

North Pacific Fishery Management Council

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FINAL ADVISORY PANEL MINUTES North Pacific Fishery Management Council December 6–10, 2010 Anchorage Hilton Hotel

The following (20) members were present for all or part of the meetings:

Joe Childers	Tim Evers	Matt Moir
Mark Cooper	Jeff Farvour	Theresa Peterson
Craig Cross	Becca Robbins Gisclair	Ed Poulsen
John Crowley	Jan Jacobs	Beth Stewart
Julianne Curry	Bob Jacobson	Lori Swanson
Jerry Downing	Simon Kinneen	Anne Vanderhoeven
Tom Enlow	Chuck McCallum	

Minutes of the October 2010 meeting were approved.

C-2(a) BSAI Crab Emergency Relief

The AP recommends the Council adopt the revised elements and options below for final action (~~strikeout~~ is deleted text, **bold/underlined** is new text). **The action will apply to all crab fisheries except Western Aleutian Islands golden king crab.**

Alternative 2 – Regional Landing Exemption

This action would establish an emergency relief exemption for the regional delivery requirement under the BSAI crab program. The action: (1) specifies the eligibility requirements for the exemption and the contracting parties, (2) establishes reserve pool certification and periodic reporting requirements, (3) establishes how the emergency relief regulation is to be administered, and (4) establishes a Council review process.

Regulatory components

Exemption and administration

~~Option 1:~~ As a prerequisite to being eligible to apply for and receive an exemption from a regional landing requirement, the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall provide NMFS with an affidavit attesting to having entered into a non-binding framework agreement that addresses mitigation, a reasonable range of terms of compensation, and a reserve pool requirement to the satisfaction of the parties. The affidavit shall be delivered to NMFS:

~~Suboption 1:~~ prior to the opening of the season.

~~Suboption 2:~~ by a fixed date (**October 15 for all fisheries**)

To receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall deliver to NMFS an affidavit attesting to having entered into an exemption contract that addresses mitigation, terms of compensation if appropriate, and a reserve pool requirement, to the satisfaction of the parties, prior to the day on which the exemption is sought. The exemption shall be granted upon timely submission of a framework agreement affidavit and subsequent filing of an exemption contract affidavit.

Parties to the framework agreement (and the affidavit attesting to that agreement) may include several IFQ holders, several IPQ holders, and several community/regional representatives, including representatives from multiple regions.

~~Option 2: To receive an exemption from a regional landing requirement the IFQ holders, the matched IPQ holders and the affected community entity or entities in the region for which the regional landing exemption is sought shall deliver to NMFS an affidavit attesting to having entered into an exemption contract prior to the day on which the exemption is sought.~~

Note: Any affidavit attesting to an exemption contract shall specifically identify the amount of IFQ/IPQ that are subject to the exemption.

Regional/community representatives

The entity that will represent communities shall be (options):

- (a) the entity holding or formerly holding the ROFR for the PQS,
- ~~(b) the entity identified by the community benefiting from (or formerly benefiting from) the ROFR,~~

~~Option: The entity or entities determined by the Council to be the community representatives in a region shall develop an allocation or management plan for any PQS issued without a ROFR in that region by a date certain established by the Council.[†] (Note: This provision could be applied instead of (c), if (a) or (b) is selected as the primary means of determining regional representatives).~~

- ~~(c) a regional entity representing the communities benefiting from the ROFR or formerly benefiting from the ROFR.~~

Option: The entity or entities determined by the Council to be the community representatives in the North Region shall develop an allocation or management plan for North Region St Matthews Blue King Crab and North Region Opilio Crab PQS issued without a ROFR within 180 days of implementation of this regulation.

Effect on excessive share caps

The requirement that NMFS apply any IPQ used at a facility through a custom processing arrangement against the IPQ use cap of the owners of that facility shall be suspended for all Class A IFQ and matched IPQ included in the exemption.

Reporting requirements

Any IFQ holders who are party to a framework agreement shall provide an annual Regional Landing Exemption Report to the Council which will include the following:

- 1) a comprehensive explanation of the membership composition of the reserve pool and the measures in effect in the previous year,

[†]This provision has been moved under options (b) and (c), as this provision is unnecessary, if (c) is selected.

- 2) the number of times a delivery relief exemption was requested and used, if applicable,
- 3) the mitigating measures employed before requesting the exemption, if applicable,
- 4) an evaluation of whether regional delivery exemptions were necessary, and their impacts on the affected participants, if applicable, and
- 5) a description of the consistency of the agreement with the Council's intent for this action.

At least two weeks prior to providing the annual Regional Landing Exemption Report to the Council, IFQ holders shall provide the annual Regional Landing Exemption Report to the communities and IPQ holders that are parties to framework agreements. Communities or IPQ holders may submit to the Council a Community Impact Report or IPQ holder report, respectively, that responds to the annual Regional Landing Exemption Report.

Statement of Council Intent

In developing the crab rationalization program, the Council included several measures to protect regional and community interests. Among those provisions, the Council developed regional designations on individual processing quota and a portion of the individual fishing quota that require associated catch to be delivered and processed in the designated region. A well-defined exemption from regional landing and processing requirements of Class A IFQ and IPQ that includes requirements for those receiving the exemption to take efforts to avoid the need for and limit the extent of the exemption could mitigate safety risks and economic hardships that arise out of unforeseeable events that prevent compliance with those regional landing requirements.

The Council intends that exemptions will be developed by agreement of the holders of Class A IFQ, holders of IPQ, and regional/community representatives. **For emergency events of less than 2 million pounds in the aggregate, compensatory deliveries offer the opportunity to restore the landings to a region that are intended in current regulations; therefore no party should unreasonably withhold their agreement or unreasonably restrict the industry's ability to respond to those events.** A prerequisite to an exemption will be that the parties have entered a nonbinding framework agreement. It is the Council's intent that this framework agreement will define certain terms of the exemption, including mitigation requirements and a range of terms of compensation, and that the exemption contract describes the conditions under which the exemption is being or would be requested, including mitigation requirements and terms of compensation specific to the exemption being sought. Mitigation would be intended to mitigate the effects on parties that might suffer some loss because of the granting of an exemption. Compensation would be intended to compensate parties for losses arising from the exemption. All framework agreements are expected to contain provision for a reserve pool. A reserve pool would be intended to provide industry wide, civil contract based delivery relief without regulatory or administrative intervention. Specifically, a reserve pool would be an agreement among holders of IFQ to certain arrangements in the use of their IFQ to reduce the need for exemptions from the regional landing requirement. It is believed that an effective reserve pool must 1) commit each participant in the pool to be bound by its rules; and 2) include not less than (~~60%~~, ~~70%~~, ~~80%~~) of the "A" share IFQ held by:

- (a) unaffiliated cooperatives and unaffiliated IFQ holders not in a cooperative, in the aggregate; or
- (b) affiliated cooperatives and affiliated IFQ holders not in a cooperative, in the aggregate.

Allowing several IFQ holders, IPQ holders, and community/regional entities to be a party to the same framework agreement is intended to streamline negotiations, facilitate the use of reserve pools, and allow for the incorporation of compensatory deliveries (should the parties believe compensating deliveries are appropriate). If an exemption is needed for compensatory deliveries, the process for receiving that exemption shall be the same as the process of affidavits used to make any other exempt deliveries under this action.

Council Review

The Council will review the Regional Landing Exemption Program ~~within: (a) two years and (b) after the first season in which an exemption is granted.~~ **However, if compensatory deliveries occur, the review will happen the year after compensatory deliveries.**

Thereafter, the Council will review the Regional Landing Exemption Program as part of its programmatic review, and, based on the record, may amend or terminate the Regional Landing Exemption Program.

Motion passed 19/0.

C-2(b) BSAI Crab ROFR

The AP recommends the Council move the analysis forward with the following changes to the elements and options:

Action 1: Increase a right holding entity's time to exercise the right and perform as required.

Alternative 1 – status quo

- 1) Maintain current period for exercising the right of first refusal at 60 days from receipt of the contract.
- 2) Maintain current period for performing under the right of first refusal contract at 120 days from receipt of the contract.

Alternative 2: Increase an entity's time to exercise the right and perform.

- 1) Require parties to rights of first refusal contracts to extend the period for exercising the right of first refusal from 60 days from receipt of the contract to 90 days from receipt of the contract.
- 2) Require parties to rights of first refusal contracts to extend the period for performing under the contract after exercising the right from 120 days from receipt of the contract to 150 days from receipt of the contract.

Action 2: Increase community protections by removing the ROFR lapse provisions.

Alternative 1 – status quo

- 1) Maintain current provision under which the right lapses, if IPQ are used outside the community of the entity holding the right for three consecutive years.
- 2) Maintain current provision, which allows rights to lapse, if the PQS is sold in a sale subject to the right (and the entity holding the right fails to exercise the right).

[For Alternative 2, delete Option 2 and Combine Option 1 & 3]

Alternative 2 – Strengthen community protections under circumstances where ROFR may lapse.

~~Option 1~~ Require parties to rights of first refusal contracts to remove the provision that rights lapse, if the IPQ are used outside the community for a period of three consecutive years.

~~Option 2: If any entity with a right of first refusal chooses not to exercise its right, and the PQS is sold and used in another community, then the right of first refusal as to the original entity lapses and is acquired by the community entity where the IPQ is currently being used:~~

- ~~_____ Suboption 1: immediately~~
- ~~_____ Suboption 2: after 3 years~~
- ~~_____ Suboption 3: after 5 years.~~

~~Option 3:~~ Require that any person holding PQS that met landing thresholds qualifying a community entity for a right of first refusal on program implementation to maintain a contract providing that right at all times

[Remove Action 3]

Action 3: Apply the right to only PQS or PQS and assets in the subject community.

Alternative 1—status quo

The right of first refusal applies to all assets included in a sale of PQS subject to the right, with the price determined by the sale contract.

Alternative 2: Apply the right to only PQS.

Require parties to rights of first refusal contracts to provide that the right shall apply only to the PQS subject to the right of first refusal. In the event other assets are included in the proposed sale, the price of the PQS to which the price applies shall be determined by a) agreement of the parties or b) if the parties are unable to agree, an appraiser jointly selected by the PQS holder and the entity holding the right of first refusal, or c) if the parties are unable to agree, an arbitrator jointly selected by the PQS holder and the entity holding the right of first refusal.

Alternative 3: Apply the right to only PQS and assets in the subject community.

Require parties to rights of first refusal contracts to provide that the right shall apply only to the PQS and other assets physically present in the community benefiting from the right of first refusal. In the event other assets are included in the proposed sale, the price of the PQS to which the price applies shall be determined by a) agreement of the parties or b) if the parties are unable to agree, an appraiser jointly selected by the PQS holder and the entity holding the right of first refusal, or c) if the parties are unable to agree, an arbitrator jointly selected by the PQS holder and the entity holding the right of first refusal.

Motion passed 15/4.

C-2(c) BSAI Crab Rationalization 5-year Review

The AP received the 5-Year Review. The AP acknowledges that the Crab Program is one of the most complex fisheries management programs in the world. Further, the AP feels that the Crab Program has largely resolved the original problems identified during the creation of the Program. These problems include:

1. Resource conservation, utilization and management problems;
2. Bycatch and its associated mortalities, and potential landing deadloss;
3. Excess harvesting and processing capacity, as well as low economic returns;
4. Lack of economic stability for harvesters, processors and coastal communities; and
5. High levels of occupational loss of life and injury.

The AP recommends that the Council request that the industry coops, boat owners and crew form a committee to develop private agreements to resolve crew issues with a time certain report back to the Council in October 2011.

Motion passed 14/5.

A motion to add Alternative 2 (from the Council's December 2008 tabled motion) failed 5/14.

Minority Report: Alternative 2 contains options for active participants to increase their participation and investment in the BSAI crab fisheries and was identified through public testimony as the best option available in the analysis to achieve that. The five-year review documents that entry level opportunities are scarce and crew compensation expressed as the crew share of vessel gross revenues is in decline. Although the motion made and passed by the AP "...recommends that the Council request that the industry co-ops, boat owners, and crew form a committee..." , it is not a substitute for Alternative 2. Alternative 2 is a necessary and viable option as crew are often under-represented and thus are overpowered in negotiations, which can create further barriers to entry into those fisheries.

Signed by: Jeff Farvour, Tim Evers, Theresa Peterson, Chuck McCallum, Rebecca Robbins Gisclair

A motion to establish a requirement for holding owner shares that would deter long-term holdings by people not otherwise engaged in the fishery failed 4/15.

Minority Report: This action would lead to a transition away from ownership by retired crabbers. In addition, the action may provide more opportunity for those engaged and those looking to enter in the fishery to establish or increase ownership. The minority believe there is a need to maintain a connection to the fishery and reduce the incentive to maintain absentee ownership into perpetuity. Those directly involved in fishing at some level will be more likely to base decisions for the long-term interest of the fishery.

Signed by: Theresa Peterson, Rebecca Robbins Gisclair, Chuck McCallum, Jeff Farvour

C-2(d) Pribilof BKC Rebuilding Plan

The AP recommends the Council request a revised EA/RIR including incidental catch through 2010, with alternative triggered closure areas based on the updated data.

Motion passed 18/0.

C-3 Salmon FMP

Purpose and scope

The AP recommends that the Council adopt a purpose and scope for the salmon FMP which incorporates the following principles and functions:

1. The State of Alaska should continue to hold primary management responsibility for salmon fisheries, both in state and federal waters, and will continue to manage these fisheries under current state law.
2. The FMP should maintain the current prohibition on commercial fishing in the West (outside of the three historical fishing areas).
3. The FMP should retain EFH protections for salmon stocks in both the East and West.

Alternatives for analysis

The AP recommends the Council adopt the following suite of Alternatives for analysis:

Alternative 1: Status Quo

Alternative 2: Maintain the existing geographic scope (East and West)

Option 1: Utilize state management as an “alternative approach” to meet the requirements of the MSA

Option 2: Clarify management authority and objectives

Option 3: Exclude the three historical fishing areas in the West Area

Further, the AP recommends the Council form a stakeholder committee.

Motion passed 18/0.

C-4(a) CQE Area 3A Purchase of D Category Halibut Quota

The AP recommends the Council release the analysis for initial public review, with the following inclusions:

- A breakdown of the Area 3A quota share that is held by residents of eligible Area 3A CQE communities, by block size
- An option that the Area 3A CQEs be exempt from the CQE Program block size restrictions when purchasing Area 3A D shares
- Further discussion on the financial advantages CQEs have as non-profits (compared to individuals) when purchasing D shares, and potential impacts
- Further information on the availability of D class quota in Area 3A
- Further information, if available, on whether the CQE Program influenced the increase in QS prices that occurred in 2004.

Motion passed 17/0.

C-4(b) CQE in Area 4B (Adak area)

The AP recommends that the Council convert the discussion paper into an analysis with the following changes:

- Add an option to require that the Adak CQE must lease its QS to Adak residents (*this was an amendment to the main motion and passed 18/1*)
- Add an option to allow the Adak CQE to purchase D category halibut QS in Area 4B.
- Add an option that would revise the 50,000-lb vessel use cap such that the vessel use cap would be calculated by adding any IFQ derived from CQE-held QS with any individually-owned Area 4B halibut IFQ (or AI sablefish IFQ) fished off the vessel. Also maintain the option that would keep the vessel use cap inclusive of any individually-held IFQ from any area.

Motion passed 18/0

C-4(c) Add New Eligible CQE Communities

The AP recommends the Council revise Table 21 to 50 CFR Part 679 to add Game Creek, Naukati Bay, and Cold Bay as eligible to participate in the CQE Program.

Motion passed 19/0.

C-4(d) Area 4B D Shares on C Vessels

The AP recommends the Council take no action at this time but schedule final action to run parallel with action on the CQE program in Area 4B.

Motion passed 19/0.

C-5 GOA Chinook Salmon Bycatch

Emergency regulation

The AP recommends the Council develop an emergency regulation requiring full retention of all salmon caught as bycatch in all pollock trawl fisheries in the GOA.

Motion passed 11/7.

The AP recommends that the Council proceed on non-emergency basis to require full retention of salmon in the non-pollock catcher-vessel groundfish trawl fisheries.

Motion passed 18/0.

All salmon bycatch must be enumerated, counted, recorded and made available for genetic sampling at the plant.

Motion passed 18/0.

Alternatives for analysis

The AP recommends the Council adopt the following alternatives for initial review analysis for Central and Western GOA trawl fisheries (Area 610, 620, 630):

Alternative 1: Status quo

Alternative 2: Trigger bycatch limits for salmon. Specific area(s) are closed seasonally (could be for an extended period of time) if or when a trigger limit is reached by the pollock fishery.

Option 1: using bycatch rates

Option 2: using bycatch numbers

Alternative 3: Hard cap

Set cap at Incidental Take Statement Amount (currently 40,000)

Alternative 4: Mandatory membership in salmon bycatch cooperative for all pollock trawl participants. In order to fish in the GOA Pollock fisheries (Area 610, 620 and 630) a vessel must be a member of a salmon bycatch control cooperative for the particular regulatory area.

Cooperative formation will be annual with thresholds for co-op formation yet to be defined.

Requirements for Co-op contractual agreements could include measures to control salmon bycatch, promote gear innovation, salmon hotspot reporting and monitor individual vessel bycatch performance. Annual co-op reports to the Council could include the contractual agreements; successes, and failures for salmon bycatch controls by season and calendar year and other items as defined by the Council.

Entire motion passed 15/3.

A motion to include all three options for hard caps under Alternative 3 failed 11/7.

Minority Report on deleting other hard cap options: A minority of the AP opposed a motion to delete several additional hard cap options of 16,000, 22,000 and 27,000 Chinook salmon for the analysis. The minority supported including these hard caps to ensure that the analysis includes a reasonable range of alternatives. While acknowledging the differences in the Bering Sea and Gulf of Alaska, given the recent adoption of a hard cap in the Bering Sea for Chinook salmon bycatch management, it is appropriate to consider a full range of hard caps in the analysis. The recent high Chinook bycatch in 2010 concurrent with low Chinook returns and reduced commercial, sport and subsistence Chinook harvests, as well as the significant ESA issues mandate a need for a serious look at all reasonable alternatives aimed at reducing bycatch of this iconic species, and this includes a full range of hard caps. A range of hard caps which includes levels closer to the average bycatch in the fishery over various time periods is more responsive to our mandate under National Standard 9 to reduce bycatch. Further, for analysis, a hard cap will provide contrast to a co-op system, and may provide further incentives for the fleet to develop a robust co-op approach.

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

A motion to advise the Council that the current observer coverage in the GOA may not meet the agreed NMFS interagency agreement found in the November 17, 2010 NMFS memo, motion failed 13/5.

Minority Report: The AP minority felt that the magnitude of Chinook bycatch, which occurred in the Fall of 2010 warranted an increase in current observer coverage in fisheries with high levels of bycatch. The memo states that Alaska Region (NMFS) shall ensure there is sufficient NMFS-certified observer coverage, such that the bycatch of Chinook salmon and other salmon in the GOA groundfish fisheries can be monitored on an inseason basis. Any deficiency in coverage should be augmented and provided by NMFS under the authority found in the Endangered Species Act.

Signed by: John Crowley, Bob Jacobson, Julianne Curry, Jeff Farvour, Theresa Peterson

C-6 Amendment 80 GRS Program Changes

The AP recommends that the Council adopt the following problem statement:

NMFS has identified two issues with the current GRS program. First, the GRS calculation as implemented does not correlate with historic groundfish retention rates in front of the Council at the time of Amendment 79 final action, and requires groundfish retention well beyond what was considered by the Council. The current GRS calculation schedule may impose economic hardships to the Amendment 80 fleet well beyond those considered in the Amendment 79 analysis. Second, NMFS enforcement has significant concerns with the cost of enforcing a GRS violation, which may hinder their ability to enforce the current GRS program. For these reasons, the GRS should be revised or reconsidered to allow industry to implement an internal retention monitoring program that ensures continued high groundfish retention.

Motion passed 17/0.

Additionally, the AP recommends that the Council release the analysis for public review. The AP recommends expedited action so that implementation occurs before expiration of the emergency rule.

Motion passed 17/0/1

C-7(a) BSAI Groundfish Specifications and SAFE report

The AP recommends that the Council approve the Bering Sea/Aleutian Islands Groundfish SAFE report. *Motion passed 17/0.*

The AP recommends that the Council adopt final BSAI groundfish TACs for 2011 and 2012 as shown in attached **Table 1**. *Motion passed 17/0.*

The AP recommends that the Council adopt final BSAI PSC bycatch allowances and seasonal apportionments of halibut, crab and herring for 2011 and 2012 for the Amendment 80 and BSAI limited access sectors as noted in the handout labeled C-7(a)(5), tables 7a, 7b, and 7c, with the following changes:

- Table 7a -- total trawl PSC herring = 2,273 MT, and
- Table 7c -- non trawl halibut mortality January 1-June 10 = 455 MT, June 10-August 15 = 190 MT, August 15-December 31 = 115 MT.

Motion passed 17/0.

C-7(b) GOA Groundfish Specifications and SAFE report

The AP recommends the Council set the 2011 and 2012 GOA groundfish TAC equal to ABC for all stocks with the following exceptions (see attached **Table 2**):

- The Pacific cod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2011 and 2012.
- Rollover the 2010 TAC for 2011-2012 for:
 - Shallow water flatfish and flathead sole in the Central and Western GOA
 - Arrowtooth flounder for all areas
 - Other slope rockfish in EYAK/SEO
 - GOA Atka mackerel
 -

The AP also recommends that both sharks and octopus be put on bycatch only status for the year. *Motion passed 17/0.*

The AP recommends the Council adopt the GOA halibut PSC apportionments, annually and seasonally, for 2011 and 2012, as indicated in item C-7(b) of the action memo. *Motion passed 17/0.*

The AP recommends that the Council approve the Gulf of Alaska Groundfish SAFE report. *Motion passed 17/0.*

D-1(a) GOA Pacific cod jig fishery discussion paper

The AP recommends the Council move the discussion paper for management of the GOA Pacific cod jig fishery forward for initial review.

The Council may consider the following points in drafting a purpose and need statement:

- Restructuring management of the jig fishery could ensure that the jig fleet has access to its allocation.

- Inclement weather during the Pacific cod jig fishery and small boat size has been an important factor in limiting jig effort in federal waters.
- The jig fishery could provide substantial entry level opportunity in coastal communities throughout the Gulf of Alaska.
- Jigging helps to round out a diversified fishing portfolio for combination fishing boats.

The AP further recommends analysis of the following alternatives:

Alternative 1: Status quo. Distinct Parallel/Federal and State waters fisheries will continue to exist, and the two fisheries will be managed as follows when the GOA Pacific cod sector allocations action is implemented:

The Federal TAC will be divided into an A/B season of 60%/40%. The A season will open on Jan 1 and close when the TAC is reached or on March 15. The State jig fishery will open either when the Federal season closes due to TAC or on March 15. The Federal B season will open on June 10.

Alternative 2: Combined jig GHL/TAC fishery. The Council could recommend that the Alaska Board of Fisheries not take **all or a portion** of the State Pacific cod jig GHL, and it would roll into the Federal jig allocation. The combined GHL/TAC fishery would be managed by NMFS.

Alternative 3: Reverse parallel fishery. Federal management authority delegated to the State of Alaska to manage the Pacific cod jig GHL fisheries in the Western and Central GOA from 0-200 miles.

Motion passed 18/0.

D-1(b) GOA halibut PSC limits discussion paper

The AP recommends the Council adopt a purpose and need statement that addresses the existing challenges of establishing PSC limits in the GOA. The AP recommends that the Council initiate an analysis which could include amending the GOA FMP to set halibut Prohibited Species Catch limits in regulation. *Motion passed 17/0.*

The AP recommends that the Council adopt a purpose and scope for GOA halibut PSC that incorporates the following principals and functions:

There are a number of long standing issues regarding the PSC limit of halibut in the Gulf of Alaska. Halibut-dependent fisheries have significantly changed since the PSC limit was set at 2,000 mt in 1986.

The AP recommends that the GOA halibut PSC discussion paper be forwarded for initial review with the following issues addressed in the analysis:

- Reduce GOA trawl PSC limits by:
 - 20%
 - 30%
 - 40%
- Include a sub-option to step-down by 5%-10% a year until desired reduction is achieved.
- Tie the PSC limit to halibut abundance.

Motion passed 10/6.

Minority Report: *The undersigned minority supports the motion as originally offered in the AP. That motion reads:*

“The AP recommends that the Council adopt a purpose and scope for GOA halibut PSC that incorporates the following principals and functions:

There are a number of long standing issues regarding the PSC limit of halibut in the Gulf of Alaska. Halibut-dependent fisheries have significantly evolved since the PSC limit was set at 2,000 mt in 1986. Increased dependence of the halibut resource by sport, personal use, and subsistence harvesters further highlights the need for a healthy halibut resource. Halibut is at a period of historically low harvestable biomass despite the considerable reduction in legal-sized bycatch and commercial wastage in the directed halibut fishery since rationalization. The continued race for fish in the trawl fisheries in the GOA has resulted in a lack of incentives for meaningful bycatch reduction.

Commercial longliners have annually delivered over \$200 million in landings to coastal communities in Alaska from Dixon Entrance to the Bering Sea. The ex-vessel value of the century-old commercial halibut fishery has been forecast as the primary funding source of the recently restructured observer program that includes all federal fisheries. Any significant deterioration in halibut landings will destabilize the funding of a comprehensive observer program in the North Pacific.

A recent change in the understanding of halibut migration indicates that bycatch has out-of-area (or downstream) impacts where the take of bycatch in one area reduces recruitment and available yield to other areas. The degree of the long-term effects of the down-stream impacts of the halibut resource is unknown. As halibut is an internationally managed species, obligations for reducing bycatch must be met by both Canada and the United States. Canada has established a comprehensive quota management plan that significantly reduced halibut bycatch in all commercial sectors. Meaningful bycatch reductions of halibut in the BSAI by the trawl fleet were achieved after implementation of Amendment 80 and the American Fisheries Act that enabled the Council to reduce the PSC limit in those fisheries. The GOA does not have the tools necessary to attain similar meaningful reductions in bycatch.

The AP recommends that the GOA halibut PSC discussion paper be forwarded for initial review with the following issues addressed in the analysis:

- *Provide incentive-based management system to GOA trawl fleet to achieve desired bycatch reductions such as those found in the BSAI trawl fleet and the Canadian trawl fleet.*
- *Reduce GOA trawl PSC limits by:*
 - *20%*
 - *30%*
 - *40%*
- *Include a sub-option to step-down by 5%-10% a year until desired reduction is achieved.*
- *Further discussion of reducing PSC in the TAC setting process or by FMP amendment.*
- *Expand discussion of halibut growth rates, migration, stock composition, and long-term effects of bycatch and down-stream impacts.*
- *Value of directed commercial, sport, and subsistence halibut fisheries.”*

Signed by: Jeff Farvour, Chuck McCallum, Tim Evers, Edward Poulsen, John Crowley, Julianne Curry.

D-1(c) Hagemeister Island closures for walrus

The AP suggests that the Council consider the following purpose and need statement:

The United States Fish and Wildlife Service has identified an emerging walrus haulout on the southwest corner of Hagemeister Island in Bristol Bay. During the summer months, vessels transit near this area to a roadstead offload location on the north side of Hagemeister Island. The Hagemeister roadstead area is preferred over other potential offload areas due to relatively calm currents and the protection it provides from summertime storms. Area closures to the operation of fishing vessels should be developed to reduce the potential for walrus disturbance in the vicinity of the Hagemeister haulout while maintaining safe access by fishing vessels to the Hagemeister roadstead offload site. Walrus are sensitive to human disturbance, and similar seasonal area closures exist around other major walrus haulouts in northern Bristol Bay. Additionally, alternative transit routes that could further reduce walrus interactions should be explored.

The AP recommends that the Council release the analysis for initial review with the following revisions to the alternatives:

1. Staff should work with NOAA fisheries and industry to revise Option 4 of Alternative 2 such that the western border of the closure is moved west of the state waters boundary and still enables safe passage to the roadstead.
2. An alternative should be developed that allows for a safe transit corridor north of Round Island which provides access to the Hagemeister roadstead.

Motion passed 16/0.

D-2 Staff Tasking

The AP remains concerned that there was a misunderstanding of uninspected passenger vessel (UPV) and the inspected passenger vessel (IPV) that may have inadvertently lead to the creation of latent licenses when angler endorsements were issued to charter permits.

Motion passed 14/0.

The AP requests the Council initiate a discussion paper for changing the trawl A season opening date for the Western GOA Pacific cod fishery to February 20.

Motion passed 14/0.

The AP recommends that the Council initiate a discussion paper to amend the Halibut IFQ Program to allow CQE's to operate under the same less-restrictive vessel caps as individual quota shareholders.

Motion passed 14/0.

Table 1. AP recommended TACs for 2011-2012 BSAI Groundfish; SSC recommended OFLs and ABCs

12/9/2010

Species	Area	2010		2011			2012		
		TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	EBS	813,000	809,238	2,450,000	1,270,000	1,252,000	3,170,000	1,600,000	1,253,658
	AI	19,000	1,266	44,500	36,700	19,000	50,400	41,600	19,000
	Bogoslof	50	131	22,000	156	50	22,000	156	50
Pacific cod	BSAI	168,780	159,012	272,000	235,000	227,950	329,000	281,000	229,608
Sablefish	BS	2,790	721	3,360	2,850	2,850	3,080	2,610	2,610
	AI	2,070	1,049	2,250	1,900	1,900	2,060	1,740	1,740
Yellowfin sole	BSAI	219,000	114,600	262,000	239,000	196,000	266,000	242,000	197,660
Greenland turbot	Total	6,120	3,589	7,220	6,140	5,050	6,760	5,750	4,950
	BS	4,220	1,706	n/a	4,590	3,500	n/a	4,300	3,500
	AI	1,900	1,883	n/a	1,550	1,550	n/a	1,450	1,450
Arrowtooth flounder	BSAI	75,000	38,098	186,000	153,000	26,000	191,000	157,000	26,000
Kamchatka flounder	BSAI	n/a	n/a	23,600	17,700	17,700	23,600	17,700	17,700
Northern rock sole	BSAI	90,000	53,111	248,000	224,000	85,000	243,000	219,000	85,000
Flathead sole	BSAI	60,000	19,863	83,300	69,300	41,548	82,100	68,300	41,548
Alaska plaice	BSAI	50,000	15,771	79,100	65,100	16,000	83,800	69,100	16,000
Other flatfish	BSAI	17,300	2,179	19,500	14,500	3,000	19,500	14,500	3,000
Pacific Ocean perch	BSAI	18,860	16,567	36,300	24,700	24,700	34,300	24,700	24,700
	BS	3,830	2,267	n/a	5,710	5,710	n/a	5,710	5,710
	EAI	4,220	4,033	n/a	5,660	5,660	n/a	5,660	5,660
	CAI	4,270	4,033	n/a	4,960	4,960	n/a	4,960	4,960
	WAI	6,540	6,234	n/a	8,370	8,370	n/a	8,370	8,370
Northern rockfish	BSAI	7,240	4,039	10,600	8,670	4,000	10,400	8,330	4,000
Blackspotted/Rougheye Rockfish	BSAI	547	232	549	454	454	563	465	465
Rockfish	EBS/EAI	n/a	n/a	n/a	234	234	n/a	240	240
	CAI/WAI	n/a	n/a	n/a	220	220	n/a	225	225
Shortraker rockfish	BSAI	387	252	524	393	393	524	393	393
Other rockfish	BSAI	1,040	676	1,700	1,280	1,000	1,700	1,280	1,000
	BS	485	179	n/a	710	500	n/a	710	500
	AI	555	497	n/a	570	500	n/a	570	500
Atka mackerel	Total	74,000	68,643	101,000	85,300	53,080	92,200	77,900	48,593
	EAI/BS	23,800	23,599	n/a	40,300	40,300	n/a	36,800	36,800
	CAI	29,600	26,387	n/a	24,000	11,280	n/a	21,900	10,293
	WAI	20,600	18,657	n/a	21,000	1,500	n/a	19,200	1,500
Squid	BSAI	1,970	402	2,620	1,970	425	2,620	1,970	425
Other species	BSAI	50,000	16,614	n/a	n/a	n/a	n/a	n/a	n/a
Skate	BSAI	n/a	16,419	37,800	31,500	16,500	37,200	31,000	16,500
Shark	BSAI	n/a	47	1,360	1,020	50	1,360	1,020	50
Octopus	BSAI	n/a	149	528	396	150	528	396	150
Sculpin	BSAI	n/a	5,168	58,300	43,700	5,200	58,300	43,700	5,200
Total	BSAI	1,677,154	1,347,836	3,954,111	2,534,729	2,000,000	4,731,995	2,911,610	2,000,000

Table 2. AP recommended TACs for 2011-2012 GOA Groundfish; SSC recommended OFLs and ABCs

12/9/2010

Stock/ Assemblage	2010					2011			2012		
	Area	OFL	ABC	TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pollock	W (61)		26,256	26,256	26,047		27,031	27,031		34,932	34,932
	C (62)		28,095	28,095	28,269		37,365	37,365		48,293	48,293
	C (63)		19,118	19,118	19,236		20,235	20,235		26,155	26,155
	WYAK		2,031	2,031	1,637		2,339	2,339		3,024	3,024
	Subtotal	103,210	75,500	75,500	75,189	118,030	86,970	86,970	151,030	112,404	112,404
	EYAK/SEO	12,326	9,245	9,245		12,326	9,245	9,245	12,326	9,245	9,245
Total	115,536	84,745	84,745	75,189	130,356	96,215	96,215	163,356	121,649	121,649	
Pacific Cod	W		27,685	20,764	20,971		30,380	22,785		27,370	20,528
	C		49,042	36,782	36,808		53,816	40,362		48,484	36,363
	E		2,373	2,017	881		2,604	1,953		2,346	1,759
	Total	94,100	79,100	59,563	58,660	102,600	86,800	65,100	92,300	78,200	58,650
Sablefish	W		1,660	1,660	1,329		1,620	1,620		1,484	1,484
	C		4,510	4,510	4,434		4,740	4,740		4,343	4,343
	WYAK		1,620	1,620	1,561		1,990	1,990		1,818	1,818
	SEO		2,580	2,580	2,674		2,940	2,940		2,700	2,700
	Total	12,270	10,370	10,370	9,998	13,340	11,290	11,290	12,232	10,345	10,345
Shallow- water flatfish	W		23,681	4,500	75		23,681	4,500		23,681	4,500
	C		29,999	13,000	5,333		29,999	13,000		29,999	13,000
	WYAK		1,228	1,228	1		1,228	1,228		1,228	1,228
	EYAK/SEO		1,334	1,334	1		1,334	1,334		1,334	1,334
	Total	67,768	56,242	20,062	5,410	67,768	56,242	20,062	67,768	56,242	
Deep- water Flatfish	W		521	521	2		529	529		541	541
	C		2,865	2,865	490		2,919	2,919		3,004	3,004
	WYAK		2,044	2,044	7		2,083	2,083		2,144	2,144
	EYAK/SEO		760	760	3		774	774		797	797
	Total	7,680	6,190	6,190	502	7,823	6,305	6,305	8,046	6,486	6,486
Rex sole	W		1,543	1,543	101		1,517	1,517		1,490	1,490
	C		6,403	6,403	3,284		6,294	6,294		6,184	6,184
	WYAK		883	883	2		868	868		853	853
	EYAK/SEO		900	900			886	886		869	869
	Total	12,714	9,729	9,729	3,387	12,499	9,565	9,565	12,279	9,396	9,396
Arrowtooth Flounder	W		34,773	8,000	2,270		34,317	8,000		33,975	8,000
	C		146,407	30,000	20,532		144,559	30,000		143,119	30,000
	WYAK		22,835	2,500	140		22,551	2,500		22,327	2,500
	EYAK/SEO		11,867	2,500	73		11,723	2,500		11,606	2,500
	Total	254,271	215,882	43,000	23,015	251,068	213,150	43,000	248,576	211,027	43,000
Flathead Sole	W		16,857	2,000	317		17,442	2,000		17,960	2,000
	C		27,124	5,000	3,141		28,104	5,000		28,938	5,000
	WYAK		1,990	1,990			2,064	2,064		2,125	2,125
	EYAK/SEO		1,451	1,451			1,523	1,523		1,568	1,568
	Total	59,295	47,422	10,441	3,458	61,412	49,133	10,587	63,202	50,591	10,693

Table 2 continued (AP Minutes Dec. 2010)

Stock/ Assemblage	2010					2011			2012		
	Area	OFL	ABC	TAC	Catch	OFL	ABC	TAC	OFL	ABC	TAC
Pacific ocean perch	W	3,332	2,895	2,895	3,133	3,221	2,798	2,798	3,068	2,665	2,665
	C	12,361	10,737	10,737	10,461	11,948	10,379	10,379	11,379	9,884	9,884
	WYAK		2,004	2,004	1,926		1,937	1,937		1,845	1,845
	SEO		1,948	1,948			1,883	1,883		1,793	1,793
	E(subtotal)	4,550	3,952	3,952	1,926	4,397	3,820	3,820	4,188	3,638	3,638
Total	20,243	17,584	17,584	15,520	19,566	16,997	16,997	18,635	16,187	16,187	
Northern rockfish3	W		2,703	2,703	2,033		2,573	2,573		2,446	2,446
	C		2,395	2,395	1,838		2,281	2,281		2,168	2,168
	E										
	Total	6,070	5,098	5,098	3,871	5,784	4,854	4,854	5,498	4,614	4,614
Shorthead	W		134	134	64		134	134		134	134
	C		325	325	136		325	325		325	325
	E		455	455	257		455	455		455	455
	Total	1,219	914	914	457	1,219	914	914	1,219	914	914
Other slope3	W		212	212	362		212	212		212	212
	C		507	507	275		507	507		507	507
	WYAK		273	273	128		276	276		275	275
	EYAK/SEO		2,757	200	33		2,757	200		2,757	200
	Total	4,881	3,749	1,192	798	4,881	3,752	1,195	4,881	3,751	1,194
Pelagic Shelf rockfish	W		650	650	530		611	611		570	570
	C		3,249	3,249	2,481		3,052	3,052		2,850	2,850
	WYAK		434	434	75		407	407		380	380
	EYAK/SEO		726	726	11		684	684		638	638
	Total	6,142	5,059	5,059	3,097	5,570	4,754	4,754	5,387	4,438	4,438
Rougheye and blackspotted rockfish	W		80	80	91		81	81		81	81
	C		862	862	217		868	868		868	868
	E		360	360	139		363	363		363	363
	Total	1,568	1,302	1,302	447	1,579	1,312	1,312	1,579	1,312	1,312
Demersal rockfish	Total	472	295	295	127	479	300	300	479	300	300
Thornyhead Rockfish	W		425	425	129		425	425		425	425
	C		637	637	275		637	637		637	637
	E		708	708	149		708	708		708	708
	Total	2,360	1,770	1,770	553	2,360	1,770	1,770	2,360	1,770	1,770
Atka mackerel	Total	6,200	4,700	2,000	2,409	6,200	4,700	2,000	6,200	4,700	2,000
Big Skate	W		598	598	140		598	598		598	598
	C		2,049	2,049	2,155		2,049	2,049		2,049	2,049
	E		681	681	142		681	681		681	681
	Total	4,438	3,328	3,328	2,437	4,438	3,328	3,328	4,438	3,328	3,328
Longnose Skate	W		81	81	103		81	81		81	81
	C		2,009	2,009	816		2,009	2,009		2,009	2,009
	E		762	762	124		762	762		762	762
	Total	3,803	2,852	2,852	1,043	3,803	2,852	2,852	3,803	2,852	2,852
Other skates	Total	2,791	2,093	2,093	1,464	2,791	2,093	2,093	2,791	2,093	2,093
Squid	GOA-wide				131	1,530	1,148	1,148	1,530	1,148	1,148
Sharks	GOA-wide				603	8,262	6,197	6,197	8,263	6,197	6,197
Octopus	GOA-wide				324	1,272	954	954	1,272	954	954
Sculpins	GOA-wide				735	7,328	5,496	5,496	7,328	5,496	5,496
Other spp total	Total	9,432	7,075	4,500	1,793	18,393	13,795	13,795	18,393	11,205	13,795
Total		693,253	565,499	292,087	213,635	723,928	590,121	318,288	743,422	601,400	315,016