concern. There was discussion regarding different types of gear, and Mr. Fields confirmed that the discussion would be expanded beyond jig gear; limiting a vessel to a single type of gear on any trip. Discussion continued on various gear combinations and scenarios, and **Mr. Dersham moved a substitute motion using the AP's motion, adding that the discussion paper consider the analysis of comments made by the Enforcement Committee. The amendment was seconded.**

Mr. Henderschedt noted that while he appreciates the substitute motion, he explained that ultimately it may become an allocative issue, and that action is not driven by a conservation issue. He will oppose future work on this issue until there are clearer objectives and concerns, and the program has had time to mature. Mr. Hyder noted that he will support the motion, although he agrees with Mr. Henderschedt, because the industry has requested a review. Mr. Benson also noted that he will support the amendment, stating that a focused discussion paper will make it easier to coordinate with the Board of Fisheries.
The substitute motion passed with John Henderschedt objecting.

C-6 (c) Review discussion paper on delaying the A season opening dates

BACKGROUND
In February 2011, the Council requested a discussion paper on the potential effects of delaying the A season opening dates for Pacific cod in the Gulf of Alaska (GOA) for some or all gear type sectors in the Western and Central management areas. Current season opening dates are January 1 for fixed gear and January 20 for trawl gear, in both areas. This discussion paper describes Federal Pacific cod fisheries, including recent Council actions to remove latent license limitation program (LLP) licenses and to apportion the Federal Pacific cod total allowable catch (TAC) among participating sectors—Amendments 86, the GOA fixed gear LLP recency, and Amendment 83, the GOA Pacific cod sector split, respectively.

Also described in the discussion paper are the fisheries most likely to be affected by delaying the A season, including State waters Tanner crab and Pacific cod fisheries. A discussion of the possible rationale for an A season delay follows these background descriptions, which includes a draft purpose and need statement for Council consideration. The discussion also describes possible benefits certain fleets may realize from increased catch-per-unit-effort (CPUE), higher milt value, and additional fishing opportunities in the State Tanner crab fishery. Delaying the A season, however, could create conflicts among participants, such as increased competition in certain fisheries or disruption to processing schedules. There could also be potential Steller sea lion (SSL) consultation issues that would arise from a delay of the A season.

At the time the December 2011 discussion paper, fishing under the sector allocations of Pacific cod had not commenced, as NMFS implemented those divisions of the TACs in January 2012. Since that time, fishing under those allocations has occurred, including full harvests of some of the A season sector TACs.

Dr. Mark Fina gave the staff report on this agenda item and answered questions from the Council. The AP addressed this agenda item at its February meeting. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Bedford moved to take no action on this agenda item. The motion was seconded by Mr. Henderschedt. Mr. Bedford noted that he appreciates the public comment. He acknowledged that there have been changes in the way people conduct the fisheries, and since this program is relatively new, the Council or the State of Alaska don't have a lot of information as to the effectiveness of how the management measures that are already in place are working. He noted that as the program matures, the Council would then be able to address new management measures at that point and with more experience the Council will have better information. Mr. Cotten voiced his disappointment at not moving forward quickly, but that efforts have been made and that it is a good start. **Motion passed with Mr. Cotten objecting.**

D-1 (a) BSIERP Management Strategy Evaluation report

BACKGROUND
A two-day workshop to discuss a management strategy evaluation (MSE) project in conjunction with the Bering Sea Integrated Ecosystem Program (BSIERP) was held 27 & 28 October 2011 at the Alaska Fisheries Science Center, Seattle. The overall BSIERP is developing complex coupled oceanographic and biological models of the Eastern Bering Sea with specific focus on walleye pollock, Pacific cod, and arrowtooth flounder and their fisheries. This fully integrated model provides a unique tool to compare stock assessment methods (including applications of multi-species models). The MSE project is evaluating trade-offs among different management control rules that can be tested and evaluated against alternative climate scenarios.

Dr. Diana Stram gave the background on this agenda item and reviewed the report. There was no public comment or action taken.

D-1 (b) Vessel Monitoring System use and requirements

BACKGROUND
In October 2011, the Council initiated a discussion paper to review the use of VMS and requirements for VMS in the North Pacific fisheries and other regions of the United States. The Council stated that while there is uncertainty regarding whether a major change to or expansion of VMS requirements is necessary in the North Pacific, there is interest in reviewing the current state of the North Pacific VMS requirements in addition to other regions' application of VMS.

Jon McCracken gave the staff report on this agenda item. He was joined by LT Tony Keene of the USCG, as well as Ken Hansen of NOAA Enforcement. Mr. Hyder gave the Enforcement Committee report. Mr. Hull gave the IFQ Committee Report and noted the summary comments in the handout. Lori Swanson gave the AP report.

COUNCIL DISCUSSION/ACTION

Mr. Hyder moved to request a discussion paper be expanded to include better technology for more precise vessel tracking, including increased VMS polling rates and associated costs. Improved vessel tracking could minimize the need for buffers around closed areas and could help corroborate voluntary attempts at area avoidance. Additionally, he requested the discussion paper include points raised in the

Enforcement Committee Report, as well as whether or not VMS costs can be legitimately included in the observer monitoring program. The motion was seconded.

Mr. Hyder discussed his motion, saying he understands costs and concerns brought up in public comment, and that this is not a discussion paper of VMS for all fleets, but rather a comprehensive examination of all VMS technologies available.

There was discussion regarding the need for VMS in the discussion paper, and problems that have been encountered which would have been solved with VMS. **Mr. Hull moved to amend, which was seconded, to have the discussion paper address the needs for management, enforcement, compliance and safety, and the appropriate technology for meeting those needs.** Mr. Hull spoke to his motion noting that the benefits described in the discussion paper have to be examined further as well as exploring other technology that may be available. It was noted that a discussion regarding EM and VMS in the observer program would be included in the discussion paper, as well as discussion regarding needs of other regions that would need to be met as part of implementation of VMS. **The amendment passed without objection.**

Mr. Benson requested staff develop a problem statement as part of the discussion paper, and there was discussion regarding process. It was generally agreed that the Council will develop a problem statement after the discussion paper is reviewed. **The amended main motion passed without objection.**

D-1 (c) Programmatic Groundfish SEIS

BACKGROUND
The Council is evaluating the Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (PSEIS), completed in 2004. The 2004 Groundfish PSEIS was a comprehensive review of the BSAI and GOA groundfish fisheries which evaluated the cumulative changes in the management of the groundfish fisheries since the implementation of the Fishery Management Plans (FMPs) around 1980, and considered a broad array of policy-level, programmatic alternatives. On the basis of the analysis, the Council adopted a management approach statement, and 9 policy goal statements, with 45 accompanying objectives.

Diana Evans gave the staff report on this agenda item and reviewed the discussion paper as well as information on the stakeholder listening session which occurred on the evening of March 29, 2012, and gave a short primer on the SEIS Process. Public comment was taken, and the AP did not address this issue.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt noted the Council may need answers to very basic questions: what are the NEPA requirements that are currently met by the existence and use of a PSEIS, and what are some of the ways other Councils meet these requirements. He noted that the Council will need to know what is the best tool to use. Mr. Merrill noted that NMFS will be taking these issues into consideration and it was generally agreed to discuss the agenda item further when it is scheduled for June 2012.

D-1 (d) BSAI Crab ROFR

BACKGROUND
Under the crab rationalization program, a community that meets certain thresholds for historical processing received rights of first refusal on transfers of processing shares derived from processing that occurred in that community. Over the course of several meetings, the Council has considered an action to amend the rights of first refusal to make those rights more effective. At its February 2011 meeting, the Council elected to delay

further action on the amendment package to allow stakeholders to continue to develop solutions to issues with the rights of first refusal. At this meeting, the Council intends consider stakeholder suggestions that could improve the effectiveness of the rights of first refusal. A voluntary workgroup of stakeholders met on March 19th to discuss these issues.

Mark Fina gave the staff report on this agenda item. Lori Swanson gave the AP report, and public comment was heard.

COUNCIL DISCUSSON/ACTION

After brief questions of Mr. Fina and Mr. Merrill, **Mr. Cotten moved that the Council accept the stakeholder workgroup report as the final product and that it be moved forward for analysis and initial review**. **The motion was seconded.** Mr. Cotten spoke to his motion, noting that some of the issues may be easy to address and others may be more difficult. The Council and communities have a few years of experience with the program and have enough experience with transactions to make an informed decision as to whether or not they could support this motion. The discussion continued regarding the timeline, and it was generally agreed the Council could address this issue in October, and could possibly be done in June. **Motion passed without objection.**

D-2 Staff Tasking

Chris Oliver briefly reviewed items the Council had designated for discussion during the meeting, and outlined items that were scheduled for the June 2012 meeting. Lori Swanson gave the AP report, and public comment was heard.

Freezer longline vessel replacement
Mr. Henderschedt noted that the Council had intended to address this topic in a simultaneous initial/final review process, and had questions regarding the timing of implementation. Mr. Merrill answered that combined initial review and final action in June is not advisable, and by making the action a two-step process the Council can have an additional opportunity to review this issue and clarify decision points which results in a streamlined rulemaking process. In the general discussion of timing, Mr. Merrill noted that Preferred Preliminary Alternatives (PPA) are helpful to NMFS and provide clarity and focus in the analytical process.

Halibut/Sablefish IFQ Proposals
Jane DiCosimo reviewed the status of halibut and sablefish IFQ proposals and the requested discussion papers, and minutes of the IFQ Implementation Committee minutes. Dan Hull thanked the committee for its thorough review of the proposals, and recommended the Council accept the Committee's recommendations with proposals 1 and 2 ranking in the top priority, and proposals 3 and 4 ranking a lower priority. Proposal 1 would be addressed in an analysis and not a regulatory amendment since the action is to provide a recommendation to the IPHC. Mr. Hull noted that this wouldn't change any previous Council action on this issue. It was generally agreed that none of the 4 proposals should displace work on current IFQ halibut/sablefish issues.

Mr. Hull also noted that formation of a gear committee will be necessary, and the Council can appoint members when the issue arises.

Mr. Hull brought up discussion regarding discard mortality rates (DMR) for sablefish in the longline fisheries, and noted that the Council had heard discussion in public testimony and during the B reports. Mr. Hull requested staff review a NOAA Fisheries' bulletin that estimates DMR of sablefish at a lower rate than what

is currently used in stock assessments. There was discussion regarding who would review the paper and what is the process to change DMR. Mr. Merrill noted the NMFS staff would work with the Groundfish Plan Team to place it on its agenda for review and address the issue at a later date should it be necessary to proceed with a regulatory amendment.

Mr. Fields noted the Council had heard public comment regarding product recovery rates, and how the process would be re-visited should the Council request a change. Mr. Merrill noted it would be a regulatory amendment and there would need to be an analysis along with an evaluation of existing rates. He noted it may be addressed through the Plan Team process. There was general discussion regarding the ability of staff to undertake a discussion paper on this topic, and it was agreed before the Council allocate resources to the issue, industry partners that are concerned about the issue can work on a review or EFP before the issue is addressed by the Council.

Mr. Fields moved to approve the minutes of the February 2012 meeting. The motion passed unanimously.

Mr. Olson noted the following appointments:
Craig Fauntz was appointed to the Gulf of Alaska Groundfish Plan Team.
Quentin Smith and Dr. Brad Harris were appointed to the Scallop PT.
Dr. Sherri Dressel and Dr. Henry Cheng were appointed to the SSC.

Steller Sea Lion Issues
Steve MacLean and Melanie Brown (NMFS) gave a review of the Statement of Work (SOW) and noted some areas of interest, notably the selection of CIE reviewers and their affirmation by NMFS. Additionally, Ms. Brown noted the timeline, specifically the August 1-3 date for the public panel review process and September 7 for a final date of the report.

There was discussion regarding the Terms of Reference (TOR), and Ms. Brown noted the revised TOR were included as an appendices of the SOW, and there have been no significant changes and is ready to go to contract.

Notice of Intent for SSL
Mr. Tweit noted it would be useful for the Council to draft comments expeditiously regarding the Notification NOI, and reflect points covered in discussion. Additionally, he noted that the council needs a re-focus of the SSL Mitigation Committee to provide expertise in specific areas, to meet scoping deadlines, and to begin discussion on what kinds of alternatives will be forming in the EIS. Mr. Henderschedt emphasized that the Council should solicit nominations, and that composition of the committee as well as the scope of the work should be clearly identified. It was generally agreed Larry Cotter would remain Chairman of that committee and it would have special focus with expertise in the Aleutians.

Chairman Oliver noted that Mr. Oliver will be seeking comments on the seabird MOA between the Department of Commerce and USFW to promote the conservation of migratory bird populations. Additionally, another letter will be drafted in response to the Fisheries Investment and Regulatory Relief Act. Council members should review these letters and get comments to Mr. Oliver.

Definition of Guide
There was general agreement the Council should review the differences between the Federal and State definitions of "guide" and Rachel Baker of NMFS noted that to change the federal definition would require a regulatory amendment. **Mr. Fields noted that this is an area of urgency, and moved that staff develop a discussion paper regarding definitions that may be available in June**. It was generally agreed that staff

would work with NMFS and ADFG to get a comprehensive discussion under both structures. **Motion passed without objection.**

Electronic Monitoring (EM)
Mr. Hull noted there has been a change in the proposed rule that will no longer allow EM as an alternative to an actual observer. He noted it would make it difficult for members of the new group of vessels that will now be required to carry observers to accept the program. He would like the Council to send NMFS a letter asking them to using the original language from the October draft of the proposed regulations, to allow vessels in the selected vessel pool consider to carry either an observer or EM. If not, NMFS should consider adding language to specify that, vessels that elect to take a camera be exempt from carrying an observer at the agency's discretion. It was agreed that the letter would be a Council comment on the proposed rule.

Dr. Balsiger noted that while NMFS will be looking forward to the letter, given the legal concerns, the possible changes may be minimal. Mr. Hyder noted he has reservations with substituting a camera for an observer, although he supports developing EM as a pilot project. Mr. Fields noted he would suggest formatting the comment letter such that NMFS be asked to develop a series of options relative to EM.

Mr. Tweit noted that he is supportive of this request as long as it does not result in a delay of the program, to which Dave Benson and Dan Hull agreed. .

Mr. Hull clarified that he is not ready to develop performance standards for EM yet, but perhaps at the June meeting the Council can task the Observer Advisory Committee with this discussion. Mr. Fields requested to have a report during the June meeting regarding the development of the first years' deployment plan and criteria for how observer days are spent.

Cooperative Reports
There was brief discussion regarding changing due dates for the co-op reports, and it was generally agreed that normally the Council meetings begin after April 1, and the Council and coops will deal with the deadline on a case-by-case basis. It was noted that many of the coops worked to get their reports in before the deadline, and the Chairman thanked them for their efforts.

Mr. Tweit noted that the Council may want to have some informal discussion regarding finding ways to streamline the regulatory process, then address it in a more formal manner at a later meeting.

BSAI Canyons
Mr. Henderschedt made the following motion*:* **The Council has received numerous proposals designed to preserve representative portions of the highly productive shelf break zone in the Bering Sea, specifically the Pribilof and Zhemchug canyons, as candidates for management measures to provide EFH protection for deep-sea corals, sponges, and other benthic habitat important to FMP-managed species.**

In 2006/2007, the Council requested and reviewed information from the Alaska Fisheries Science Center (AFSC) identifying available information on the Pribilof, Pervenets and Zhemchug canyons as was known at that time, and considered HAPC designation for submarine canyons. The Council ultimately postponed taking action, as scientific information was not available to establish the dependence of managed species on habitat features of the canyons, under the EFH mandate.

Since that time, new information has become available from several sources that merits a re-examination of possible habitat protection and management measures for the Pribilof and Zhemchug canyons.

The council thereby requests that:

1. **The AFSC review and summarize existing and new information on the canyons, their habitat, and fish associations in those areas; and**
2. **The council staff scope and prepare a discussion paper on fishing activity within the canyons, and possible options for habitat preservation, including potential management measures.**

The intent is of this motion to help the Council to understand what is known about issues related to protection of the canyons, including but not limited to the following:

- **How do the canyons' substrate and habitat characteristics compare to the rest of the Bering Sea slope and shelf?**
- **To what extent is habitat homogeneous within individual canyons?**
- **Where fish associations with particular habitat features can be established or suggested, and how do these relationships compare to those for the entire Bering Sea shelf?**
- **What is the expected vulnerability of the canyons to anthropogenic activity (including fishing)? Are adverse impacts likely to primarily affect benthic habitat?**

Potential sources of information, but not limited to:

- **2007 canyon research and resulting publications, the backscatter canyon mapping described by Mr. Merrick Burden**
- **Other published papers, including those addressing BS circulation and deep water fauna**
- **Data from BS trawl shelf and slope surveys, and longline survey**
- **AFSC studies since 2006, including echo-sounder mapping of Pribilof Canyon**
- **Observer database for fishery information, and food habits database (presence of species in canyons)**

The motion was seconded by Mr. Bedford. Mr. Henderschedt spoke to his motion, and thanked the stakeholders and general public for their comment. He summarized that there is clear support for protecting these areas, but actions in this area should be driven by and based upon the best scientific information and understanding of these areas. He noted that through this motion, the Council will be best informed for future decision-making processes. There was brief discussion regarding future action, and **Mr. Fields moved to amend the motion by striking "Including potential management measures" in the second request. The motion was seconded.** Mr. Fields spoke to his motion noting his concern with "potential management measures" foreshadows action that the Council may take. Mr. Henderschedt noted that his intention was not to exclude any action or prevent anyone from expressing their perspective. Mr. Tweit noted that he wanted a discussion of current management measures included in the discussion paper, as well as potential. **Mr. Fields withdrew his amendment.**

Mr. Fields spoke to the main motion. He noted that he is concerned with the large amount of staff time and resources required to move forward. While this issue is important to many stakeholders, work on the issue needs to be balanced with managing the rest of the fisheries.

Mr. Benson moved to replace language in item 2 by deleting "**and possible options for habitat preservation, including potential management measures" and replace with "past actions to protect the area and processes for any potential future protections" from the AP motion. The motion was seconded.** Mr. Benson spoke to his motion, and noted that this process will involve many iterations and that staff should not be tasked with constructing the management measures. He noted that the Council should

begin the process and involve the SSC before the management measures are drafted. Mr. Benson also noted his discomfort with "preservation," as the Council's job is to conserve and protect habitat as it relates to the productivity of a managed species. Mr. Henderschedt noted that there is value in looking both at present management measures, and future measures that may be put in place, and be in no way predicts what action the Council may take, but believes the best way to get at the issue is through public discussion. Chairman Olson noted a full evaluation should be done before management measures are discussed and that they should be crafted by the Council rather than staff. Mr. Bedford noted that the Council must also manage public expectations.

The amendment passed 6/4, with Fields, Hull, Hyder, Benson, Bedford, Olson voting in favor.

Dr. Balsiger noted that the previous amendment does not detract from the important work the Council will be doing by initiating this discussion paper. Mr. Hyder agreed, and noted that there is new information and the Council needs to be receptive and take appropriate measures when the time comes. Mr. Bedford remarked that the amendment indicates that there is sequencing to be done, and this process will be step by step. Mr. Tweit noted that while he is interested in the new information and emerging science, this process will be challenging to balance with staff time and resources. Mr. Fields supported the discussion paper but noted he will be looking for identification of valuable canyon features.

The amended main motion passed without objection.

Other:
Mr. Hyder reminded the Council that the AP had made a request to have all the NMFS closure areas on disk, and how the Council can facilitate distribution. Mr. Merrill noted that the Enforcement Committee can address this issue at its next meeting.

Mr. Cotten noted that inclusion of IBQs as a standalone measure to improve the avoidance of bycatch should be discussed in the GOA copmprehensive halibut bycatch amendments discussion paper. Mr. Oliver noted that it can be included as a concept in the discussion paper.

Mr. Tweit requested staff provide an assessment of industry ROFR proposal as part of the active participation process and analysis. It was generally agreed it would be included.

Mr. Olson thanked the staff and those in attendance for their work during the meeting.

The Council adjourned at 1:03pm on April 3, 2012.

MEETING ATTENDEE SIGN-IN SHEET

March-April, 2012 N.P.F.M.C. MEETING

PLEASE REGISTER ATTENDANCE FOR MEETING RECORDS

PLEASE PRINT - THANK YOU!

NAME	AFFILIATION
TIM SMITH	NORTON SOUND / BERING STRAIT REGIONAL AQUACULTURE ASSOCIATION
Michael LAKE	Alaskan Observers, Inc.
[illegible]	City of Unalaska
Heather McCarty	McCarty & Assoc., Juneau
Joni Thomson	Alaska Crab Coalition / UFA
Jack Hill	F/V Ruff & Ready
Jon Warrenchuk	Oceana
Jim Carroll	SALTWATER INC.
Mike Szymanski	Fishermens Finest Inc
Kris Norosz	Icicle Seafoods, Inc
PAUL MACGREGOR	At-Sea Processors Assn.
Glenn REED	PSPA
BRENT PAINE	JCB
DAN Harrelson	NSEDC - Community of White Mountain
Simeon Swetzof Jr	City of ST. PAUL
ELIZABETH WILEY	WESTWARD
Dick Tremaine	Sig Alaska
Jeff Stephan	UFMA Kodiak

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Time Log of meeting: March 28 – April 3, 2012

Recording Hour	Time (24-hr)	Topic of Discussion
Wednesday, March 28, 2012		
0:00:38	8:02:37	*Call to order*
0:01:21	8:03:28	Welcome Commander Phil Thorne
0:01:59	8:04:03	Revise and Approve Agenda
0:03:31	8:05:32	B-1 ED report, Chris Oliver
0:59:08	9:00:53	B-2 NMFS report, Glenn Merrill
1:43:41	9:45:04	Observer Program report, Brandee Gerke, Martin Loefflad
3:36:13	11:36:46	B-3 ADFG report, Karla Bush
3:43:58	11:44:39	B-4 NOAA Enforcement report,Ron Itaya
4:54:22	13:18:20	Questions regarding NOAA enforcement
4:57:57	13:21:49	B-5 USCG report,
5:10:15	13:34:10	B-6 USFWS report, Denny Lassuy
5:11:33	13:35:22	B-7 Protected Resources Report
5:24:49	13:48:34	Melanie Brown Draft SSL MOA
5:49:10	14:12:47	Linda Behnken, Dan Falvey
5:49:55	14:13:29	Public Comment on all B items
6:11:50	14:35:31	Kiel Z Basargin
6:17:27	14:40:47	Michael Lake
6:28:01	14:51:21	Kris Norosz
6:56:48	15:19:52	Council action on all B items
7:04:38	15:27:45	Jason Anderson, Alaska Seafood Cooperative
7:04:47	15:27:48	C-1 (a,b,c) Coop Reports
7:27:36	15:50:28	Bill McGill
7:50:38	16:13:24	Mike Szymanski
7:50:46	16:13:29	Todd Loomis
7:50:50	16:13:33	Stephanie Madsen
7:50:56	16:13:40	Ed Richardson
8:21:50	16:44:59	C-3 (c) BS Habitat Conservation Area, Steve McLean
8:30:20	16:52:49	Council action on C-3(c)
8:30:29	16:52:54	*Recess*
Thursday, March 29, 2012		
0:00:00	8:05:15	*Call to order*
0:00:01	8:05:32	C-1 Coop Reports, John Gruver
0:26:24	8:31:40	Karl Haflinger
0:47:09	8:52:08	James Mize
0:54:35	8:59:32	John Gruver
2:12:50	10:17:12	C-2 (a) Salmon Genetics update
2:14:09	10:18:31	Diana Stram, Jeff Guyon
3:13:53	11:17:56	Sally Bibb Tribal Consultation
6:21:25	15:32:56	Public comment out of order
6:23:09	15:34:39	Pollock Simon, Sr.
6:25:27	15:36:54	Lamont Albertson
6:30:39	15:42:03	Roy Ashenfelter
6:35:08	15:46:31	Verner Wilson

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Time Log of meeting: March 28 – April 3, 2012

Recording Hour	Time (24-hr)	Topic of Discussion
6:40:53	15:53:37	Virgil Upenhauer, Craig Fleener
6:53:05	16:05:00	Basargin Halibut testimony out of order
6:58:47	16:10:07	David Bill
7:03:25	16:14:38	Return to Staff Presentation
7:40:38	16:51:33	*Recess*

Friday, March 30, 2012

0:00:00	8:04:50	*Call to order*
0:00:41	8:05:40	C-2 (b) Chum Bycatch Staff reports
0:00:51	8:05:53	Alan Hayne, Rolling Hotspot
1:06:51	9:11:21	Diana Stram, Jim Ianelli
1:46:50	9:51:18	Scott Miller, Chapter 5
3:17:58	11:21:33	Enforcement report, Roy Hyder
3:34:25	11:37:56	AP report, Becca Robbins Gisclair
3:49:56	11:53:22	*break for lunch, Executive session*
3:50:43	13:26:01	Pat Livingston Balance of SSC report
4:47:50	14:22:43	Public Testimony on C-2
4:47:58	14:22:52	Harry Wilde, Ephrim Thompson
5:01:24	14:36:13	Brent Paine, John Gruver
5:37:55	15:12:23	Glenn Reed
6:00:19	15:35:03	Paul Payton
6:11:02	15:47:06	Stephanie Madsen
6:14:40	15:49:02	Becca Robbins Gisclair
6:29:27	16:03:35	Tim Smith
6:35:25	16:09:34	George Pletnikoff
6:46:05	16:20:07	Joe Garnie
7:10:18	16:44:14	Campbell motion C-2
7:37:43	17:11:25	*Recess*

Saturday, March 31, 2012

0:00:00	8:02:02	Call to order
0:00:58	8:03:04	C-6 (a,b) GOA Pacific cod Jig, Sarah Melton
1:12:59	9:14:38	Roy Hyder, Enforcement Committee rpt
1:15:59	9:17:31	AP report, Lori Swanson
1:19:56	9:21:27	Public Comment C-6 (a,b)
1:20:01	9:21:30	Theresa Peterson
1:35:42	9:37:07	Alexus Kwachka
2:29:15	10:30:17	C-6 (c) GOA Pcod A-season, Mark Fina
3:03:19	11:04:17	Public Comment C-6 (c)
3:03:36	11:04:33	Paul Grundholdt, Ernie Weiss
3:17:39	11:18:19	Jeff Stephan
3:32:29	11:33:04	Theresa Peterson
3:37:16	11:37:48	Julie Bonney
3:40:49	11:41:21	Bob Krueger
3:48:48	11:49:18	Beth Stewart

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Time Log of meeting: March 28 – April 3, 2012

Recording Hour	Time (24-hr)	Topic of Discussion
4:05:00	13:13:23	Sarah Melton, Gerald Hoff
4:05:07	13:13:29	C-3 (a)
6:01:18	15:08:53	Lori Swanson AP report
6:08:32	15:16:04	Roy Hyder enforcement report
6:12:56	15:20:33	Kenny Down
6:19:37	15:27:03	Merrick Burcen
6:23:02	15:30:26	Stephanie Madsen
6:28:08	15:35:30	Jackie Dragon
6:32:24	15:39:44	John Gauvin
6:58:44	16:05:54	Jon McCracken
7:03:47	16:11:02	C-3 (b) Trawl Sweep Modifications
7:15:15	16:22:21	AP report - Lori Swanson
7:18:21	16:25:31	Julie Bonney, John Gauvin
7:27:28	16:34:26	Bob Kruger
7:47:04	16:53:54	*Recess for day*

Sunday, April 1, 2012

0:00:01	8:31:46	*Call to order*
0:01:37	8:33:29	C-3 (d) EFH Consultation Criteria
0:01:48	8:33:35	Diana Evans, Stephanie Madsen
0:11:34	8:43:25	AP report, Lori Swanson
0:12:34	8:44:17	Tweit motion
0:17:44	8:49:39	C-4 (a) Fish-up
0:18:02	8:49:46	Jane DiCosimo
0:28:23	8:59:59	AP report, Lori Swanson
0:31:55	9:03:32	Public Comment
0:32:18	9:03:54	Dustin Dickerson
0:36:27	9:08:01	Everette Anderson
0:46:24	9:17:55	Huge Pelke
1:44:17	10:15:33	C-4 (b) Halibut CSP
1:44:33	10:15:39	Jane Dicosimo
2:17:46	10:48:37	Rachel Baker
2:39:39	11:10:22	Darrell Brannan
3:25:41	11:56:08	Ken Hansen
3:27:52	11:58:21	Public comment out of order
3:33:05	13:06:16	Part 4 CSP
3:58:53	13:31:53	John LePore
4:22:55	13:55:50	Lori Swanson - AP report
4:30:31	14:04:00	Andy Mezirow, Aaron Mahoney
4:36:47	14:09:33	Bruce Gabrys
4:39:49	14:12:34	Kathy Hansen
4:55:05	14:27:42	John Baker
5:09:44	14:42:15	Tom Gemmel
5:12:48	14:45:18	Jeff Stephan
5:15:39	14:48:08	Melvin Grove

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Time Log of meeting: March 28 – April 3, 2012

Recording Hour	Time (24-hr)	Topic of Discussion
5:19:25	14:51:55	Jim Macoviack
5:39:16	15:11:36	Linda Behnken
5:53:02	15:25:19	Julianne Curry
5:57:56	15:30:09	Roland Maw
6:02:57	15:35:11	Heath Hilyard
6:13:54	15:46:00	Chris Curry
6:22:46	15:55:06	Gerry Martin
6:28:57	16:00:58	Daniel Donich
6:32:18	16:04:16	Sean Martin
6:40:51	16:12:46	Rex Murphy
6:49:19	16:21:10	Gary Ault
6:53:10	16:25:00	Richard Yamada
7:03:35	16:35:23	Stan Malcom
7:06:40	16:38:49	Rhonda Hubbard
7:10:14	16:41:57	*Recess for day*
Monday, April 2, 2012		
0:00:09	8:04:43	*Call to order*
0:00:13	8:05:02	Action on C-4 (b) Halibut PSC
0:00:31	8:05:10	John LePore
0:04:23	8:09:03	Ed Dersham Motion
2:05:38	10:36:17	C-5 Scallop Safe, Diana Stram
2:20:53	10:50:51	Chairman Olson reads AP report
2:21:03	10:50:58	No public comment
2:23:23	10:53:20	D-1(b) VMS
2:23:30	10:53:24	Jon McCracken
3:28:35	13:34:23	Return with VMS Discussion
3:36:44	13:42:35	Ken Hansen - Enforcement Report
3:38:47	13:44:38	Dan Hull IFQ Committee Recommendations on VMS
3:41:54	13:47:36	AP Report Lori Swanson
3:43:58	13:49:49	Public Comment
3:44:13	13:49:53	Paul MacGregor
3:46:07	13:51:46	Linda Behnken
3:53:15	13:58:50	Julianne Curry
3:55:35	14:01:09	Hyder motion
4:13:32	14:18:58	Break
4:29:50	14:35:17	D-1(c) Programmatic Groundfish SEIS
4:30:46	14:36:13	Diana Evans
4:39:00	14:44:18	Public Comment
4:39:04	14:44:21	Stephanie Madsen
4:46:57	14:52:10	Mark Fina
4:46:59	14:52:24	D-1(d) Crab ROFR
5:01:58	15:07:08	Lori Swanson AP report
5:03:47	15:08:55	Public Comment
5:03:51	15:09:00	Pat Pletnikoff

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Time Log of meeting: March 28 – April 3, 2012

Recording Hour	Time (24-hr)	Topic of Discussion
5:08:30	15:13:47	Heather McCarty, Frank Kelty, Ernie Weiss, Simeon Swetszoff
5:17:38	15:36:31	Paul Grundholdt
5:32:05	15:37:04	D-1(a) Diana Stram
5:32:12	15:37:16	BSIERP Management Strategy Evaluation workshop
5:40:26	15:45:19	*Recess for day*
Tuesday, April 3, 2012		
0:00:01	8:31:54	*Call to order*
0:00:07	8:31:57	Chris Oliver
0:00:09	8:32:01	D-2 Staff Tasking
0:27:50	8:59:31	AP report, Lori Swanson
0:37:55	9:09:29	Melvin Grove
0:52:00	9:23:28	Kenny Down
1:02:20	9:33:47	Heather McCarty
1:05:44	9:37:09	Rhonda Hubbard
1:15:42	9:47:00	Ray Welsh, Pat Welsh
1:23:29	9:54:49	Michelle Ridgway
1:29:36	10:00:52	Jackie Dragon, George Pletnikoff
1:43:12	10:14:22	Nikos Pastos
1:47:57	10:19:04	Kiersten Lippmann
1:55:49	10:26:53	Delice Calcote
1:58:36	10:29:50	Julie Bonney, Bob Kruger, Glenn Reed
2:04:10	10:35:09	Merrick Burden
2:06:20	10:37:18	Julianne Curry
2:12:33	10:43:39	Paul MacGegor
2:13:28	10:44:24	Lori Swanson
2:18:35	10:49:30	Verner Wilson
2:25:19	10:56:09	Mark Gleason
2:33:17	11:04:16	Pat Pletnikoff
2:41:02	11:11:51	Art Ivanoff, Kris Mashina
2:43:43	11:32:16	Action on Staff Tasking
3:02:30	11:51:06	Melanie Brown, Steve MacLean
3:42:23	12:30:30	Canyons
4:16:31	13:04:27	*Meeting adjourned*

- - - D R A F T - - -
ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
March 26-30, 2012
Anchorage, Alaska

The following (21) members were present for all or part of the meetings:

Kurt Cochran	Jeff Farvour	Matt Moir
Craig Cross	Becca Robbins Gisclair	Theresa Peterson
John Crowley	Jan Jacobs	Ed Poulsen
Julianne Curry	Alexus Kwachka	Neil Rodriguez
Jerry Downing	Craig Lowenberg	Lori Swanson
Tom Enlow	Chuck McCallum	Anne Vanderhoeven
Tim Evers	Andy Mezirow	Ernie Weiss

The Panel welcomed new AP members Craig Lowenberg and Andy Mezirow. Minutes of the February 2012 meeting were approved.

C-1 (c) AFA Pollock Cooperative and IPA Reports

The AP received the AFA Report on the Non-Chinook Salmon Rolling Hot Spot Program.

C-2 (a) Update on BSAI Salmon Genetics

The AP received a report from Dr. Jeff Guyon of NOAA Auke Bay Laboratory. No action was taken.

C-2 (b) Chum Salmon Bycatch Measures

The AP recommends that the Council request the following changes to the EA/RIR/IRFA and bring the document back for review before final action.

1. Make component 1 Alternative 3 a separate alternative: Fleet PSC management with non-participant triggered closure.

2. Create a new Alternative 4 which includes Components 1 - 6: Fleet PSC management with non-participant triggered closure AND trigger closure area and timing for RHS participants.

   Option: General objectives and goals for rolling hot spot program would be in regulation; specific parameters of the hot spot program would **not** be in regulation.

3. Include analysis of specific modifications to the RHS program:
   - Modification of RHS to operate at a vessel level, platform level for mothership coop;
   - Prioritize RHS closures to best protect Western Alaska origin chum and Chinook salmon using best information available. Use identification tools, for example:
     - Non-genetic identifiers like length and weight;
     - Genetic identification of bycatch on an as close to real time analysis as possible;
     - Use information being developed (i.e. Dr. Guyon's ongoing research to identify areas and times more likely to have higher proportions of Western Alaska chum salmon);

- Floor on base rate;
- Speed up shoreside data flow by obtaining trip chum counts as soon as it becomes available;
- Increase chum salmon protection measures during June/July. For example:
    - Weekly threshold amounts that would trigger additional protection measures when bycatch is abnormally high;
    - Initiate "Western Alaska chum core closure areas." These areas would trigger during abnormally high encounters of chums believed to be returning to Western Alaska river systems;
- Limit weekly base rate increases to 20% of the current base rate;
- Stop RHS closures in a region (east and west of 168° West Longitude) as Chinook salmon bycatch levels start to increase in the later part of the B season;
- Adjustments to the tier system – consider a range of incentives that would lead to different levels of bycatch reduction.

4. Make the following revisions to the Draft EA/RIR:
    - The analysis should also provide information on the necessary provisions or objectives of the RHS that would need to be in regulation under new Alternatives 3 and 4.
    - Include worst case impact rates as if entire bycatch is from one stock (i.e. Norton Sound, Kuskokwim, lower Yukon, etc.) in addition to impact rates calculated against an aggregated Western Alaska run size.
    - Include information from Wolfe et. al. about projections for future subsistence demand for chum salmon in the AYK region.

Motion passed 21-0.

C-3 (a) Initial Review of HAPC Skate Sites

The AP recommends that the Council request staff to revise the analysis as follows:

The skate egg sites boundaries for Alternatives 2 and 3 would be set to the original HAPC recommendations as in current Alternative 2.

1. Add a sub-option to Alt. 2 that would have NMFS monitor the HAPC skate sites for changes in egg density or other potential effects of fishing.
2. Gear description and potential fishery impacts to skate egg sites should be redrafted to reflect current science and technology and to differentiate between survey trawl gear and current commercial trawl gear.
3. The analysis should focus on the use of updated VMS technology such as increased pulling rates and geo-fencing to monitor activity in and around skate egg sites.
4. The analysis should return to the Council before going out for public review.
5. Remove options c and d from Alternative 3.
6. The analysis should include a description of the methodology used in determining target catch rates in these areas.
7. The analysis should include other fishery closures that may overlap with these areas.

Motion passed 21-0.

C-3 (b) GOA Flatfish Trawl Sweep Modification

The AP recommends that the Council take final action to adopt trawl sweep modifications in the Central Gulf of Alaska flatfish fishery (Alternative 2). The AP further recommends that the Council amend the proposed action to extend slightly the exempted area on the net bridles and door bridles from 180' to 185' to accommodate hammerlocks attached to net and door bridles (as shown on page 16 of the analysis). This change would apply to both the Bering Sea and the Central GOA. *Motion passed 21-0.*

C-3 (c) Review BS Habitat Conservation Area Boundary

The AP recommends that the Council postpone this agenda item until no sooner than October to allow the interested parties to continue to negotiate. *Motion passed 19-0.*

C-3 (d) EFH consultation criteria: Ecosystem Committee Report

The AP recommends that the Council adopt the Ecosystem Committee's recommendations for EFH consultation criteria. *Motion passed 19-0.*

C-4 (a) Final Action 4b Fish Up

The AP recommends the Council take final action to allow IFQ derived from Category D QS to be fished on Category C vessels in Area 4B. *Motion passed 10-9, with 1 abstention.*

Minority report: A minority of the AP did not support the motion. The Halibut /Sablefish fish season is nearly 8 months long which allows vessels adequate time for weather windows to fish safely in. 4B D class Halibut quota is less than 3% of the total halibut quota share in 4B and 4B now has two processors that buy halibut.

D class halibut quota was earned on D class vessels, is typically less expensive than higher class quota and is often a way for those who wish to enter the halibut fishery to get started. Allowing D class halibut quota to be fished up will basically eliminate the D class fishery, which may drive up the price of D class quota, create further barriers to entering the halibut fishery and compromise the integrity of the Halibut/Sablefish IFQ program.

Signed by: Andy Mezirow, Julianne Curry, Anne Vanderhoeven, Chuck McCallum, Becca Robbins Gisclair, Theresa Peterson, Tim Evers, Jeff Farvour, Alexus Kwachka

A motion to recommend final action to allow fish-up in Area 4A failed 5-14 with 1 abstention.

C-4 (b) Review Halibut CSP

The AP recommends that the Council adopt (1) the unanimous recommendation made to the Council in the March 27, 2012 minutes of the Halibut Charter Management Implementation Committee and replace the management matrix in the CSP preferred alternative with the "2012 Model" for charter halibut management; and (2) the committee's unanimous recommendation to adopt the ADF&G logbooks as the primary data collection method for estimating charter halibut harvests under the CSP, with an appropriate adjustment factor applied to the allocations. The AP recommends that the Council work with ADF&G to develop a fair correction factor for switching from the SWHS to the logbook.

The AP further recommends that the Council adopt revisions to the GAF program as follows:

- Convert GAF average weight calculated annually by managers and the new average weight used as the conversion factor of IFQ pounds to GAF issued as numbers of fish.
- In the first year of the GAF program, GAF weight to number to number of fish conversion factor based on previous year's data or most recent year without maximum size limit in effect.
- Define the leasing limitation from one IFQ shareholder from 10% or 1500 pounds, whichever is greater, to 10% or 1500 pounds in Area 2C and 15% or 1500 pounds, whichever is greater, in Area 3A.
- Include a requirement for anglers to mark GAF by removing the tips of the upper and lower lobes of the tail and report the length of retained GAF halibut to NMFS through the NMFS approved electronic reporting system.
- A complete review within three years of the start of the GAF program, taking into account the economic effects on both sectors.

The AP further recommends the Council initiate a separate analysis on the ability to purchase IFQ/GAF as soon as possible without delaying implementation of the CSP.

Motion passed 20-0.

C-5 Scallop SAFE

The AP recommends the Council approve the Scallop SAFE report. *Motion passed 18-0.*

C-6 (a) GOA Pacific Cod Jig Management (Reverse Parallel) discussion paper

The AP recommends the Council take no further action at this time on the reverse parallel concept. Given the legal concerns by NOAA GC, the complexity of multiple state areas, and the uncertainty with recently implemented sectors splits, the AP believes it is appropriate to continue with the current management structure at this time. *Motion passed 19-0.*

C6 (b) Limiting Other Gear on Jig Vessels in GOA Pacific cod fishery

The AP recommends the Council request expanding the discussion paper on limiting other gear on board vessels while jigging Pacific cod in the Gulf of Alaska. The AP further recommends the Council consider:

- Limiting other groundfish gear types on board while jigging
- Limiting to other deployable groundfish gear onboard
- Limiting the ability to fish two gear types concurrently
- Limiting the number of hooks allowed on board.
- Comparing State regulations with Federal regulations being considered.

Motion passed 20-0 with 1abstention.

D-1 (b) VMS Use and Requirements

The AP recommends the Council request the discussion paper be expanded to include better technology for more precise vessel tracking, including increased VMS polling rates and associated costs. Improved vessel tracking could minimize the need for buffers around closed areas and could help corroborate voluntary attempts at area avoidance. *Motion passed 20-0 with 1 abstention.*

D-1(d) Report from the BSAI Crab ROFR Workgroup

The AP recommends the Council accept the BSAI Crab ROFR workgroup's report as the final product, which has attempted to provide the full range of alternatives available to address each action item, and that this report be moved forward for analysis and initial review. *Motion passed 17-0.*

D-2 Staff Tasking

The AP recommends the Council request the AFSC update the 2007 paper on Bering Sea canyons incorporating new information available since that time. Following, Council staff should prepare a discussion paper including fishery activity in the area, past actions for protection in the area and process for any potential future actions. *Motion passed 17-0.*

The AP recommends the Council initiate a discussion paper on sablefish release survival rates.

Motion passed 17-0.

The AP requests that we receive a report on the status of the restructured observer program.

Motion passed 17-0.

The AP recommends the Council continue to strongly support development of a discussion paper on halibut CSP leasing prohibition by NMFS that is currently scheduled for review in June.

Motion passed 17-0.

The AP recommends the Council request staff expand the C-4(b) CSP supplemental analysis to include a more detailed text description of the differences in allocations when comparing GHL actual harvest and CSP allocation in such a way to clarify it for industry. *Motion passed 17-0.*

The AP recommends the Council either completely include Military Welfare and Recreation charter halibut limited entry permit holders under the CSP and have their harvests count against the charter sector allocation, or exclude them from the charter sector allocation by taking the military harvests off the CEY, similar to the process for accounting for unguided removals. *Motion passed 15-2.*

The AP recommends the Council work with NMFS to revise the definition of "charter guide" to include outfitters, consistent with the State definition. *Motion passed 17-0.*

The AP supports the IFQ Implementation Committee priority recommendations from the March 26, 2012 meeting with the Committee's suggested language change for Proposal #4. The AP further recommends that IFQ proposals do not delay other halibut items on the Council agenda such as charter halibut and bycatch. *Motion passed 17-0.*

The AP recommends the Council request NOAA provide an update on the status of providing closure areas on disk that are certified by NMFS that can be integrated into navigational software (ECC Globe and Olex).

Motion passed 17-0.

North Pacific Fishery Management Council

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Certified:_____

Date:_____

REPORT
of the
SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
March 26th – March 28th, 2012

The SSC met from March 26th through March 28th, 2012 at the Hilton Hotel, Anchorage AK.

Members present were:

Pat Livingston, Chair *NOAA Fisheries—AFSC*	Farron Wallace, Vice Chair *NOAA Fisheries—AFSC*	Jennifer Burns *University of Alaska Anchorage*
Henry Cheng *Wash. Dept. of Fish and Wildlife*	Robert Clark *Alaska Department of Fish and Game*	Alison Dauble *Oregon Dept. of Fish and Wildlife*
Sherri Dressel *Alaska Department of Fish and Game*	Anne Hollowed *NOAA Fisheries—AFSC*	George Hunt *University of Washington*
Gordon Kruse *University of Alaska Fairbanks*	Franz Mueter *University of Alaska Fairbanks*	Jim Murphy *University of Alaska Anchorage*
Lew Queirolo *NOAA Fisheries—Alaska Region*	Terry Quinn *University of Alaska Fairbanks*	Ray Webster *International Pacific Halibut Commission*

Members absent were:

Seth Macinko *University of Rhode Island*	Kate Reedy-Maschner *Idaho State University*	Kathy Kuletz *US Fish and Wildlife Service*

B-1 Plan Team Nominations and SSC elections

The SSC reviewed the Plan Team nominations of Craig Faunce to the Gulf of Alaska Groundfish Plan Team, and Quinn Smith and Brad Harris to the Scallop Plan Team. The SSC finds all three individuals to be well qualified, with appropriate expertise that will assist each of the Plan Teams. The SSC recommends that the Council approve these nominations.

The SSC revisited its leadership, given the current vice-chair's move from Washington Department of Fish and Wildlife to the Alaska Fisheries Science Center and the need for organizational balance in the leadership. The SSC elected Bob Clark as the new vice-chair of the SSC for the coming year and thanked Farron Wallace for his excellent service to the SSC over the last few years in this position.

C-2 (a) Update on salmon genetics

Jeff Guyon (NMFS-AFSC) gave an overview of genetic stock composition analyses of Chinook and chum salmon sampled from the pollock fishery PSC in the Bering Sea. In 2010, genetic samples were taken from the PSC as part of the species composition analysis of the Observer Program. Although this sampling design differed somewhat from that during 2005-2009, stock composition estimates in 2010 were similar to those estimated from samples taken in 2005-2009. There was general agreement between the timing of samples taken and the timing of chum salmon PSC during 2010, but some areas were overrepresented in the samples relative to the PSC. Analysts continue to caution that stock composition estimates derived from these samples may not accurately represent the stock composition of the PSC. Dr. Guyon also noted that sampling in 2011 followed the recommendations of the Pella-Geiger report which stipulates systematic sampling for a representative sample of the PSC. There was no public testimony.

The SSC looks forward to seeing results of the 2011 sample collections. We also have the following recommendations for the collection and analysis of genetic stock composition data:

- It remains unclear how much bias there is in stock composition estimates from 2005-2010. The potential for bias due to oversampling of one or more statistical areas or time periods should be examined in an analysis that attempts to weight estimates from samples so they represent the spatial/temporal occurrence of the PSC. Dr. Guyon is working on an analysis that apportions the chum salmon stock composition data to the actual PSC. We would like to see the results of this work once it is available.
- In the future, genetic sampling designs need to put more importance on obtaining location data of individual hauls for samples taken from offloads from catcher vessels, or should modify sampling so that greater effort is directed at obtaining samples onboard vessels so that accurate location data are available.
- Efforts should be made to update the current genetic baseline for chum salmon so that it includes populations in Cook Inlet. These populations are not in the baseline used to estimate stock composition for 2005-2010 and are potentially important to ESA considerations for Cook Inlet beluga whale.
- We support efforts to utilize the time series of stock composition data to map the spatial and temporal extent of PSC of important stock groupings such as coastal western Alaska to better inform avoidance measures by the pollock fleet.
- We caution that estimated proportional stock compositions that are less than 20% are most likely biased. We recommend consideration of methods to reduce such bias when this situation is encountered.
- We support the provision of sufficient funding for the analysis of all necessary genetics samples.

C-2(b) Initial review Bering Sea Non-Chinook salmon PSC management measures

The SSC received presentations on the EA, RIR, IRFA, as well as a pollock fleet performance model from Diana Stram (NPFMC), Jim Ianelli (NMFS-AFSC), Alan Haynie (NMFS-AFSC), and Scott Miller (NMFS-AKR). Public testimony was provided by Tim Smith (Norton Sound Bering Strait Regional Aquaculture), Roy Ashenfelter (Kawerak), Tim Andrew (Association of Village Council Presidents), and Donna Parker (Arctic Storm).

EA

The SSC first wishes to express its appreciation to the analysts for the presentations and their help in understanding the changes made to the documents. The SSC reviewed an earlier version of the EA and RIR during the June 2011 meeting and recommended that a series of changes be made before the document is released for public review. Relative to the EA, the analysts have improved the document from the version that the SSC reviewed in June, 2011:

- A summary of alternative hypotheses for the declines of chum salmon stocks in western Alaska was included. In particular, the analysts expanded a section in Chapter 5 that discusses the

hypothesized effects on marine survival of chum in the Bering Sea and a possible mechanism for high PSC in particular years. A section was added that discusses ocean carrying capacity and an overview of run size of chum salmon in Alaska. A statewide summary of chum salmon stock status was moved forward and expanded in Chapter 5.

- The analysts also included a discussion of the rationale for using a pooled age-length key for estimating age composition of chum salmon requested by the SSC in June 2011.
- We also noted that the cumulative impacts section of the EA was incomplete in the June 2011 version and this was rectified in this version. A new section on the policy implications of this action was also added to the document.
- This draft of the EA also more completely describes and discusses the impacts of each alternative on chum salmon runs, particularly in western Alaska.

There were also several new developments in the EA that the SSC noted and commented on:

- We appreciate that stock status data for chum salmon was updated through 2011.
- Alternatives 2 and 3 were revised and restructured so that options of each alternative are similar to each other in effect (i.e., June-July measures versus entire B-season measures). This restructuring helps to clarify and increase understanding of each of the options in the analysis.
- The analysts applied a regression approach to estimate adult equivalents (AEQs) from annual PSC numbers for each of the alternatives. The SSC approves of this method, but recommends that the analysts provide a plot of the fit to the data and residual plots of the analysis so the reader can assess the utility of this approach. The coefficient of determination (R^2) of the analysis is misleading and should not be reported because no intercept was estimated in the regression model.
- The analysts made use of a variable (lambda) to express how the pollock fleet would respond to area closures in June and July by either waiting to fish until later in the season (lambda = 0) or seeking to fish for pollock in other areas (lambda ranging from greater than 0 to 1). While this seems a reasonable approach, the SSC recommends that, in addition to scenarios with a lambda of zero, scenarios with lambda of 1 be presented in the summary tables that compare outcomes of the alternatives to represent a range of possible reactions of the pollock fleet to the alternatives.

Although the EA correctly documents the potential for bias in the estimates of stock composition from the genetic analysis, in some places (e.g., Section 5.3.2), the text states or implies that such biases are corrected in the EA analysis. The EA analysis attempts to account for the non-random nature of the genetic sampling in the estimation of variance, but it does not directly address biases that may result from such sampling. Any biases in stock composition estimates from the genetic analysis carry through to the estimated impacts on chum salmon in the EA, and the SSC requests changing the text of the EA where necessary to avoid giving the impression that such biases are accounted for.

We also recommend that the analysts confer with pollock industry stakeholders on their potential responses in fishing behavior relative to the alternatives and provide this information in the EA.

RIR/IRFA

The present draft document is a revision of an earlier analysis that the SSC concluded needed substantial work prior to public distribution. While the authors responded to many of our concerns and recommendations, some improvements should still be made before release of this document. The treatment of the predicted impacts of the alternatives provides only superficial treatment of any affected user group other than commercial pollock fisheries. While the ability to comprehensively quantify economic impacts may be data limited, it does not exempt the analysis from assessing these effects to the fullest extent practicable.

Although the RIR contains substantial information documenting the importance of chum salmon to subsistence communities in western Alaska, the SSC expresses concern that the RIR contains minimal information about the likely impacts of the proposed actions on these communities of users. This is particularly problematic since, under both federal and state law, subsistence is the highest priority use. The SSC recognizes that data limitations can create challenges for developing reliable quantitative estimates of these impacts. Section 3.4 does enumerate some of the vulnerabilities that subsistence-dependent populations face, but there is no meaningful attempt to link these vulnerabilities to whether or how the proposed alternatives may affect them. The RIR would benefit from a more focused discussion on this issue. Examples include:

- Asking whether the Amount Necessary for Subsistence (ANS) estimates, provided by the Alaska Board of Fisheries, are reasonably current (data in Table 3-1 are about 15 years old and populations in these communities have grown substantially).
- Table 3-14 relates estimated subsistence harvests in the Yukon River area to the ANS findings. The document should contain similar comparisons for other regions for which data are available, such as the Kuskokwim.
- Extrapolation should be made of data-supported impact estimates, referenced above, to other areas for which data are not available, carefully identifying the assumptions, limitations, and relative confidence in those.
- The impact assessment should try to link the genetic analysis of chum salmon PSC more directly to impacts on terminal area chum users (e.g., subsistence, commercial, and joint-production harvests) to the extent practicable.
- ADF&G has reasonably good subsistence data based on household surveys. While ADF&G does not have the capacity to analyze these data to inform the RIR, it is reasonable to investigate whether these data could be made available to develop a subsistence model that could be incorporated into the RIR.
- There is a paper by Bob Wolfe et al. (June 2011) that developed a model of subsistence demands in the AYK region. At a minimum, this paper should be cited, and some of the reported analysis might be incorporated into the RIR.
- The SSC received public testimony stating that the timing of salmon runs can be as important as the aggregate subsistence harvest or total run size. In particular, should subsistence fishing be delayed until later in the summer, there is an increased likelihood of weather events adversely affecting the ability to dry fish. This should be incorporated into the RIR, particularly whether some alternatives are more likely to exacerbate this problem.

The deficiencies that were identified in the scope, quality, and reliability of subsistence harvest estimates of chum and Chinook in the AYK (and presumably in other regions) impose another significant barrier to a full understanding of the relative regional dependence of subsistence communities on salmon resources. It would be valuable to actively solicit the assistance of regional resident experts among the impacted subsistence groups and users to improve the quality and breadth of information in this subject area. While formal outreach has been done, perhaps release of the document for public review will yield additional information and local knowledge.

The SSC has similar concerns about the lack of impact analyses on the commercial chum salmon industry throughout the North American range of these stocks. In this case, however, there is less of a problem with data availability. The RIR documents chum harvests and market value over time in several, but not all, relevant regions, but there is no analysis of the potential impacts of the alternatives on these commercial chum salmon fisheries. While this would require making some simplifying assumptions, doing so would be no different than the types of assumptions already used in the pollock commercial sector impact analysis. This analysis is important because public testimony highlighted links between commercial and subsistence use of this resource, with commercial activities often subsidizing subsistence use.

The SSC reiterates its long-standing concerns about the lack of pollock industry cost data that are critical to estimating impacts on industry net performance. The RIR acknowledges that estimates of potentially foregone gross revenues may have no meaningful relationship to the economic performance, viability, or profitability of these commercial fisheries. In addition, the retrospective analysis of pollock industry revenue at risk implicitly assumes that there would be no changes in industry behavior in response to the proposed alternatives. While this approach yields some insights into a worst-case outcome, and recognizing that it would be difficult to quantify how behavioral changes induced by each alternative would affect revenue at risk estimates, the RIR would benefit from a qualitative discussion of the likely ways in which behavior could change, and how this might affect these estimates.

Additional effort must be made to ensure that the RIR complies with the procedural requirements of EO12866 and other applicable laws. Given that the PSC of chum in the BSAI pollock fisheries accrues widely to many areas, uses, and users, some supplemental treatment of the broader community of users affected by PSC removals is necessary. This observation was made by the SSC in previous review comments. Need for this extension persists in the current draft and is a serious deficiency in the scope of the RIR. There is a disproportionate emphasis on the potential adverse impacts on the Western Alaska Region, literally to the exclusion of the other impacted regions. While there is ample reason to assess the relationship, if any, between chum PSC in the BSAI pollock trawl fisheries and diminished runs of chums in the western Alaska region, it is not the sole dimension of this management action. The available stock-of-origin data identify losses of non-Chinook salmon PSC accruing to most of the Pacific coast of North America, extending to southern Oregon, yet western Alaska seems to be the only region of interest and concern. As the SSC previously urged, effort must be made to improve the balance of the regional impact analysis; if not before release for public review, certainly in the next iteration.

The SSC was asked by the analysts for our opinion concerning retaining a stand-alone Environmental Justice chapter in the document. The SSC observes that there are important procedural reasons to retain the Environmental Justice analysis as a unique element of the integrated document.

Authors should delete estimated replacement costs for subsistence foods from the discussion of food budgets on page 52. These estimates ($3 and $5 per pound) were taken from a study by Wolfe (2000), and are pure conjectures for a "what if" analysis and have no empirical justification.

The SSC was informed by the analysts that subsequent versions of the RIR will be updated to reflect 2010 census data. We look forward to the incorporation of those new data.

The SSC recommends release of the draft document for public review after addressing the principal concerns identified by the SSC and resolving editorial problems.

C-3(a) Initial review HAPC skate sites

Sarah Melton (NPFMC) and Gerald Hoff (NMFS-AFSC) provided an overview of an initial review draft EA and RIR that describes action alternatives to identify or identify and protect six HAPC sites of skate egg concentrations in the Bering Sea. Public comment was provided by Kenny Down (Freezer Longline Association), John Gauvin (Alaska Seafood Cooperative), Merrick Burden (Marine Conservation Alliance), Donna Parker (Arctic Storm), and Jackie Dragon (Greenpeace).

The SSC reviewed an earlier version of the initial review draft of this document in February 2012 and recommended at that time that the document should be returned to staff for additional work. The SSC recognizes the considerable work and resulting improvement in the document since we last reviewed it. In response to our February 2012 comments, the authors provided clarification on the importance of these sites to the overall abundance of skates, the potential for additional egg concentration sites in the Bering

Sea, and provided more information on the history of fishing activities in these areas. Descriptions of the alternatives were also updated and clarified, including changes to the option to suggest that additional research and monitoring be prioritized for these HAPC sites. However, there remain areas of the document that require additional clarification to increase the focus on what is known and not known concerning the effects of these actions on skates and on the potentially affected fisheries. Specific changes suggested for the EA are:

- Discussion regarding the potential for fishing activities to physically disrupt adult skate spawning at the areas of skate egg concentration during the spawning season (summer) and for fishing activities to affect the benthic habitat of the egg concentration sites.
- Additional information on the methodology used to estimate the potential total number of areas of skate egg concentration, including a discussion of the limitations of the method, and how the young-of-the-year information from the trawl survey versus the stock assessment may change the estimate of potential number of sites.
- Additional information on the persistence of the areas and sizes of egg concentration areas over longer times and the evidence for this persistence.
- Update the descriptions of gear and its effects on bottom habitat, particularly the description for bottom trawling, which needs to include the current use of modified trawl sweeps.
- Clarify the distinction between information derived from research trawl surveys and information from commercial bottom trawling.

There are specific deficiencies in several elements of the RIR. Suggested improvements are:

- Clarification of the language regarding the areas utilized for the economic impacts analysis, following the determination of the size of the areas themselves.
- Re-structuring the RIR to separate impacts by alternative might improve the flow and clarify the information presented.
- Expanded information on how the fleet may recover potentially foregone catch. Language should describe the difficulties the fleet may experience should these areas be closed.
- Economic impacts need additional clarity. While the total catch and gross value may represent the outcome of a complete, uncompensated loss to the respective impacted vessel/fleet/sector, these estimates constitute extremes. Given the expected size and shape of HAPC closures, and potential differential constraints (e.g., gear-type, temporal), more explicit accounting of the likelihood of recovering catch/earnings in remaining open areas is necessary.
- Editing the reported economic revenues to more appropriately reflect the precision of the underlying data sets (e.g., round to nearest $1,000).
- Greater detail on the inter-annual use of the respective HAPCs by sector, gear-type, and operating mode should be included across a longer time-series. Assertions of the economic and operational importance of each HAPC to the various fishing sectors, as described in public testimony, could be better evaluated with a longer time series mapping historical fishing activity.
-
- The specified size of each proposed HAPC management area, the associated closures or constraints, differential temporal application by gear-type, etc., combine to define the terms-of-reference for the economic and socioeconomic impact assessment. This necessarily results in a strong sequential relationship between these physical and regulatory attributes of each HAPC and estimated economic and operational implications. The ability to evaluate the economic impacts of competing HAPC alternatives, to a sufficient degree, is dependent upon greater clarity in the physical and regulatory attributes of each.
- The document contains a significant number of editorial issues that were identified by the SSC and will be provided to the authors.

The SSC believes that, while many improvements have been made in the analytical package, it remains premature for release for public review. We look forward to reviewing the next iteration of this document, with an expectation that the revisions will result in a fully compliant draft.

C-5 Scallop SAFE

A report on the 2012 Scallop SAFE and Scallop Plan Team minutes was presented by Diana Stram (NPFMC). There was no public testimony.

The Scallop Plan Team recommended setting the 2012/13 scallop ACL equal to an ABC of 1.161 million pounds of shucked meats. This ACL is estimated using the maxABC control rule of 90% of the OFL, which includes discards. **The SSC supports the Plan Team's recommended ACL/ABC of 1.161 million pounds of shucked meats, which includes all catch including discards for which a 20% discard mortality rate will be applied.** In the future, it would be good to include the ACL/ABC recommendations directly into the SAFE in section 2.1.2.1**,** so that the SAFE documents can serve as archives of scallop fishery management over time.

The SSC appreciates the Scallop Plan Team's responses to SSC comments on last year's SAFE. Several responses were deferred to next year's SAFE. The SSC continues to have interest in these items and looks forward to Plan Team responses to those comments next year. The SSC offers the following comments on this year's SAFE:

1. In reviewing this year's SAFE report, the SSC notes some potential conservation concerns. **Two areas of some concern are the Kayak Island west bed and the Alaska Peninsula area.** However, as both areas have been closed to fishing in the last 2 and 3 years, respectively, no further conservation action is warranted at this time. **It would be useful if future SAFE documents could describe the criteria by which these areas would be reopened to fishing.** For the Kayak Island west bed, presumably a biomass-based threshold could be established using the biennial dredge survey. For the Alaska Peninsula, presumably a "test" fishery would be undertaken, barring implementation of a new survey in the area. However, given poor fishery performance in 2000/01 and extremely poor fishery performance in 2006/07 and 2008/09, an extended fishery closure would seem to be warranted. Moreover, 18,302 Tanner crabs were taken as bycatch in the 2008/09 fishery that yielded a mere 2,460 pounds of shucked meats, indicating a potential bycatch issue for any future fisheries in this area.

2. The SSC wishes to highlight two other fishing areas for additional consideration in next year's SAFE. **Recent declines in fishery CPUE for District 16 and the Kayak Island east bed seem to parallel those for the Kayak Island west bed, which has been closed to fishing since 2010/11.** The GHL for District 16 was increased from 21,000 to 25,000 lbs shucked meats in 2009/10. However, fishery CPUE for District 16 has generally declined since peaking at 65 lbs/hr in 2000/01 (see Figure 3-3) including the lowest CPUE on record of 27 lbs/hr in 2010/11. For comparison, CPUE at the west bed at Kayak Island (PWS area) declined from 120 lbs/hr in 2005/06 to 44 lbs/hr in 2009/2010 prior to fishery closures in the past two years (Table 3-6). Dredge surveys on the Kayak Island west bed indicated that low scallop densities (20 lbs/nm) are associated with the decline in CPUE. It is not clear whether fishery CPUE can be distinguished among the east and west beds of Kayak Island (see Tables 3-4, 3-5, and 3-6), however dredge surveys perhaps indicate more stable scallop densities on the east bed than on the west bed (Table 3-3). If CPUE can be estimated separately for the east and west Kayak Island beds, they should be reported separately in Tables 3-5 and 3-6.

3. **Declines in scallop densities indicated by fishery CPUE (above) suggest that it may be prudent for the Scallop Plan Team to undertake a fresh review of weathervane scallop fishery management.** Such a review could include a re-evaluation of the natural mortality rate used to prescribe OFL, target harvest rates, and the potential for some sort of rotational harvest

scheme. A review of scallop fishery management, including spatial harvest strategies and/or exploitation rates, in other parts of the world may yield some fresh insights.

4. The SSC appreciates the presentation of estimated discard mortality (assuming 20% discard mortality rate) in Table 2-2 to allow easy evaluation of the total fishing mortality (catch plus discards) relative to the statewide ACL. Table 2-2 may be sufficient in this regard, but the Plan Team could consider taking a similar approach in Tables for individual fishing areas (e.g., Table 3-1 for Yakutat). At a minimum, footnotes for tables for individual fishing areas should indicate that a 20% discard mortality rate and meat recovery rates are applied to estimates of whole scallop discards for purposes of catch accounting.

5. The SSC looks forward to the Plan Team response to last year's SSC request that the team consider exploring other methods for estimating biological reference points, such as Productivity Susceptibility Analysis or Depletion-Corrected Average Catch. Given the use of inseason fishery CPUE in fishery management decisions in several management areas, the SSC appreciates additional explanations of this process, such as the minimum performance standard reported in Appendix 1. **The team should consider formally describing the use of such inseason data in the management process in the body of the SAFE document.**

6. The team is encouraged to consider whether the utility of fishery CPUE as an index of relative changes in scallop abundance can be evaluated in PWS and Cook Inlet, where dredge abundance surveys are conducted.

7. Table 2-4 (p. 23) on crab bycatch limits is very useful. However, for areas in which the crab bycatch limit is 0.5% or 1.0% of estimated crab abundance, the actual number of crabs equating to these limits is not specified. The SSC recommends adding a column in Table 2-5 that provides area-specific crab bycatch limits (in numbers of crabs) to facilitate comparison to the estimated number of crabs taken as bycatch.

8. Figure 3-4 indicates a shift to significantly higher discard rates for scallops >110 mm SH in District 16 in 2009/10 and 2010/11. **Please explain the cause of these high discard rates in District 16.**

9. Figure 3-5 does not have axis labels and CPUE is not correctly plotted.

10. The sections on PWS and Cook Inlet could clarify whether the same catchability (q) and 5% harvest rate is used to estimate the annual GHL. For Cook Inlet, it is stated on p. 50 that ADF&G applies a 5% exploitation rate to the biomass data to set the GHL. However, p. 54 indicates that state regulations set a GHL range of 10,000-20,000 lbs. This seems inconsistent with information in Table 3-8, which indicates that the GHL calculation can result in GHLs less than 10,000 lb (2005 and 2006) and more than 20,000 lbs (1996). Please clarify the role, if any, of the 10,000-20,000 lb GHL range. Is natural mortality from the time of the survey to the time of the fishery used to discount abundance estimates, as is done with BSAI crabs? If not, the actual harvest rate would be higher than 5% under the current procedure.

11. On p. 49 it is stated that "Much of Cook Inlet is closed to scallop dredging" with a reference to Figure 2-1. However, Fig. 2-1 is a map of the scallop management areas and does not show closed areas in Cook Inlet. Figure 2-4 shows the two main scallop beds in Kamishak Bay. Are all other areas closed other than the two "main beds"?

12. The SSC appreciates new research with the sledge-dredge in the Central Region and looks forward to new estimates of survey catchability and improved estimates of stock biomass. Also,

now that aging issues seem to have been largely resolved and biometric support has been arranged, the SSC looks forward to the age-structured model for Central Region stocks.

13. For the Kodiak Shelikof District, there is a comment (p. 61) that reduced CPUE of 58 lbs/hr in 2007/08 may be due to the participation of a small vessel with a single 10-ft dredge. However, CPUE continued to decline to 49-52 lbs/hr in subsequent years. Did this small vessel continue to participate or is this a real decline in CPUE? The Team should consider separately reporting CPUE data from vessels towing a single, small dredge to maintain some consistency in "core fleet" CPUE estimates for evaluation of fishery trends.

14. The SAFE indicates that the Kodiak SW District opened to fishing in 2009/10 after closure since 1969 due to crab bycatch concerns. Please report the CPUE for this new fishery. This could have been an excellent opportunity to examine scallop densities in an unfished (43 years) bed and its response to fishing. It would have been ideal if a CamSled survey was conducted in this area to obtain valuable baseline data. **The SSC recommends conducting CamSled surveys in previously unfished scallop beds, or in areas that have been closed for extended periods, prior to future new fishery openings, if and when possible.**

15. In the Dutch Harbor Area, scallop size distributions are shown in Fig. 3-22 for 2010/11. It would be useful to also report size distributions for prior years to evaluate whether changes in size composition support the current GHLs.

16. The SSC appreciates the improvements in the Ecosystem Considerations section, and the SSC appreciates the Team's intent to continue improving the section. In particular, the SSC looks forward to additional information on ocean acidification and dredging effects next year.

17. Section 4.2 indicates that data before the current observer program (1993) are scarce. However, there are old observer data (late 1960s – early 1970s) available for Yakutat and Kodiak, as well as time series of CPUE for vessels with standard New Bedford dredges. Can any comparisons be made? Declines in CPUE and truncation of age structure in the early 1970s contributed to management restrictions at that time. For a review of those data from the 1960s and 1970s, see: Hennick, D.P. 1973. Sea scallop, *Patinopecten caurinus*, investigations in Alaska. Alaska Department of Fish and Game, Division of Commercial Fisheries, Completion Report 5-23-R, Juneau.

18. The section on the fishery effects on the ecosystem can be expanded. There have been many studies on the effects of scallop dredges (and other mobile bottom contact gear) on seafloor habitats by bottom habitat type and several reviews, including a somewhat dated section of the state FMP report (Kruse 1994) and a National Academy of Sciences report, among others.

19. There is opportunity to expand the treatment of scallop predators. Consider exploring the groundfish stomach database for evidence of predation on scallops. Are skates predators of scallops? There are reports of crab predation on scallops, as well.

20. The SSC appreciates the economic overview of the fishery. Potential additional information to include is port of landings, updated price of scallop per lb with size, crew size, and crew wages. Some of these are described in historical reports, such as:
    a. Kruse, G.H., and S.M. Shirley. 1994a. The Alaskan scallop fishery and its management. In: N.F. Bourne, B.L. Bunting, and L.D. Townsend (eds.), Proceedings of the 9th International Pectinid Workshop, vol. 2. Can. Tech. Rep. Fish. Aquat. Sci. 1994:170-177.
    b. Shirley, S.M., and G.H. Kruse. 1995. Development of the fishery for weathervane scallops, Patinopecten caurinus (Gould, 1850), in Alaska. J. Shell. Res. 14:71-78.

c. Miller, S.A. 2006. Economic factors in the scallop fishery off Alaska.

21. The SSC noted a number of typos and other errors; a list will be provided to the Plan Team separately.

D-1(a) BSIERP MSE Management Strategy Evaluation Workshop

The SSC received a report from Jim Ianelli (NMFS-AFSC) about a recent workshop on a Management Strategy Evaluation (MSE) project that is part of the NPRB-funded Bering Sea Integrated Ecosystem Research Program (BSIERP). The SSC previously requested periodic progress reports about this project and appreciates this update. The operating model for the MSE is a highly complex, vertically-integrated model (climate to lower trophic levels to fish to fisheries) that is still under development.

Single-species and multi-species models, including a multi-species statistical age-structured model (MSMt) and a food-web ECOSIM model, will be used as assessment models in the MSE. Correspondingly, both traditional single-species and new multi-species harvest control rules will be evaluated within the same framework. The MSE and multi-species harvest control rules will be further refined at the BEST/BSIERP PI meeting in Anchorage, March 28-30, 2012. The SSC would appreciate a presentation on the multi-species control rules that are being considered and their implementation at an upcoming meeting. In addition, the MSE is a potential topic for the annual SSC workshop in February, 2013.

The number of simulations that can be run with this complex operating model is very limited (a 35-year simulation takes approximately 7 days). Thus, the number of scenarios that can be examined is very limited. Perhaps the analysts could reuse parts of the operating model to conduct further explorations of the harvest control rules. These explorations could include contrasting economic scenarios (e.g., changes in world markets or oil prices) using the existing climate scenarios.

D-1(c) Programmatic Groundfish SEIS

Diana Evans (NPFMC) provided information about progress toward current PSEIS objectives and changes in ecosystem conditions that have occurred since the PSIES was completed in 2004. The Council requested input from the SSC to inform their decision regarding whether there is a need for an update or revision of the PSEIS. Diana Evans reported that there is no statutory time frame for updating a PSEIS, although review of case law suggests that a time frame of 5-10 years is appropriate. The Council is two years shy of the 10-year time frame and is considering whether the time is right to revise the 2004 Groundfish PSEIS.

The SSC agrees that it is a useful exercise to consider the impacts of Council action in a comprehensive manner and to periodically review the progress toward implementing the stated goals of the PSEIS. The SSC noted that there are at least 3 reasons to update the PSEIS:

1. To ensure that the environmental impact assessment reflects our current understanding of the implications of federal actions regarding groundfish fishing, thus enabling NMFS and the Council to tier off the findings of the PSEIS when conducting Environmental Assessments,
2. To review NPFMC performance relative to the stated goals of the adopted PSEIS alternative, and
3. To assess whether there is a better or more effective way to manage Alaskan groundfish resources and to update the PSEIS objectives to reflect any new priorities.

The SSC considers the first two reasons for updating to be high short-term priorities. Review of the briefing materials shows that the NPFMC has made considerable progress towards achieving the goals and objectives of the preferred alternative. The SSC recommends that, if the NPFMC elects to update the PSEIS, they may wish to request a review of what issues and concerns would require Council action. This proved to be an effective approach for the EFH 5 year review.

The SSC discussed the questions posed by the NPFMC and provides the following responses:

1. **How has fisheries management changed since the objectives and analysis were originally prepared?** As documented in the briefing materials, the NPFMC management has approved several amendments that are consistent with the goals and objectives identified by the PSEIS (see the list prepared by NPFMC staff in D-1(c)(5)).

2. **How have environmental conditions affecting the fisheries changed?**

    a. Since passage of the PSEIS, environmental conditions have varied. In the EBS, 2000-2005 were characterized as warm years while 2006-present were cold years; similar environmental variations were observed in the GOA. In the EBS, shifts in ocean temperature coincided with shifts in lower trophic level production, which impacted the productivity and distribution of some groundfish stocks. Similar to the period in the early 1970s, the recent patterns of sea ice retreat (2000-2005) and advance (2006-2011) in the EBS shows more year to year coherence than was observed in the 1980s and 1990s.The range of these variations in the EBS falls largely within the range observed in historical time series (see excerpts from the ecosystem SAFE chapter, page 9). While future climate conditions are expected to be affected by climate change, it appears that interannual and decadal climate variability continue to be the dominant climate pattern in the region.

    b. Changes in fishery impacts can also be considered a change in the environment. The spatial and temporal distribution of groundfish fisheries has changed in response to NPFMC management actions. These changes together with technical innovations (such as the halibut excluder) may have altered the environmental impact of fishing and, in some cases, the efficiency of some fisheries.

3. **Has the status of the fish stocks and other marine life changed?**

    a. The status of groundfish stocks has not changed substantially (no new stocks are overfished or subject to overfishing).

    b. The decline in the eastern portion of the western DPS of SSLs appears to have stabilized. However, the western portion of the western DPS of SSLs continues to decline.

    c. Northern fur seal populations on the Pribilof Islands have exhibited a declining trend of approximately 5% per annum, while increases at Bogoslof have slowed and do not compensate for the larger declines at the Pribilofs. Conservation measures may come into play in the future.

    d. In the last decade, many whale populations (e.g. gray, humpback and fin) have increased dramatically after being depleted by whaling. These increases in abundance have the potential to alter lower trophic level energy pathways in the region.

    e. Short-tailed albatross appear to be recovering slowly and, as this population recovers, existing incidental take standards may require modification to sustain fisheries without impeding the rebuilding of the albatross population.

    f. Tanner crab was recently listed as overfished and Pribilof blue king crab remains in an overfished status. Council action to rebuild these stocks may impact groundfish fisheries.

    g. Arrowtooth flounder and Pacific halibut populations in the Gulf of Alaska and Bering Sea have increased in the last decade. The size at age of Pacific halibut is declining. These changes suggest that the carrying capacity for Pacific halibut in the GOA may be limiting, resulting in shifts in the population dynamics of this population.

4. **Has new information become available which may indicate the necessity for revised analyses?**

    a. The NSF/NPRB BEST/BSIERP and NPRB GOAIERP programs are providing new information regarding mechanisms underlying species interactions within the GOA and BSAI ecosystems. Models are beginning to emerge that synthesize current knowledge of processes influencing the distribution and abundance of marine life in the Bering Sea. Extensions of these models will inform the Council with respect to the expected performance of management actions under changing environmental conditions. In the near term, results could be used to inform estimates of growth, mortality , and survey/fishery catchability and selectivity. These improvements to stock assessments fall within those anticipated in the PSEIS. It is too early to determine whether the modeling tools developed will reveal a need for re-evaluation of the overall management strategy for these stocks.

    b. Changes in ice extent and season in the northern Bering Sea and Arctic Ocean are having impacts on the distribution and behavior of cetaceans and pinnipeds (especially benthic foraging and ice-dependent species), as well as lower trophic levels and patterns of productivity. The progression of these changes and the resultant direct and indirect impact of fishing activity are not well understood. Changes may not be linear or incremental.

    c. As noted above, improvements in the status of listed seabird populations may require a re-evaluation of the incidental take standards under Section 7. Likewise, if northern fur seals continue to decline, or if ice seal conservation status changes (ringed and some DPSs of bearded seals are proposed as threatened) the Council may need to re-assess the fisheries interactions with these species. Finally, NMFS is evaluating critical habitat designations for northern right whales, which may impact groundfish fisheries in the region.

    d. Substantial changes to the Observer Program are expected to take place within the next two years. These changes are expected to improve the quality of catch estimates in the future. These changes will not necessitate a change in management strategy.

5. **Does the Council want to change the objectives, policy statements, or overall management approach for the groundfish fisheries?**

    a. The SSC notes that:

        i. The AFSC will be exploring the implications of incorporating stock-specific uncertainty buffers through an ACL analysis.

        ii. The NPFMC and AFSC will be developing an EIS for Steller Sea Lion protection measures.

        iii. The NSF/NPRB BEST/BSIERP program will provide an evaluation of the performance of various harvest control rules using assessment models with different levels of complexity, including multispecies models.

        iv. In the last decade, fisheries scientists have endeavored to assess the status of global marine fish stocks. Recent studies have used these global assessments to evaluate the performance of different management strategies. These papers may reveal useful information to the NPFMC if it elects to expand the scope of the PSEIS to include alternative management scenarios.

The SSC also considered the NPFMC's overarching question "**Do we understand the environmental impacts of our groundfish management program today?**"

- The NPFMC posed two sub-questions relative to this overarching issue. Question 1 focused on changes to the environment. Our responses to the questions listed above addressed this issue. Question 2: *Have the cumulative impacts of the groundfish fishery management program on the BSAI or GOA environment changed significantly since the baseline analyzed in the PSEIS, in ways beyond what has been described in subsequent analyses?* The SSC does not know of a significant change in the cumulative effects of fishing that has not been described in subsequent analyses. In the previous PSEIS, the NPFMC acknowledged that it was not possible to fully understand cumulative environmental impacts of groundfish management. The previous PSEIS identified several key sources of uncertainty and data gaps that impeded the ability to comprehensively understand the cumulative effects of groundfish fishing on the marine ecosystem. Many of these sources of uncertainty and data gaps still exist. The SSC recognizes that the current state of knowledge has improved since the last PSEIS and the Council has taken actions to address several of the environmental impacts identified in the 2004 assessment. While the knowledge base for decision making has improved, unknowns will continue to exist and conclusions will continue to be uncertain. Thus, the Council should expect that the existing knowledge will provide a better, but still incomplete, basis for evaluating the cumulative effects of fishing in a similar manner to the previous PSEIS.

The SSC requests in preparation for the June 2012 meeting, that a list of pending actions likely to occur in the near future be added to the existing summary of Council-approved actions. This would help inform the discussion of the purpose and need for a PSEIS review and update.

D-1(e) Tanner crab model review

The SSC received a presentation of recent Tanner crab model revisions from Lou Rugolo (NMFS-AFSC) and Jack Turnock (NMFS-AFSC). Jim Ianelli (NMFS-AFSC) gave a brief overview of Tanner crab model recommendations made during the January, 2012 crab modeling workshop. Public testimony was provided by Edward Poulsen (Alaska Bering Sea Crabbers).

Following advice from the workshop, CPT, and SSC, the authors made numerous revisions to both model code and model assumptions, including new sample size weights, selectivity function, accounting for discards before 1992, a penalty on fishing mortality, and a new parameterization of natural mortality (see next paragraph). The work was not an exhaustive exploration of model fit to the data but was intended to inform the SSC that model development was continuing, as requested at the last SSC meeting. **It is apparent that the authors have made significant improvements to the Tanner crab model.**

Recent analyses of the length composition information indicate a simultaneous loss to all Tanner crab size classes during the early to mid-1980s. This suggests that a mortality event may be responsible for the apparent population decline. The authors incorporated a model change to estimate a separate natural mortality parameter between 1980 and 1984, instead of just the single year 1983, similar to that employed in the Bristol Bay red king crab model. Although model fit was much improved with the increased natural mortality estimate over the 5 years, there remains considerable uncertainty about the mechanism that drove the decline in Tanner crab stock status during this time period. The SSC encourages the authors to examine other ancillary information, such as Pacific cod diet data or other potential mechanisms as discussed in the Bristol Bay red king crab assessment that may help to explain mechanisms driving population dynamics during this time period. In addition, there are still some strong residual patterns in the fits to the size composition data, including the average size composition across years that need to be further examined.

Continuation of model development is extremely important to ensure that the population dynamics model is appropriately applied to this stock. **The SSC recommends that the authors review and address other SSC and workshop recommendations prior to the CPT meeting in May, 2012 to the extent practicable**. In particular, Dr. Ianelli suggested that it might be useful to explore simpler models. This

can be accomplished by fixing some parameters that are currently estimated in the model; candidates include the maturity schedule, growth, and natural mortality. This will allow the authors to evaluate model sensitivity to these parameters**. If the model is approved by the CPT in May 2012 and SSC in June 2012, it will apply to OFL-setting and stock status determination in the 2012/13 assessment cycle and to the development of the rebuilding plan.**

Council motion
C-2 Chum salmon PSC reduction measures
March 30, 2012

The Council requests the following changes to the draft EA/RIR/IRFA. The intent is to revise the analysis and schedule another initial review prior to final action.

1. Make Alternative 3, Component 1, a separate alternative (new Alternative 3).

2. Create a new Alternative 4 which includes Components 1 – 6 of the current Alternative 3.

   Option: General objectives and goals for the RHS program would be in regulation, but the specific parameters of the RHS program would not be in regulation.

3. Include analysis of specific modifications to the RHS program:
   - Modification of RHS to operate at a vessel level, platform level for mothership coop
   - Prioritize RHS closures to best protect western Alaska origin chum and Chinook salmon using best information available. Use identification tools, for example:
     - Non-genetic identifiers like length and weight;
     - Genetic identification of bycatch on an as close to real time analysis as possible;
     - Use information being developed (i.e. Dr. Guyon's ongoing research to identify areas and times more likely to have higher proportions of Western Alaska chum salmon);
   - Floor on the base rate.
   - Speed up shoreside data flow by obtaining trip chum counts as soon as they become available.
   - Increase chum salmon protection measures during June/July. For example:
     - Weekly threshold amounts that would trigger additional protection measures when bycatch is abnormally high;
     - Initiate "Western Alaska chum core closure areas." These areas would trigger during abnormally high encounters of chums believed to be returning to Western Alaska river systems;
   - Limit weekly base rate increases to 20% of the current base rate.
   - Stop RHS closures in a region (east **or** west of 168° west Longitude) as Chinook salmon bycatch levels start to increase in the later part of the B season.
   - Improvements to the tier system – consider a range of incentives that would lead to different levels of bycatch reduction.

4. Make the following revisions to the Draft EA/RIR/IRFA:
   - The analysis should provide information and rationale on the necessary provisions or objectives of the RHS that would need to be in regulation under new Alternatives 3 and 4.

- Provide additional qualitative analysis on the use of AEQ and how the impacts to individual river systems may vary annually, depending upon when and where bycatch occurs. While the limitations of the genetic data only allow for large aggregate groupings by region, the composition of the bycatch may not be evenly distributed among the river systems included in a single region, and therefore may have differential impacts within the region that may exceed the average impact rates by region provided in the AEQ analysis.

- Include information from Wolfe et. al. about projections for future subsistence demand for chum salmon in the AYK region.

- Under Alternative 4, provide spatial analysis of the combined effect of the triggered area closures and the closures implemented under the RHS to visually display the available fishing areas given the layering of potential chum salmon closures under Alternative 4.

- Include the recommendations of the Council's Enforcement Committee regarding issues of deck-loading, regulatory corrections, need to address observer viewing requirements and removal of salmon at end haul delivery [*note see minutes from the Enforcement Committee for detailed recommendations*].

The Council also recommends that staff incorporate the SSC comments regarding the EA, in particular the comment that the analysts made use of a variable (lambda) to express how the pollock fleet would respond to area closures in June and July by either waiting to fish until later in the season (lambda = 0) or seeking to fish for pollock outside of the closed area (lambda ranging from greater than 0 to 1). The Council recommends that in addition to scenarios with a lambda of zero, scenarios with lambda of 1 be presented in the summary tables that compare outcomes of the alternatives to represent a range of possible reactions of the pollock fleet to the alternatives. The Council recommends that the analysts incorporate the SSC recommendations on the RIR as practicable.

The Council recommends that NMFS continue to prioritize and fund the analysis of the Chinook and chum genetic composition data. The Council also recommends using the pre-2011 observer sampling protocol to obtain salmon length data.

Ecosystem Committee Minutes

Teleconference - March 27, 2012 9-10 am

Committee: Stephanie Madsen, Dave Benton, Jon Kurland, John Iani, Jim Ayers, Diana Evans (staff)

C-3(d) EFH Consultation Criteria

Mr Kurland provided the Committee with background information on the Council's consideration of the Essential Fish Habitat (EFH) consultation process. At their last two meetings, the Council has asked NMFS to report on the current practice, both in Alaska and nationally, of NMFS' involvement of the Councils in the EFH consultation process. In February, the Council asked the Ecosystem Committee to review suggested criteria that have been offered by the agency to formalize which activities merit Council involvement.

The Committee agrees that the Council should identify a structured process for involving the Council in the EFH consultation process. The Committee recommends that the Council receive more frequent reports from NMFS, on a consistent schedule to be established by the Council Chair and the Executive Director, on EFH consultations that may be of interest to the fishing industry, and/or that may affect habitats of direct concern to the Council. The Committee recommends that the reports focus on major consultations, with a brief summary of routine activities with minor effects on EFH. For activities that may have major effects on EFH, the Committee recommends that to the extent possible, NMFS provide advance notice to the Council of these pending activities, so that the Council can choose whether or not to engage directly in the consultation. **The Committee recommends that the Council adopt the following criteria proposed by NMFS to guide the agency in determining whether the activity is likely to be of particular interest to the Council:**

- The extent to which the activity would adversely affect EFH;
- The extent to which the activity would adversely affect Habitat Areas of Particular Concern or other areas established by the Council to protect sensitive habitat features;
- The extent to which the activity would be inconsistent with measures taken by the Council to minimize potential adverse effects of fishing on EFH; and
- The extent to which the activity would conflict with Council-managed fishing operations.

The Committee recommends that the Council aim to provide its input during appropriate public comment periods. As the agency's December report indicated, the vast majority of EFH consultations undertaken by NMFS are not actions on which the Council would feel the need to comment. This recommendation for a Council EFH consultation policy is not intended to create an additional clearance requirement (and potential for delay) in the permit process, rather it is intended to ensure that activities that are of relevance to the Council are brought to the Council's attention in a timely fashion and not overlooked.

Additionally, the Committee noted that there are other non-fishing activities, outside of those that are captured under the EFH consultations, with which NMFS may be involved, and which may be of interest to the Council. **The Committee recommends that the agency also be encouraged to bring other non-fishing activities and items of interest to the Council's attention, as appropriate.** A current example is the Aleutian Islands Risk Assessment, which is almost complete, and which indicates that there is likely to be a considerable increase in shipping on the Great Circle Route in the next three years. The Committee encourages the Council to request a briefing on the report, either through the Alaska Marine Ecosystem Forum, or directly to the Council.

Planning for meeting to review national and international ecosystem-based management best practices

The Committee is planning a meeting to receive presentations and information on comprehensive ecosystem-based management approaches that are being developed and undertaken throughout the country and the world. The goal would be to provide potential recommendations to the Council about any ecosystem approaches that might be applicable in the North Pacific. The Committee discussed a target date of September for planning this meeting, which will occur in Seattle at the Alaska Fisheries Science Center.

Enforcement Committee Minutes
March 27, 2012
NPFMC Conference Room
Old Federal Building 605 W. 4th Ave., Room #205
Anchorage, AK

Committee present: Roy Hyder (Chair), LT Anthony Keene, CDR Phil Thorne, Martin Loefflad, Ken Hansen, Garland Walker, Glenn Merrill, Sherrie Myers, Major Steve Bear, and Jon McCracken (staff)

Others present: Sarah Milton, Sally Bibb, John Gauvin, Paul McGregor, Guy Holt, Bob Alverson, Brent Paine, Brad Robbins, Keith Bruton, and Will Ellis

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C-2 Initial review of BSAI chum salmon bycatch measures

Sally Bibb (NMFS) provided an overview of the alternatives included in the initial review draft of the BSAI chum salmon bycatch measures followed by a more comprehensive presentation of the enforcement section of the analysis.

The Committee noted that Amendment 91 monitoring measures have been in place since January 2011 and these monitoring requirements are substantive; in order to support a program designed to provide a full census of Chinook salmon bycatch in the Bering Sea pollock fishery. It was noted there has been good compliance with these monitoring requirements. However, the practice of "deckloading" pollock has created a significant concern during the implementation of Amendment 91, and the Committee expects these concerns to continue under any non-Chinook monitoring program. The Committee recognizes "deckloads" have been a historic practice in the pollock fishery. In practice, some catcher vessel operators set their final haul of a trip to fill their RSW tanks completely. In some cases, this final haul will exceed RSW capacity, resulting in having more fish in the codend than can be placed in the RSW tanks. As discarding of pollock is illegal under IR/IU regulations, the fish are brought in for delivery as a deckload, either in the codend, or dumped into the trawl alley.

In was noted during the Committee meeting, that current regulations require all salmon bycatch to be stored in an RSW tank prior to delivery to a processing plant. The intent of this requirement is to reduce the potential for any sorting of catch and discard of salmon from catch contained on deck. When the final codend cannot completely be placed in the RSW tanks, the result is the possibility of salmon remaining on deck and not being contained in the RSW tanks.

Recognizing this historic practice of deckloads and the requirement to store all salmon in an RSW tank prior to delivery to a processing plant, a compromise procedure to address this problem was developed during the first year of Amendment 91. As long as any fish that remained on deck and that could not be stored in the RSW tanks remained inside the codend and not loose on deck, NOAA considered the intent of the sampling program and regulations were being met. However, significant numbers of catcher vessel deliveries continue to arrive at the processors with large amounts of catch outside of a codend, and loose on deck. Loose fish on deck, which are not contained inside the codend, creates numerous problems. NMFS cannot assure that we have a complete and accurate census of the salmon bycatch when an observer is unable to verify that they were able to census all the salmon in a haul or delivery. The occurrence of significant amounts of loose fish on deck creates a situation whereby it is impossible for observers to assure that no salmon have been discarded at sea.

To address this issue, the Committee recommends the analysis include a discussion concerning the deckloading. The analysis should address the implications of prohibitions of deckloads as well as simply enforcing the existing requirements of delivering to shoreside processors or stationary floating processors

all salmon taken as bycatch in trawl operations stored in RSW tanks. The analysis should also address modification of the monitoring program regulations that are currently in place for catcher vessels to allow for example storing salmon bycatch in other secure locations approved in writing by NMFS. This approach could provide industry additional options (i.e., certain live tank set ups and codend deckloads with parameters for the vessel), while also affording NMFS the opportunity to better monitor salmon.

In addition to deckloads, the Committee noted the need to expand the current analysis to accommodate two housekeeping regulatory corrections that will improve monitoring and enforcement of both Chinook and non-Chinook salmon bycatch. The first housekeeping issue needing to be addressed in the analysis is the observer viewing of salmon in storage containers. Current regulations require that all salmon stored in the container must remain in view of the observer at the observer sampling station at all times during the sorting of each haul. The intent of this regulation is to ensure that no salmon are removed from the salmon storage container. However, in the instances where salmon are numerous or in cases where there is only one small salmon in a large salmon storage container, it can be difficult or impossible to see each individual salmon in the container. To better meet the intent of this regulation, the Committee felt that the analysis should describe modifying the regulations to require that the salmon storage container must remain in view of the observer at the observer sampling station at all times during the sorting of each haul would monitoring and enforcement of salmon bycatch.

The second housekeeping issue is the removal of salmon from observer sample area at the end of the haul or delivery. Currently no regulations exist that require all salmon be removed from the observer sampling area and the salmon storage location after the observer has completed their sampling and counting duties at the end of each haul or delivery for catcher processors or shoreside processing facilities. In order to avoid any confusion about which haul or delivery to attribute the salmon and to avoid double counting of salmon, the analysis should address the need to incorporate a requirement in the regulations to ensure that once the observer has completed their sampling of the salmon for the haul or delivery, that those salmon are promptly removed from the observer's area before the sorting of the next haul or delivery can begin.

C-3(a) Initial review of HAPC skate sites

Sarah Melton, Council staff, provided an overview of the revised alternatives presented in the analysis concerning designation of Habitat Areas of Particular Concern of egg concentration sites for several species of skates in the Bering Sea. To achieve effective enforcement of the HAPC areas, the Council modified Alternative 3 to establish a minimum size threshold for the areas to at least 5 nm to a side for areas smaller than 3 nm per side. For HAPC areas with at least 3nm per side, a buffer of 1 nm was added to the boundaries established in Alternative 2 in order to provide enough distance to allow VMS, as currently established in regulation, to be used as a tool to determine activity in the protected area in a legal setting. The intent of this modification to Alternative 3 was to allow for effective VMS tracking for enforcement.

The Committee noted information provided in the VMS discussion paper that is scheduled for April 2012 Council meeting notes that the VMS polling rate for a vessel can be increased. Currently, VMS reports a vessel identification and location generally 2 times per hour to the NOAA Fisheries Office of Law Enforcement. The Committee noted that increasing the poll rate for a vessel from the current default rate could be utilized to reduce the 1 nm buffer surrounding the HAPC areas noted in Alternative 3. The Committee also discussed the potential use of a geo-fence around the HAPC areas to also reduce or eliminate the 1 nm buffer. A geo-fence is a virtual perimeter for a real-world geographic area. When used in conjunction with VMS, geo-fencing allows enforcement to create an area which, when entered by a vessel equipped with VMS, will trigger an increased polling rate. When the vessel exits this area, the polling rate will be reduced to the normal rate. It was noted that the geo-fence boundaries in relation to the HAPC areas might need to be slightly larger to allow for ample time for the system to initiate the increased polling rate. Geo-fencing also allows for alerts (generally email) to be sent to the agency or

VMS user if deemed necessary. Increased polling as well as email alerts will result in higher VMS costs that may need be borne by industry using these areas.

The Committee discussed briefly the potential for using increasing polling rates, geo-fencing, or gear declarations via VMS to enforce a particular gear prohibition in a HAPC area. However, the Committee agreed that although VMS is currently required in many North Pacific fisheries and can be very versatile, current regulations in this region do not allow VMS to be used as a tool to differentiate gear types for purposes of enforcement. At this time, and based upon the current definitions in regulation, this gear determination requires an at-sea boarding.

Given the potential impacts to the industry from expanded HAPC areas in order to accommodate 1 nm buffers around these areas, the Committee recommends that the analysis be expanded to include information on improved use of VMS technology that can reduce the buffer surrounding the HAPC areas. Examples of VMS technology that should be included in the analysis are increasing the VMS polling rate for vessels operating in the Bering Sea, geo-fencing, and potential declarations for species or gear types.

C-6(b) Discussion paper on limiting other gear on jig vessels

Sarah Melton, Council staff, presented the discussion paper on limiting other gear on board vessels jigging for Pacific cod in the GOA. The discussion paper stems from a potential need to limit other gear on board vessels jigging for Pacific cod due to the new management and allocation structure implemented by Amendment 83. With separate sector allocations, there could be incentive to increase the duration of one sector's fishing season at the expense of another; specifically extending the duration of the longline or pot sector season by misreporting catch from these gear types as jig-caught and/or increasing the likelihood of attaining the jig quota and thereby receiving subsequent 'step-up' in the jig gear allocation.

After discussing the issue at length, the Committee agreed that enforcement of a jig only gear restriction is fairly straight forward and achievable. However, the Committee noted that when more flexibility is built into regulation to accommodate other gear types on board, the more difficulty it is to insure accurate catch reporting of Pacific cod by gear type. The Committee recognized there is an opportunity for jig vessels to operate other gear that was left on the fishing grounds during the previous fishing trip or left on the fish grounds by another vessel in order to circumvent a jig only gear carriage restriction. To address this issue, the Committee agreed that restriction of other gear on board jig vessels should also include operation standards to prevent jig vessels from operating fishing gear during a jig only fishing trip. Finally, the Committee noted that if the Federal approach for limiting multiple gears on board jig vessels is significantly different than the State approach, ensuring accurate accounting for Pacific cod catch for the individual gear types will be extremely difficult and confusing for the fishermen.

D-1(b) Discussion paper on VMS use and requirements

Jon McCracken, Council staff, presented an overview of the VMS discussion paper. The discussion paper was tasked by the Council to review the use of and requirements for VMS in the North Pacific fisheries and other regions of the U.S. The discussion paper included a description of VMS and its benefits, a review of the existing VMS requirements in the North Pacific, a summary of the most recent 2007 Council action related to expanding VMS requirements across the North Pacific, a summary of VMS coverage in the North Pacific, cost estimates for purchasing and operating VMS, and a review of VMS applications in other regions of the U.S.

The enforcement committee discussed this document, and agreed it presents a good overview of the current state of VMS use in the North Pacific and around the country, basic cost information for approved units in the North Pacific Region, and some of the potential additional benefits that may be gained if the program were expanded. The committee further noted that VMS is the primary, well established tool for monitoring compliance with some of the provisions of ever increasing regulatory complexity, and provides a secure, confidential, near-real time display for vessel locations for use by enforcement and

management personnel. It is especially useful in an environment when enforcement resources are likely to, at best, remain level or static and the number and complexity of regulations continue to increase.

The Committee noted the near complete rationalization of North Pacific fisheries from open access fisheries to various catch share approaches. A common component of all of these catch share programs, with the exception of the Halibut/sablefish IFQ Program, is a comprehensive suite of management and enforcement measures, necessitated by the needs for more precise and near real-time catch reporting and other accountability measures. VMS has been an important component of these M & E measures.

The committee recognized that VMS has been incrementally developed in the North Pacific Region, and since its first implementation we have learned a great deal about the system and its capabilities. At the same time, the council has not taken advantage of additional data sets capable of being collected and reported through this system beyond vessel identification and location.

The committee noted that there are concerns with accurate identification of the area fished for many of the vessels not currently carrying VMS units, and that a requirement for vessels to carry VMS units could address this concern for both U.S. enforcement personnel, and the International Pacific Halibut Commission. The committee also discussed that, given current council review of gear restrictions in various fisheries (e.g. – other gears carried on board jig vessels), the potential of target species and gear declarations via VMS could be beneficial in the Region.

If the Council chooses to expand this discussion paper, the committee suggests that the process would be greatly assisted through the development of a problem statement to guide and focus staff efforts. Any expanded discussion paper should detail additional capabilities of VMS systems available in the Region but not currently in use, to include:

- Targeted species, gear, or area declarations.
- Geo-fencing and the implications and cost ramifications to the fishing fleet and agency for use of this capability.
- Increased poll rates and the implications of this change to both the fishing fleet and enforcement agencies. (For example, potentially smaller closed areas, economic impacts to the fishing fleet and the agency, management benefits associated with increased polling.)
- Potential data transfer applications or electronic log books.

An expanded discussion paper would also benefit from further examining other potential technologies that may assist enforcement and compliance efforts with regards to catch accounting and area fished (for example, cameras, or other electronic monitoring tools that may accomplish the same goals). The committee further noted that should the council choose to expand the VMS program to IFQ vessels, this would establish equity with other catch share systems in the North Pacific Region, but noted that this process is slightly complicated by the fact that IFQ Halibut and Sablefish quota is issued to individuals and not vessels.

DRAFT
IFQ Implementation Committee
March 26, 2012

The IFQ Implementation Team convened at 6 pm on Monday, March 26, 2012 at the Anchorage Hilton and by teleconference (for committee members and agency staffs). Dan Hull (Chair), Bob Alverson, Julianne Curry, Dave Little, Jeff Kaufmann, Paul Peyton, Jeff Stephan, Kris Norosz, and Phil Wyman attended in person. Tim Henkel, Don Lane, and Rick Berns attended via teleconference.

Staff included Jane DiCosimo (NPFMC), Jon McCracken (NPFMC), Rachel Baker (NMFS –SF), Ken Hansen and Guy Holt (NOAA OLE), LT Tony Kenne (USCG), and Brad Robbins (ADF&G). Heather Gilroy (IPHC) and Jessie Gharrett (NMFS-RAM) attended via teleconference. Eight members of the public attended.

Agenda The team approved the agenda.

2009 Proposals

Chair Dan Hull reviewed the action for the committee: to recommend whether to proceed with further analysis of four discussion papers tasked to staff in 2010, given the amount of time that has passed since the committee made its original recommendations in 2009. The chair took the committee through each proposal for questions and clarifications. And then the committee went back through the proposals for discussion and recommendations.

Public testimony: Linda Behnken noted that other halibut management issues, specifically, the halibut Catch Sharing Plan and Gulf of Alaska halibut bycatch reduction should be prioritized over any IFQ actions.

1. Develop a discussion paper to allow the retention of 4A halibut incidentally caught while targeting sablefish in the Bering Sea and Aleutian Island regulatory areas. Included in the discussion paper is the premise that this action has the objective of not increasing halibut bycatch levels.

The committee discussed the area for which the proposed action should be considered. While the proposal was specific to Area 4A because that is where the halibut predation occurred then, the committee noted that the same whale depredation problem also occurs in Area 4B. Heather Gilroy noted that the IPHC supported considering the proposed action in Area 4A, but not expanding the geographic range further. IPHC would need to collect new selectivity data if the area for the action was expanded. Heather reminded the committee that the proposed action is under IPHC authority to define legal gear for the retention of Pacific halibut, but that the IPHC wished to consult with the Council, as the proposed action would affect management of the sablefish IFQ fishery. Jane DiCosimo noted that the staff analysis would not be in the form of an RIR/IRFA because no regulatory action would be needed, so that minimized the distinction between a discussion paper and an analysis. Depending on other Council tasking priorities, she could bring back an analysis for the Council to consider recommending the proposed action in either October or December, so that the IPHC could take action at its next annual meeting in January 2013.

The committee recommended moving forward with an analysis of the proposed action, but requested that staff identify the latitude and longitude for the geographic boundaries for which: 1) Area 4A only, and 2) Area 4A and 4B overlap the Bering Sea management area and the Aleutian Island management area for sablefish. Bob Alverson noted similar concerns about pot configurations, pot storage, deadloss, etc. that are also identified under Proposal 2.

2. Develop a discussion paper to explore the implications of using pots for the Gulf of Alaska sablefish fishery, and address [the following] issues . . . .

Don Lane spoke in favor of analyzing this proposal due to whale depredation, as recommended by his organization. He recommended adding a line of longitude (perhaps 147° or 148°) in addition to the 200 fathom curve or by management area. His organization did not provide a rationale for the significance of the longitude or which gear type would be allowed on which side of the line. It was observed that 1/3 of

sablefish IFQ permits are for pot gear. Don responded that pot storage was the greatest concern. Rick Berns recommended drawing on ongoing Pacific cod experiences with gear separation in state water fisheries. Jessie Gharrett noted that grounds preemption was the biggest issue back when the Council prohibited the use of pots in the Gulf of Alaska. Tim Henkel noted that whale depredation is not the only issue; gear issues related to pots may grow in future. There was general consensus that this proposal could be controversial and stir up some of those issues from the past.

Julianne Curry recommended adding a 5th bullet for consideration in the planned discussion paper.

#5. Information on Bering Sea and west coast pot fisheries (i.e., pot designs, general characteristics).

The committee recommended that the Council proceed with a discussion paper for Proposal #2, but with a lower priority than Proposal 1. The committee recommended that the Council convene a Gear Committee first to assist in the development of the discussion of the long list of issues to be addressed in the discussion paper before tasking staff with a timeline for completion.

3. Develop a discussion paper to assess whether the problem of unharvested halibut IFQ in Area 4 is attributable to the current vessel IFQ cap or are there other factors that could be identified as contributing to unharvested halibut in Area 4.

Bob Alverson and Dave Little questioned whether the proposed action related to vessel or individual/ collective use caps. Jeff Kaufman clarified that the proposal language is correct: the intent is to amend the vessel cap in Area 4. He observed that so few boats are fishing in the area, that each vessel needs a higher cap to accommodate all Area 4 IFQ fishermen who do not own their own vessels.

Phil Wyman asked about how fish up or fish down figured into this proposed action and Jessie Gharrett and Jane DiCosimo responded by identifying that fish down applies to all areas, while fish up is allowed in Area 3B and Area 4C, and the Council is scheduled for final action to allow fish up in Area 4B, and possibly Area 4A.

Jeff Kaufman asked Jessie what the percent of unharvested Area 4 IFQs. Jessie responded that the 2011Area 4-D halibut IFQ harvest was 5.7 Mlb of the 6.2 Mlb catch limit, or 92%. Jeff felt the problem was real for individual IFQ holders to find a platform to fish their IFQs, which has contributed to lower QS prices. He felt the proposal language should read "increasing the vessel cap in Area 4," which more closely aligns with the original proposal.

Bob spoke against the proposal because many fishermen feel that there is a reduced halibut stock in Area 4. The boats that Jeff represents have both IFQ and CDQ, which put them at an economic advantage. Bob added that another vessel in Area 4 would add jobs, but that the proposal has the potential to consolidate QS contrary to the Council's original goals. Don Lane concurred with Bob, that his group did not feel there was a great need for the proposed action to catch that last 8%. Area 4A caught 97% of TAC in 2010, while it was 81%, in Area 4B (the area with the largest underharvest). He suggested that the dynamics of the proposal could affect the GOA, because poundage is down.

The committee agreed to move the proposal forward with a discussion paper, as outlined by the Council language. The committee identified that it had a lower priority after resource issues addressed in the first two proposals.

4. Initiate a discussion paper for removal of the block system for sablefish A shares and increase in the sablefish A share only cap. The A share exemption, would be from the overall sablefish use cap (no catcher vessel QS onboard) and regardless of whether the sablefish harvest was processed. The discussion paper should explore adding a use cap increase to the BSAI.

Dave Little clarified that his intent is to amend the vessel cap, not the individual use (or "ownership") cap. He identified economic efficiency as the management issue. He felt that the proposal language that addressed increasing A share block caps could be dropped, as it seemed to confuse the issue. Tim Henkel asked if the proposal addressed the block cap, but noted that individuals are capped on blocks and not the vessels. Dave clarified that this was for IFQs only; the proposed action does not address CDQ A shares (which have no cap). Bob suggested that prices could be driven up.

Jane clarified that the vessel cap is not by vessel category. Jane offered the committee some clarifying language for the proposal, which it accepted to recommend to the Council as a low priority. The committee identified that it had a lower priority after resource issues addressed in the first two proposals.

Discussion paper to exempt A shares from the current vessel cap and set a separate sablefish A share vessel cap (for all areas).

Prioritization

1) Proposal #1, for analysis (to recommend to the IPHC for action).
2) Proposal #2 for discussion paper, following gear committee formation, but after Proposal #1.
3) Proposal #3 and #4, for discussion papers, after Proposals #1 and #2 are prepared.

Finally, committee members asked if a new call for IFQ proposals was imminent. Dan responded that the committee could make recommendations to the Council to initiate another round of IFQ/CDQ proposals, but noted that the current discussion papers already were identified as low priorities relative to other higher halibut management priorities. Jane added that at least one IFQ action from the 2006 IFQ cycle and three (possibly four after this meeting) IFQ/CDQ actions from the 2009 cycle have yet to be implemented by NMFS. And then these four discussion papers are tasked. Any new IFQ proposals would have to be prioritized relative to the current list, and the committee has already commented that some of the proposals were "stale," but was unwilling to block any of them from further discussion.

Vessel Monitoring Systems

The intent of the committee review is to provide depth to the discussion paper, specifically on implementation issues associated with the potential for VMS requirements in the halibut and sablefish IFQ fisheries. Jon McCracken summarized the VMS discussion paper and described the general nature of the paper relative to VMS programs in other parts of the country, in order for the Council to determine how to apply VMS requirements in the North Pacific.

The committee directed questions to staff (Jon McCracken, Ken Hansen, Guy Holt, and LT Tony Kenne). Bob Alverson noted that some of the fleet may be fishing only in PWS or SEO, and asked if there could be an exemption for state waters or state fisheries. Ken Hansen responded that OLE staff could draft criteria to meet Council policies. He noted that the VMS application for Steller sea lion measures in the Atka mackerel, pollock, and Pacific cod fisheries allow a federal fisheries permit holder to "unendorse" the permit in order to be exempt from VMS requirements. Dave Little asked for clarification about unendorsing a federal fisheries permit for fisheries affected by Steller sea lion requirements versus surrendering a FFP.

Paul Peyton identified an Area 4E CDQ halibut fishery that only targets halibut, and wondered if that fleet could be exempt. LT Kenne stated the discussion paper identified what the VMS capabilities are, such that other areas of the country require VMS on very small boats, should the Council wish to make that policy (i.e., require VMS on small boats).

Dan Hull asked about VMS reimbursement program funding in other areas of the country. LT Kenne responded that all areas of the country are funded from a single source through Pacific States Marine Fisheries Commission (through 2013, at least, but likely in perpetuity).

Don Lane noted that the paper addressed the benefits of VMS but did not address the burdens on the fleet. He asked about the penalty phase, and the time enforcement personnel spends on verifying VMS equipment and pursuing violations. Ken Hanson responded that OLE does a fair amount of compliance monitoring for vessels that are required to use VMS. Guy Holt added that VMS data only triggers an investigation and is not the sole source used to determine a violation.

Public testimony: Linda Behnken and Dan Falvey identified that it was unclear what action should be taken from the discussion paper. She noted that the paper identified a solution in search of a problem. She said that a lot of cameras could be put on vessels for the same money. Dan Falvey noted that the next draft of the paper should identify a problem in the fishery. He noted that electronic logbooks combined

GPS and harvests data to address additional monitoring requirements and what is needed above and beyond the Research Plan.

The committee started to discuss recommendations to the Council. Bob Alverson reported to the committee that on behalf of FVOA, he wrote a letter in support of VMS to ensure that fishermen are fishing in the area where their QS are designated. He supported exempting Area 4E, and other specific waters from VMS requirements.

Julianne Curry encouraged the federal agencies to identify the best electronic monitoring approaches, and does not believe the current VMS model is sufficient or appropriate for North Pacific fisheries. Given all higher priority management issues (e.g., Restructured Observer Program, Halibut CSP, Halibut Bycatch Reduction, etc.) she did not feel that VMS is a high management priority.

Jeff Stephen asked what the action and context for the paper was. He agreed with Linda Behnken that a problem has yet to be identified, and that economic burdens are piling up on the fleet and have not been sufficiently identified in the paper.

Bob added that the absence of VMS or electronic logbook enables a large portion of the under 60 ft sablefish fleet, which is not required to have a logbook, to misreport. Bob believed the need for VMS is to enforce requirements to fish in regulatory areas where fishermen hold quota.

Don Lane described the cost/benefit relationship and the need to better describe that relationship for the small boat, inshore fleet for whether it really needs to have VMS. He identified two different levels of enforcement requirements that would be a significant burden to the small boat fleet.

Dave Little does not support moving forward with VMS in the North Pacific. He noted that misreporting is a felony, and a recent, high profile case is having the desired effect on the fleet.

Rick Berns wondered if VMS can be cheaper than observers. Others suggested cameras also could replace observers. Julianne noted that the two tools collect different data, and VMS could not replace observers.

Jeff Stephan clarified that this is often perceived to be a small boat problem, but it could also be a large boat problem, depending on the fishery. Unanswered questions remain about how the restructured observer program and electronic monitoring requirement interface with interest in expanding VMS requirements. The Council should detail the costs and all the tools to address whatever problem in the fishery it identifies, including current monitoring and enforcement fess that are required of every IFQ holder.

Dan summarized the discussion and identified that there was no consensus to move forward with VMS requirements or further consideration of VMS. Paul Peyton noted that in order to move forward, the Council should identify a problem, which could be that some fishermen are motivated to misreport the area in which they fish. Some committee members believed that if it desired to move this issue forward, the Council should:

1) Identify the problem;
2) Identify the best management tool, and
3) Exempt certain areas where the problem does not exist (e.g., Cook Inlet, PWS, SE inside, Area 4E).
4) Consider costs to affected fishermen, in addition to the costs of other program requirements, such as Observer fees, and IFQ fees, and new USCG safety regulations

Adjourn The meeting adjourned at 9:35 pm.

Charter Management Implementation Committee Report

March 27, 2012

Anchorage Alaska

Attendance The meeting convened at approximately 4 pm. Seven members of the public attended.

Committee: Chair Ed Dersham, Gary Ault, Seth Bone, Tim Evers, Kent Huff, Stan Malcom, Andy Mezirow, Richard Yamada. Ken Dole was absent.

NPFMC Staff: Jane DiCosimo, Mark Fina

NOAA: Rachel Baker

IPHC: Gregg Williams

ADF&G: Scott Meyer, Bob Clark, Barbi Failor, Ruth Christiansen, Nicole Kimball

Opening Remarks

Chair Ed Dersham opened the meeting with introductions and invited committee members to comment on the agenda.

Jane DiCosimo reviewed the meeting materials, which included 1) the latest halibut workshop outline, 2) the Council's December 2011 motion, which spawned the documents now under review, and 3) the roadmap (Part 1), which covered how all the documents collectively address the Council motion. No presentations on any of the documents were planned, but staff was available to answer questions.

Logical Outgrowth

Rachel Baker answered questions on the NMFS paper on logical outgrowth, mostly on the GAF program. Ed Dersham highlighted that the NMFS discussion paper identified that 1) the Council clarification for Method 3 for the GAF Program and 2) any change to the management matrix would not be a logical outgrowth of the 2011 CSP proposed rule and would require a new, focused proposed rule to those changes. Under Method 3 NMFS would issue GAF to charter operators in pounds of fish, rather than in number of fish as recommended in the Council preferred alternative and in the CSP proposed rule. Under Method 3, net pounds of IFQ transferred from the IFQ permit holder would be equal to the pounds transferred to the GAF permit holder. Method 3 would require charter operators wishing to lease commercial IFQ as GAF to estimate the number of pounds of halibut to lease rather than the number of halibut, which could potentially be challenging to determine in advance.

Implementation of a GAF Program was a major focus of committee discussion. Richard Yamada suggested that the committee recommend that the Council recommend that NMFS publish a new proposed rule. There was, however, no consensus to recommend Method 3.

Andy Mezirow spoke in favor of a management tool (i.e., modified GAF Program) that would allow individual charter halibut permit holders to purchase commercial QS or a lease to purchase QS option, rather than the current program that only would allow annual leasing of IFQs (i.e., temporary). He felt the GAF program, even under Method 3, doesn't work for some business operations. In his experience, large halibut weigh less than predicted by the IPHC length-weight relationship. He felt that the IPHC length-weight relationship may be appropriate for determining average weight, but may not be appropriate for commerce involving individual fish. One solution to the commerce issue is that an operator would average all his/her GAF fish to determine the additional fee to clients for use of GAF. He preferred that each GAF be weighed so that the average GAF weight would be used for the conversion between pounds and numbers.

Richard questioned the IPHC length to weight conversions that would be used to manage the GAF Program. Gregg Williams responded that the drop in weight at age is well documented, but there has not

been documentation that fish are smaller at a given length, therefore the size at length conversions are still appropriate.

Toward the end of the meeting the committee returned to the GAF Program. Recognizing that a new proposed rule will be promulgated to address Method 3 under Comment 3 in the logical outgrowth paper (Part 2) by NMFS, Andy Mezirow suggested that the Council could revise the GAF Program to determine an average GAF fish by regulatory area for year 1 by using average charter caught halibut to issue fish in numbers of fish, and each subsequent year determine the average size of GAF. Richard noted that Andy's proposal goes back to the Council's original GAF approach for year 1 and there is no advantage for Area 2C.

Tim asked if the committee could recommend different approaches to regulating GAF for each regulatory area. Jane responded that the committee could do so, but it should provide sufficient rationale for why the different approaches were appropriate for each area.

Gary Ault said that he could not imagine GAF "by the inch" being viable in Homer. First, if the second fish was GAF, then it would be the smallest fish on the boat and that would skew the results. Larger operations might be better able to use GAF. Richard asked if the GAF program can be removed from the CSP, but not all members supported that.

CSP Supplemental Analysis

Richard asked about the conclusions of the CSP analysis, and Jane referenced the bold text under Section 1.3. "Charter sector allocations are greater in both pounds and percentage of the combined catch under the GHL at lower levels of the combined catch limit in both areas. Yet, once the combined catch limit reaches 9.5 Mlbs in Area 2C and 26.1 Mlbs in Area 3A, the CSP yields a larger charter sector allocation."

CSP Discussion Paper

Andy Mezirow spoke in favor of the 2012 approach as described in the discussion paper to replace the management matrix under the CSP. Seth Bone agreed, and suggested that the committee consider recommending it to the Council as a preferred approach. Richard noted some shortcomings: 1) that an EA/RIR/IRFA would not be developed under the 2012 approach, although there would be an ADF&G analysis with SSC review and 2) it relies on the IPHC to accept or reject the Council recommendation. Ed said that the 2012 approach looks to be successful this year, likely would be used again for 2013 under the current CSP implementation schedule, and could be beneficial between the Council and the Commission. Ed responded that a committee or even this committee would be used by the Council to identify potential management measures early in the process each year. Andy, Ed, Gregg and Jane commented further than the IPHC action would be to adopt the Council's Area 2C/3A CSP, which would include a specific management measure reviewed by the SSC and recommended by the Council for each IPHC area covered by the CSP. Stan Malcom concurred with the 2012 approach as the best solution.

Ed noted that there was nothing preventing new ideas for long term solutions being developed into a future discussion paper.

The committee unanimously agreed to recommend to the Council to adopt the 2012 approach for the CSP.

Andy asked if the committee could suggest an increase in the bag limit beyond two fish per day during times of high abundance. The committee concluded that philosophically, there might be agreement to increasing the bag limit, but there were questions about the practicality of having a higher bag limit than for the unguided sector. Tim suggested that banking of unharvested fish during times of high abundance could be made available during times of low abundance.

Logbooks

The issue of whether the CSP allocations to the charter sectors would be revised if the Council adopted the logbooks as the official harvest reporting vehicle was generally discussed. Ed noted that if the Council wishes to look at revised allocations at low levels of abundance, any adjustment that could be considered as a result of changing the reporting mechanism to logbooks, could be accommodated at the same time.

Andy suggested that the Council recommend that ADF&G use the ADF&G logbook as the harvest reporting vehicle. Tim noted that the logbook data was necessary to attain the successful development of the 2012 approach. *The committee unanimously recommended adoption of the ADF&G logbook with an appropriate adjustment to the allocations.*

Military boats

Military Welfare and Recreation (MWR) charter halibut limited entry permits were issued to qualifying military welfare and recreational vessels that are registered with the armed forces. There are no limits to the permits. The proposed rule speaks to the process that NMFS would report back to the Council if the number of permits increased over time. Tim asked if halibut caught on the MWR permits count against the charter sector allocation. Rachel said the proposed rule was not specific to that question. Scott said the MWR harvest is included in current charter harvest estimates based on the statewide mail survey, and MWR harvest is reported in ADF&G logbooks. Jane confirmed that she thought it was the intent of the Council that those harvests count against the GHL (or CSP).

Andy noted that only about half of all anglers on the military boats are military personnel and he supported the MWR program. He recommended that the Council either completely include them in the CSP and have their harvests count against the allocation, or exclude them from the charter sector by taking the military harvests off the CEY, similar to the process for accounting for unguided removals. There have been 5 military vessels since about 2000, the captains are licensed by ADF&G as charter captains, are compensated and therefore those anglers are defined in federal regulations as charter vessel anglers and would be subject to charter restrictions.

Public Comment

Rhonda Hubbard asked if certified scales could be used to document the size and weights of GAF, and have a third party verify the recorded measurements. Richard responded that fish must be measured before the fish are removed from the vessel and using a scale on a moving vessel would make that unmanageable. Rachel clarified that the size of a GAF would not be required to be reported in logbooks, only that one was harvested. Lengths or weights of GAF would be under electronic reporting, but not in the logbook. NMFS needs that data for returning unharvested GAF to the commercial IFQ holder. Lodges don't have certified scales, but could get them. Remote lodges can be IGFA certified. The logbooks could record only the number of GAF, and scales could be required to report measurements. Jeff Farvour noted that certified scales can be put on small, commercial boats.

Tim noted that he hasn't heard any charter operator who intends to harvest a GAF. Gary noted that the scale issues would discourage use of GAF.

Stan Malcom asked whether marking of fish has been clarified. Rachel identified that the NMFS paper on logical outgrowth identifies this specific issue and is seeking Council comment on that. The NMFS paper includes a suggestion by ADF&G to mark GAF by cutting off the upper and lower lobes of the tail, as is done for personal use sockeye salmon.

Adjourn

The meeting adjourned at approximately 6:40 pm.

Eric A. Olson
Chairman
Chris Oliver
Executive Director

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News & Notes

North Pacific Fishery Management Council
April 2012

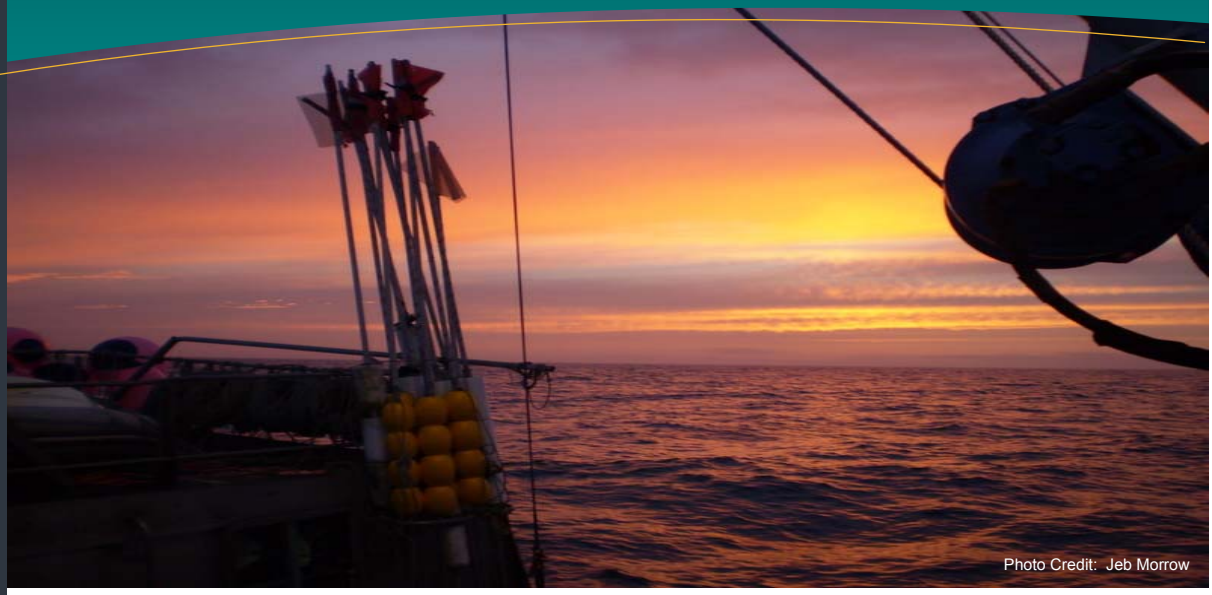

Photo Credit: Jeb Morrow

New Appointments

Chairman Olson announced appointments to the SSC and Plan Teams. Dr. Craig Faunce, of the AFSC, has been appointed to the GOA Groundfish Plan Team. Dr. Brad Harris of Alaska Pacific University and Mr. Quinn Smith of ADF&G in Juneau have been appointed to the Scallop Plan Team, and Dr. Sherri Dressel and Dr. Henry Cheng have both been appointed to the SSC. Dr. Dressel will replace Doug Woodby from ADF&G, and Dr. Cheng will serve as the Washington Department of Fish and Wildlife representative. Bob Clark was elected as Vice Chair and will serve in that capacity for the remainder of the year.

Denny Lassuy, the Council representative for USF&W, will be leaving the Council due to a job change. We thank him for his time and contributions and wish him luck in his new endeavors.

Upcoming meetings

Crab Plan Team: May 7-10; Hilton Hotel, Anchorage, AK

NPFMC/IPHC workshop: April 24-25, Crowne Plaza Hotel, Seattle

Joint Groundfish Plan Team Pcod models: May 1, AFSC, Seattle

Halibut Issues

Commercial IFQ Fisheries

The Council took final action on an IFQ proposal submitted in 2009 to allow IFQ derived from Category D quota share (QS) to be fished on Category C vessels in Area 4B, also known as "fish-up." This is a similar action to one that was implemented for Area 3B and Area 4C in 2007. The Council considered, but did not expand, its action to Area 4A. The Council action would relieve a restriction placed on IFQ halibut fishery participants and would further program goals by increasing the amount of IFQs that may be harvested by the small boat fleet and increasing safety at sea for that fleet. This action would affect up to 12 Area 4B Category D QS holders, who hold < 3% of IFQs and a few owners of larger vessels upon which these IFQs would be allowed to be fished.

The Council also adopted recommendations from its IFQ Implementation Committee to rank four discussion papers that the Council previously had requested. The Council identified a 2009 proposal to consider allowing halibut to be retained in sablefish pots fished by sablefish IFQ holders who also hold halibut IFQs to account for the retained halibut. This proposal was forwarded to the Council by the International Pacific Halibut Commission which retains authority on the proposed action, since the proposed action also would affect the sablefish IFQ fishery, which is under Council management. The Council could review an analysis of the effects of the proposed action and provide a recommendation on whether to expand the legal gear to include pot gear to the IPHC prior to its January 2013 meeting.

The Council's second priority was to develop a discussion paper to allow the use of pot gear in the Gulf of Alaska sablefish IFQ fisheries, after a new gear committee was formed and provided further recommendations to the Council. The remaining two proposals, as amended by the Council, were a) to assess whether the problem of unharvested halibut IFQ in Area 4 is attributable to the current vessel IFQ cap or are there other factors, and 2) to exempt A shares from the current vessel cap and set a separate sablefish A share vessel cap (for all areas). These lower priority issues will be scheduled for Council review after its higher priority action for halibut management actions (i.e., Area 2C/Area 3A Catch Sharing Plan, Gulf of Alaska Halibut Bycatch Reduction, and Observer Program Restructuring) are implemented.

The Council also requested that a recent paper on sablefish discard mortality rates be reviewed at the Joint Groundfish Plan Team meeting in September 2012. The Council suggested that another proposal to revise sablefish product recovery rates in the IFQ longline fishery could be addressed under an industry experimental fishing permit. Contact Jane DiCosimo for more information.

Halibut Catch Sharing Plan

After reviewing several staff reports, the Council amended its preferred alternative on the charter halibut catch sharing plan (CSP) and identified a new preliminary preferred alternative for final action in October 2012. The Council identified a new preferred alternative for each of the three main parts of the CSP: 1) allocations to the commercial and charter sectors, 2) compensated reallocation from the commercial sector to charter sector through the use of Guided Angler Fish (or GAF), and 3) management measures to keep the charter sector to its allocation is each area.

2012 Preliminary Preferred Alternative

Allocations. The Council recommended adoption of the Logbook Program under the CSP. The Council recommended using an adjustment factor based on the five-year average (2006–2010) of the difference between the harvest estimates provided by the logbooks and Statewide Harvest Survey (SWHS), with the adjustment factor reduced by the amount of harvest attributed to skipper and crew. Application of this adjustment factor would result in the following changes to the October 2008 CSP preferred alternative charter allocations:

Area 2C adjustment factor = 5.6%

Area 2C current CSP allocation in Tier 1 = 17.3%

Adjusted CSP allocation = (17.3% * 5.6%) + 17.3% = 18.3%

Area 2C current CSP allocation in Tiers 2 through 4 = 15.1%

Adjusted CSP allocation = (15.1% * 5.6%) + 15.1% = 15.9%

Area 3A adjustment factor = 15.4%

Area 3A current CSP allocation in Tier 1 = 15.4%

Adjusted CSP allocation = (15.4% * 15.4%) + 15.4% = 17.8%

Area 3A current CSP allocation in Tiers 2 through 4 = 14.0%

Adjusted CSP allocation = (14.0% * 15.4%) + 14.0% = 16.2%

Guided Angler Fish Program

- GAF would be issued in numbers of fish. Conversion of IFQ pounds to numbers of fish would be based on the average weight of GAF from the previous year.
- In the first year of the GAF program, the GAF weight to number of fish conversion factor would be based on the previous year's data or most recent year without maximum size limit in effect.
- Define the leasing limitation from one IFQ share holder as 10% of IFQ holdings or 1500 pounds in Area 2C and 15% or 1500 pounds in Area 3A, whichever is greater.
- Include a requirement to mark GAF by removing the tips of the upper and lower lobes of the tail and report the length of retained GAF halibut to NMFS through the NMFS approved electronic reporting system.
- A complete review within five years of the start of the GAF program, taking into account the economic effects of both sectors.

The Management Matrix would be replaced by the 2012 approach for setting annual management measures for the charter sector. This would result in 1) an annual analysis of potential management measures using the most current charter halibut harvest data and IPHC staff recommendation for a combined charter and commercial catch limit for each area, 2) review by committee, AP, SSC, and Council, 3) Council recommendation on appropriate management measures for each area to the IPHC, 4) consideration and adoption of the Council's Area 2C/3A CSP and area management measure(s) by the IPHC, and 5) implementation by NMFS of annual management measures.

Additional options for analysis

1) Allocations

Area 2C: At a combined catch limit of <5 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (20.8%); at a combined catch limit of ≥5 - <9 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.6%). At combined catch limits of ≥9 mlbs, maintain the original target CSP allocation of 15.1%.

Area 3A: At a combined catch limit of <10 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (18.9%); at a combined catch limit of ≥10 - <20 mlbs, establish the CSP allocation at the upper end of the original range proposed for the CSP (17.5%). At combined catch limits of ≥20 mlbs, maintain the original target CSP allocation of 14.0%.

Note: Under the 2012 model, the +/- 3.5% range around the allocation would be removed, and the Council would be annually recommending management measures that minimize the difference between the projected harvest and the target allocation, without exceeding the allocation.

2) Separate accountability of wastage

The Council requested that the analysis consider separate accountability of wastage for the charter and commercial sectors. If adopted, a new proposed rule would describe the method that the Council would expect to be used by the IPHC when it set a combined catch limit for each area and adopted the Council's CSP.

Final action on the CSP preliminary preferred alternative is scheduled for October 2012, with the intent that implementation occur for 2014. In a separate motion later in the meeting the Council asked for a discussion paper to address different federal and state definitions of a charter guide in order to close a loophole that results in fishing practices that are inconsistent with Council intent. A future action would be required to revise the definition in federal regulations. Jane DiCosimo is the Council staff contact on this issue.

Scallop Management

The 2012 Scallop Stock Assessment and Fishery Evaluation (SAFE) report was compiled by the Scallop Plan Team, which meets annually to review the status of stocks and to update the SAFE report. The SSC reviewed the SAFE report and made a number of suggestions for inclusion in the document the following year. Management of scallop stocks is delegated to the State of Alaska under a Federally-approved FMP. The State manages the weathervane scallop stock by region in the Bering Sea, Aleutian Islands and Gulf of Alaska. Scallop harvests within registration areas are limited by the Guideline Harvest Levels (GHLs) established by the State. Information on scallop stocks is provided by biennial surveys in two regions and by the statewide scallop observer program. New video survey technology is being utilized to provide additional information on scallop stocks. The weathervane scallop stock in Alaska is neither overfished nor approaching an overfished condition. The SSC recommended an ABC = 1.161 million lbs shucked scallop meats for the 2012/13 fishery. The 2012 Scallop SAFE report and the minutes from the Scallop Plan Team are available on our website. Staff contact is Diana Stram.

Groundfish Programmatic SEIS

As announced in the February 2012 newsletter, the Council is evaluating its 2004 Groundfish Programmatic SEIS, and whether the time is right to revise it. The decision will take into account many different factors, and the Council is soliciting input from various sources to assist in the Council discussion, scheduled to occur in June at the Council meeting in Kodiak. On March 29, the Council hosted a stakeholder listening session to ask for stakeholder input on whether the existing groundfish management objectives continue to be relevant, or are in need of revision. **The Council continues to solicit written comments on the following questions:**

- Are the Council's current groundfish management approach, policy goal statements, and objectives still relevant?
- How is the Council doing relative to achieving its groundfish management objectives?
- Are there new objectives that ought to become part of the groundfish management policy?

Comments submitted to the Council office will be accepted until May 1, after which they will be compiled into a written report along with comments from the stakeholder session, for the Council's review at the June Council meeting.

At the March/April meeting, the Council's SSC also provided input on whether the scientific basis for the 2004 Groundfish Programmatic SEIS is still relevant, and whether, in combination with other more recent environmental assessments, the Council is able to understand the environmental impacts of the current groundfish management program. The SSC provided a detailed review of these questions in their minutes (available on the Council website). In June, staff will compile SSC and stakeholder input, as well as a discussion paper from NMFS about ways the PSEIS may provide analytical efficiencies for other Council actions, and ways in which other Councils may meet programmatic NEPA requirements, for the Council's discussion. Staff contact is Diana Evans.

EFH Consultation Criteria

At the last two meetings, the Council has been discussing whether there is a need to formalize its role in the Essential Fish Habitat (EFH) consultation process that is undertaken by NMFS. The Council has an opportunity, and in some instances a statutory obligation, to comment on actions by Federal agencies that may affect habitats of direct concern to the Council. In response to input from NMFS and the Council's Ecosystem Committee, the Council has adopted a formal policy for EFH consultation, in order to ensure that activities that are of relevance to the Council are brought to their attention in a timely fashion, and not overlooked. As part of the policy, the Council has established a structured process for regular reports from NMFS, and has identified specific criteria that can be used to guide the agency in determining whether an activity is likely to be of particular interest to the Council. The complete EFH consultation policy is posted on the Council website. Staff contact is Diana Evans.

Bering Sea Canyons

During staff tasking, the Council initiated a discussion paper to examine new information on two Bering Sea submarine canyons, Zhemchug and Pribilof canyons. The Council has requested that the Alaska Fisheries Science Center review existing and new scientific information on the canyons, their habitat, and fish associations in those areas, and has requested staff to provide information on fishing activity within the canyons and past actions for protection in the areas, and to identify the process for any potential future actions. The intent is for the discussion paper to help the Council to understand what is known about issues related to protection of the canyons. Further specifics on the scope of the discussion paper are included in the Council motion, which is posted on the Council website. Staff contact is Diana Evans.

Habitat Conservation Area Boundary

Amendment 89 to the BSAI Groundfish FMP created a number of habitat conservation areas (HCAs) in which bottom trawling is prohibited, including the Nunivak Island – Etolin Straits – Kuskokwim Bay HCA (Nunivak HCA). The southern boundary of the Nunivak HCA was established after consultation with an industry and Association of Village Council Presidents (AVCP) working group, with the understanding that the working group would continue to communicate and share information and consider modifying the boundary line, if appropriate. Since early 2011, the working group has been meeting to share information and reconsider the southern boundary of the Nunivak HCA. At this meeting, the Council heard joint testimony from industry and community representatives requesting additional time to complete a proposal. The Council voted to reschedule the matter to no earlier than October 2012. Staff contact is Steve MacLean.

GOA Pacific Cod

Jig Gear Limits

The Council requested an expanded discussion paper on limiting other gear types on board vessels jigging for Pacific cod in the GOA.

Under the new sector split management structure, there could be incentives to increase the duration of one sector's season at the expense of another, specifically extending the longline or pot seasons by misreporting catch as jig-caught and/or increasing the likelihood that the jig sector will attain 90% of its allocation and receive a 1% step-up.

The expanded paper will include further discussion on the management issues already identified, suggestions from the AP, and recommendations from the Enforcement Committee.

The paper will discuss possible gear type limitations, such as deployable groundfish gear, other groundfish gear types, and the number of jig gear hooks allowed on board. The ability for a vessel to fish two gear types concurrently will also be evaluated.

The discussion will compare State and Federal regulations being considered because the Federal approach could differ from the State's, complicating reporting and catch accounting for individual gear types. The discussion will also evaluate the degree of flexibility afforded in possible Federal regulations verses ensuring accurate catch reporting.

The discussion will include descriptions of possible mixed-gear fishing trip scenarios and opportunities for jig vessels to operate other gear left on fishing grounds during a previous trip or left by another vessel to circumvent a jig-only gear restriction. The discussion will also touch upon possible operation standards to prevent jig vessels from operating other fishing gear during a jig-only fishing trip. Council staff contact is Sarah Melton.

Jig Parallel Fishery

The Council moved to take no further action on the reverse parallel concept for the GOA Pacific cod jig fishery, which was also the determination made at the Joint Protocol Committee meeting. It is very likely that jig fishermen will have access to fish outside three miles through an extended Federal A season without the necessity of implementing a reverse parallel fishery.

The Pacific cod jig fishery will continue to be managed under the sector split allocations, which can increase 1% each year (up to a 6% maximum) if 90% of the TAC is taken in a given year. Based on the 2012 experience in the jig sector thus far, this step up is expected in 2013 and 2014.

As the Federal TAC steps increases 1% each year, the likelihood there will be a dual fishery with access to Federal and State waters during the favorable fishing period from mid-March to late May increases as well. Therefore, fish on both sides of the three-mile line will be available through an extended A season even in the absence of a reverse parallel fishery.

Further, under the status quo, the State has the option to open the GHL fishery in mid-March and have catch accrue to the State quota, rather than to the Federal/parallel TAC, to ensure that the full GHL is taken and fish are not stranded or rolled over to other gear types. Council staff contact is Sarah Melton.

Revising "A" Season Dates

The Council considered a discussion paper concerning a potential action to revise the A season opening dates for the Gulf of Alaska Pacific cod fisheries. After considering the paper and public testimony, the Council elected to take no further action at this time. The Council's rationale for not advancing an action is that such a change would likely be disruptive to the various fleets in the fisheries that are in the process of adapting to a division of the Pacific cod total allowable catches among different sectors that NOAA Fisheries implemented at the start of the 2012 fishing season. Given the uncertainties associated with that transition and the variety of interactions among the various fleets and management areas that could be induced by the action, the Council elected to take no further action. Staff contact is Mark Fina.

Council to Meet in Kodiak

The next Council meeting is scheduled for June 4–June 12. The Council will be meeting at the new Kodiak Harbor Convention Center starting on the 6th, the AP will be meeting at the Elks Lodge starting on the 4th, and the SSC will be meeting at Fishermen's Hall, also starting on the 4th. As always, the Council meeting will be broadcast, this time using Webex. Look for a link to be posted on the Council's webpage closer to the meeting date. The agenda will be published next month and also available on the website.

Vessel Monitoring System

At this meeting, the Council reviewed a discussion paper regarding the use of and requirements of VMS in the North Pacific fisheries and other regions of the U.S. When the discussion paper was tasked in October 2011, the Council noted that there is uncertainty regarding whether a major change to or expansion of VMS requirements is necessary in the North Pacific, there is interest in reviewing the current state of the North Pacific VMS requirements in addition to other regions' application of VMS. As requested by the Council, the discussion paper was reviewed by the IFQ Implementation Committee and the Enforcement Committee.

After reviewing the discussion paper and listening to public testimony, the Council requested the discussion paper be expanded to identify the needs for management, enforcement, compliance, and safety in the fisheries and what is the appropriate technology for meeting those needs. The Council also requested that the expanded discussion paper should include:

- Targeted species, gear, and area declarations;
- Geo-fencing and the implications and cost ramifications to the fishing fleet and agency for use of this capability;
- Increase poll rates and the implications of this change to both the fishing fleet and enforcement agencies (for example, potentially smaller closed areas, economic impacts to the fishing fleet and the agency, management benefits associated with increased polling);
- Potential data transfer applications or electronic log books;
- Electronic monitoring and the tradeoffs between this technology and VMS;
- Purpose and need for VMS requirements in other U.S. regions and whether VMS used in these other regions has been successful in meeting the purpose and need; and
- Potential for including VMS cost in the observer fee.

The expanded discussion paper is scheduled for review at the October 2012 meeting. Staff contact is Jon McCracken.

GOA Trawl Sweep

At the April 2012 meeting, the Council took final action on a management measure requiring elevating devices on nonpelagic trawl sweeps for vessels targeting flatfish in the Central Gulf of Alaska. The purpose of the action is to reduce unobserved crab mortality in the Central Gulf of Alaska from the potential adverse effects of nonpelagic trawl gear used for flatfish fishing. The Council initiated this action in conjunction with final action on the GOA Tanner crab PSC measures, which created area closures around Kodiak to protect Tanner crab.

The management measure would combine a gear and performance standard to raise the elevated section of the sweep at least 2.5 inches, measured next to the elevating device. To achieve this performance standard, elevating devices would be required along the entire length of the elevated section of the sweep. To allow for some flexibility around the requirement, there would be two possible sweep configurations that meet the performance standard. In the first configuration, elevating devices that are spaced up to 65 feet apart must have a minimum clearance height of 2.5 inches when measured next to the elevating device. In the second configuration, the elevating devices may be spaced up to 95 feet apart, but they must have a minimum clearance height of 3.5 inches when measured next to the elevating device. In either case, the minimum spacing of the elevated devices is no less than 30 feet.

The Council also extended the exempted section from 180 feet to 185 feet to accommodate hammerlocks attached to net and door bridles. This change would apply to nonpelagic trawl gear used in both the BS and the Central GOA. Staff contact is Jon McCracken.

Council Accepts Email Comments

The April meeting was the first meeting the Council accepted public comments via email at npfmc.comments@noaa.gov. While there may be a few issues to iron out, many comments arrived this way for the Council notebooks. When commenting via email, please include the agenda item, your full name and affiliation, and have them submitted before the published deadline. If you have questions, please call the office.

BSIERP Management Strategy Evaluation

The Council received a report from a two-day workshop to discuss a management strategy evaluation (MSE) project in conjunction with the Bering Sea Integrated Ecosystem Program (BSIERP). The overall BSIERP is developing complex coupled oceanographic and biological models of the Eastern Bering Sea with specific focus on walleye pollock, Pacific cod, and arrowtooth flounder and their fisheries. This fully integrated model provides a unique tool to compare stock assessment methods (including applications of multi-species models). The MSE project is evaluating trade-offs among different management control rules that can be tested and evaluated against alternative climate scenarios. The workshop provided stakeholders an opportunity to provide input on the goals and objectives of the MSE and the specific control rules to be tested. The Council will receive periodic updates as the project progresses. Staff contact is Diana Stram.

Protected Resources

The Council reviewed a draft Memorandum of Understanding between the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) regarding the conservation of migratory birds. The MOU focuses on avoiding or minimizing adverse impacts on migratory birds and strengthening migratory bird conservation through collaboration between NMFS and FWS. The Council drafted a letter in support of the MOU and encouraged NMFS and FWS to work directly with the Council as they implement provisions of the MOU.

The Council reviewed and provided comment on a draft Notice of Intent (NOI) from NMFS Alaska Region to begin compiling an Environmental Impact Statement for Steller sea lion protection measures in the Bering Sea and Aleutian Island (BSAI) groundfish fisheries FMP. The NOI includes a timeline for completion of the EIS. The public scoping period will run from May – October 2012, and will conclude with a scoping meeting in conjunction with the October Council meeting in Anchorage. The Council also chose to reconvene the Steller Sea Lion Mitigation Committee (SSLMC) with Larry Cotter as Chairman. **The Council will be seeking nominations for the Committee. Please send a letter of interest to the Council by April 23.** See the Council website for more information about the SSLMC and EIS. Staff contact is Steve MacLean.

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Chum Salmon Bycatch

The Council reviewed an analysis of chum salmon PSC management and made a number of modifications for future review of a revised draft. The Council also received updated reports on the genetic stock composition of samples from the 2010 Bering Sea groundfish fisheries bycatch of chum and Chinook salmon.

The Council's suite of alternatives include PSC limits for either June and July or for the entire B-season, as well as triggered area closures with provisions for a rolling hot spot (RHS) program. The Council received detailed reports from Council and NMFS staff on the analysis of the alternatives on subsistence and commercial fisheries, adult equivalency estimates of bycatch to river system by genetic stock aggregation (i.e., the estimated number of salmon in the bycatch returning to streams in any given year), impacts to the directed pollock industry and impacts to other marine resources and cumulative impacts. The Council and the public expressed concern regarding the potential for management measures for chum salmon to impact rates of Chinook salmon bycatch later in the B-season. In response to this, the Council made a number of modifications to the suite of alternative management measures with the intent to better develop measures that might minimize western Alaskan chum salmon without undermining the efforts to minimize the bycatch of Chinook salmon in the pollock fishery.

The Council moved to include a new alternative that relies primarily on the RHS program as the primary management tool, with suggestions for modification to a RHS program to increase the efficacy of the program and to focus efforts on balancing conserving western Alaskan chum with efforts to conserve Chinook. The Council further requested that additional information be included in a subsequent analysis regarding the necessary provisions of the RHS program that would need to be in regulation. The full Council motion as well as a revised description of alternatives following Council action at this meeting is posted on our website Initial review of a revised analysis is scheduled for October 2012. The revised document will be available on the Council's website by the first week in September. Staff contact is Diana Stram.

HAPC Skate Egg Sites

The Council made an initial review of the analysis to identify skate egg sites as Habitat Areas of Particular Concern (HAPC). Options c and d will be removed from Alternative 3, which would have prohibited the use of all gear types (including longine and pot gear) within skate egg HAPC. A new option was added to Alternative 2 to require NMFS to monitor areas of skate egg concentration. Under this option, NMFS would monitor skate egg concentration HAPC for changes in egg density and other potential effects of fishing. The industry would support collection of data in evaluation of monitoring and management efforts relative to those HAPC.

The analysis will also be revised to include additional information. The analysis will be expanded to evaluate the use of the most updated VMS technology to monitor activity in and around skate egg concentration sites. Council, NMFS, and OLE staff, together with industry, will discuss the use of increased polling rates and geo-fencing to monitor fishing activity. Gear descriptions and potential fishery impacts will be updated to reflect the most recent changes in gear type technology, and survey trawl gear will be differentiated from commercial trawl gear. A description of the methodology used in determining target catch rates in skate sites will be added, as will descriptions of existing fishery closures that may overlap these sites. The analysis will also include other revisions suggested by the SSC to the extent practicable.

A revised analysis is being prepared for initial review, tentatively scheduled for June. Council staff is Sarah Melton.

Observer Program Restructuring

The Council received an update from NMFS on progress with implementing observer restructuring, which covered a number of different topics. The agency noted that the availability of Federal **startup funding** for implementation of the program looks promising. Implementation of the program in 2013 is currently on track. The **proposed rule** will publish shortly. NMFS noted that very few substantive changes have been made to the proposed rule since the Council reviewed it in October 2011, and those were primarily made directly in response to Council comments. However, one exception is to the program provision stating that a vessel selected for observer coverage is required to have an observer onboard. The original language allowed a vessel to have either an observer or an **electronic monitoring** system onboard. The Council noted dissatisfaction with this change, and opted to comment formally on the proposed rule. The Council requested NMFS to consider allowing vessels to take an electronic monitoring camera in lieu of an observer, in order to facilitate the continued development of electronic monitoring, and suggested options to achieve this intent. In their report, the agency did identify that specific funds have been allocated to the development of electronic monitoring capacity in 2013, within the restructured observer program.

The agency has scheduled **public hearings** associated with the proposed rule: in Seattle, WA, and Newport, OR, in mid-April; and in Juneau, AK in early May. The exact locations will be available on the NMFS and Council websites after the proposed rule is published. Additionally, the agency will be hosting a workshop in Kodiak during ComFish. Further **outreach** is planned to familiarize fishers with the registration system and other aspects of the restructured program, beginning at an evening session of the June Council meeting in Kodiak, and continuing in the fall. The pre-solicitation notice for the **observer contract** has also been published.

The draft **deployment plan** for 2013 will be available September 1, 2012 and will then be reviewed by the Observer Advisory Committee, the Plan Teams, and the Council. However, the Council requested that NMFS also provide a report in June about their progress in developing criteria about how to allocate the limited number of observer days in the partial coverage category. Staff contact is Diana Evans.

Upcoming Meetings:

April 12, 1:30-2:30 p – Kodiak Comfish, Kodiak, AK
Restructured observer program presentation

April 17, 1-4 pm – Seattle, WA
Public hearing on observer program proposed rule.

April 19, 1-4 pm – Newport, OR
Public hearing on observer program proposed rule.

May 2, 1-4 pm – Juneau, AK
Public hearing on observer program proposed rule.

Upcoming Meetings

June - week of June 4, Kodiak

October - week of October 1, Anchorage Hilton

December - week of December 3, Anchorage Hilton

2013

February - week of February 4, Portland, OR

April - week of April 1, Anchorage Hilton

June - week of June 3, Juneau, AK

October - week of September 30, Anchorage Hilton

December - week of December 9, Anchorage Hilton

BSAI Crab ROFR

The Council reviewed its pending action to modify **rights of first refusal** on processor quota shares (PQS) in the Bering Sea and Aleutian Islands crab fisheries. The Council had requested that stakeholders consider issues that arise under the proposed actions. Stakeholders convened a voluntary workgroup to discuss potential changes to the proposed actions in March. Coming into the meeting, the Council's alternatives included 1) revisions to the timeline for exercise and performance of rights, 2) the removal of terms under which the right lapses, 3) applying the right only to processor shares (rather than processor shares and other assets in the transaction), 4) prohibiting the use of IPQ outside of the community benefiting from the right of first refusal without the consent of that community, and 5) requiring additional notices to NMFS and the right holder from PQS holders concerning the use and transfer of individual processing quota and PQS to ensure that the status of rights could be better monitored. In response to testimony from stakeholders, the Council added an alternative that would allow rights to arise in a new community, if a right holder failed to exercise the right when it is triggered. The Council also included an alternative under which the right would apply to PQS and any assets based in the community holding the right (but not to assets that are not based in that community). The Council requested staff to prepare an initial review draft of the analysis for consideration at an upcoming meeting. Staff contact is Mark Fina.

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 4/6/12

June 4 - 12, 2012 Kodiak, AK	October 1-9, 2012 Anchorage, AK	December 3-11, 2012 Anchorage, AK
SSL EIS scoping (T)	SSL EIS scoping (T)	AI Risk Assessment: ***Report (T)***
Limit Other Gear on Jig Vessels: ***Expanded Discussion Paper***	Observer Deployment Plan: ***OAC report; action as necessary***	
Halibut workshop report: ***Review***	Halibut CSP: ***Final Action*** Definition of Fishing Guide: ***Discussion Paper***	Charter Halibut: ***Recommendations for 2013***
GOA Halibut PSC: ***Final Action*** GOA comprehensive halibut bycatch amendments: ***Disc paper*** BSAI halibut PSC limit: ***Discussion paper (T)***	BSAI Chum Salmon Bycatch: ***Initial Review*** Halibut/Sablefish IFQ Leasing prohibition: ***NMFS Disc. paper (T)*** Retention of 4A halibut in BSAI sablefish pots: ***Disc. paper (T)*** VMS Use and Requirements: ***Expanded Discussion Paper***	GOA Chinook Bycatch All Trawl Fisheries: ***Initial Review*** H/S IFQ Disc papers (GOA sablefish pots, unharvested halibut, sablefish A-share caps) (T)
BSAI Greenland turbot allocation: ***Discussion paper***	BSAI Crab active participation requirements: ***Initial Review***	BSAI Crab active participation requirements: ***Final Action***
BSAI Crab Binding Arbitration - GKC: ***Workgroup report*** BSAI Crab ROFR: ***Initial Review (T)*** Binding Arbitration Issues (lengthy season, publishing decisions, IPQ Initiation): ***Discussion Paper***	BSAI Crab Cooperative Provisions for Crew : ***Discussion paper*** BSAI Crab ROFR: ***Final Action (T)*** BS Habitat Conservation Area Boundary: ***Review*** Northern Bering Sea Research: ***Discussion paper***	BBRKC spawning area/fishery effects: ***Updated Discussion paper***
Revise FLL GOA cod sideboards: ***Discussion paper*** FLL Vessel Replacement: ***Initial Review***	AFA Vessel Replacement GOA Sideboards: ***Initial Review*** FLL Vessel Replacement: ***Final Action***	AFA Vessel Replacement GOA Sideboards: ***Final Action***
BSAI Flatfish specification flexibility: ***Discussion Paper*** HAPC - Skate sites: ***Initial Review (T)***	Groundfish Catch Specifications: ***Adopt proposed specficiations*** HAPC - Skate sites: ***Final Action (T)***	Groundfish Catch Specifications: ***Adopt Final specficiations***
Crab Plan Team Report: ***Set Catch Specifications for 4 stocks*** Pribilof BKC Rebuilding Plan: ***Final Action*** BSAI Tanner Crab rebuilding plan: ***Revise Alternatives***	BSAI Crab SAFE: ***Final OFL/ABC specifications for 6 stocks*** BSAI Tanner Crab rebuilding plan: ***Initial Review (T)***	BSAI Tanner Crab rebuilding plan: ***Final Action (T)***
5-Year Research Priorities: ***Review and Approve*** PSEIS: ***Review comments & reports; action as necessary*** Total catch and ACLs: ***Discussion paper (T)*** Grenadiers: ***Discussion paper (T)***		ITEMS BELOW FOR FUTURE MEETINGS Crab PSC numbers to weight: Discussion paper Crab bycatch limits in BSAI groundfish fisheries: Disc paper BS Canyons: Updated AFSC report; Fising activities and management discussion paper
GOA pollock EFP: ***Review (T)***		MPA Nominations: Discuss and consider nominations

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

Future Meeting Dates and Locations

June 4-12, 2012 - Best Western, Kodiak
October 1-9, 2012 - Hilton Hotel, Anchorage
December 3-11, 2012 - Anchorage
February 4-12, 2013, Portland
April 1-9, 2013, Anchorage
June 3-11, 2013, Juneau
September 30-Oct 8, 2013 Anchorage
December 9-17, 2013, Anchorage

(T) Tentatively scheduled