

North Pacific Fishery Management Council

Eric A. Olson, Chair
Chris Oliver, Executive Director

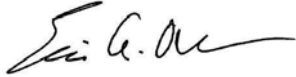
Telephone (907) 271-2809



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>



APPROVED: _____

DATE: 12-14-2009

FINAL MINUTES

194th Plenary Session
North Pacific Fishery Management Council
October 3-9, 2009
Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met October 3-9, 2009 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met October 1-3, and the Advisory Panel met October 1-5 at the same location. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair
Dave Benson, Vice Chair
Greg Balogh
Sam Cotten
Ed Dersham
Duncan Fields
Dave Hanson
John Henderschedt

Roy Hyder
Dan Hull
Denby Lloyd/Dave Bedford
Doug Mecum/Sue Salvesson
Bill Tweit for Phil Anderson
ADM /LCDR Lisa Ragone

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Jeannie Heltzel
Nicole Kimball
Peggy Kircher

Jon McCracken
Chris Oliver
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Troy Buell
Robert Clark
Keith Criddle, Vice Chair
Anne Hollowed
George Hunt
Gordon Kruse

Franz Mueter
Lew Queirolo*
Terry Quinn II
Farron Wallace
Ray Webster
Doug Woodby

*participated by teleconference

Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
Becca Robins Gisclair
Tom Enlow
Tim Evers
Jeff Farvour
Jan Jacobs
Bob Jacobson

Simon Kinneen
Chuck McCallum
Mike Martin
Matt Moir
Rex Murphy
Theresa Peterson
Ed Poulsen
Beth Stewart
Lori Swanson

The North Pacific Fishery Management Council met October 3-10, 2009 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met September 30-October 2, 2009 and the Advisory Panel met September 30-October 4, at the same location. 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.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:04 am on Saturday, October 3, 2009.

Dave Bedford participated for Denby Lloyd in this part of the meeting. Mr. Bill Tweit participated in the entire meeting in place of Phil Anderson, Acting WDF Director.

Chairman Olson introduced Admiral Colvin of the USCG who sat along with Capt. Mike Cerne at the Council table. He also introduced and welcomed Sherri Meyers of NOAA Enforcement. Ms. Sue Salveson swore in Chairmen Dan Hull, Ed Dersham, and Dave Benson for a new term.

AGENDA: The agenda was approved as published. MINUTES: The minutes of the June 2009 Council meeting were approved as submitted.

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-4); USF&W Report (B-5); and Protected Species Report (B-6).

Executive Director's Report:

Chris Oliver, Executive Director, reviewed his written report, including a brief report on the Ocean Policy Task Force, with Mr. Bill Tweit noted that the Council and States should have opportunity to comment on the Ocean Policy Task force report. Mr. Oliver gave kudos to staff for a journal publication, and gave updates on the Northern Bering Sea Research Area, crab industry meetings and progress, and notices for upcoming workshops and conferences. Steve Minor of the Pacific Northwest Crab Advisory Committee reviewed his written report, and discussed progress to date regarding the economic data reporting system. Mr. Henderschedt reported on a Fisheries Leadership and Sustainability Forum in Monterey, CA, specifically focusing on bycatch solutions.

NMFS Management Report

Ms. Sue Salveson presented the Council with a review of the status of FMP amendments and answered questions from Council members regarding progress of other amendments.

Mary Furness, of Sustainable Fisheries, provided an update on the status of Groundfish Fisheries in the Bering Sea and Gulf of Alaska, and provided a handout outlining inseason management highlights and the most recent catch reports.

Lisa Lindeman, NOAA General Counsel, provided a brief update on litigation of interest to the Council.

ADF&G Report

Herman Savikko (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. Additionally, he reviewed current Board of Fisheries proposals and Agenda Change Requests that may be of importance to the Council.

Scott Meyer of ADF&G in Homer, gave a brief report of the Halibut Harvests in 2C and 3A and reviewed Logbook numbers.

USCG Report

Lt. Rhineholdt of the USCG provided the Coast Guard Enforcement Report for June – September 2009.

U.S. Fish and Wildlife Report

Greg Balogh of USF&W gave a brief report of the status of Pacific walrus, sea otters, and reported on the satellite-tagged albatross chicks. He also noted the Agency remains concerned about the bycatch of Chinook and chum salmon.

Protected Species Report

Bill Wilson, Council staff, and Kaja Brix, NMFS, gave the protected species report. He also noted there may be a need to convene the Steller Sea Lion Mitigation Committee, in preparation for the BiOp and EIS Schedule.

FORMAT FOR COUNCIL MEETING MINUTES FOR ‘C’ AND ‘D’ AGENDA ITEMS

Each agenda item will begin with a copy of the original “Action Memo” from the Council meeting notebook. This will provide an “historical” background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will not be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 GOA Pacific Cod Sector Allocations

ACTION REQUIRED

Initial Review of the analysis for GOA Pacific cod sector allocations.

BACKGROUND

In December 2008, the Council made an initial review of the draft EA/RIR/IRFA for the proposed action to allocate the Western and Central GOA Pacific cod TACs among the various gear and operation types. Currently, separate TACs are identified for Pacific cod in the Western, Central, and Eastern GOA management subareas, but the TACs are not divided among gear or operation types. This results in a derby-style race for fish and competition among the sectors for shares of the TACs. Sector allocations may provide stability to long-term participants in the fishery by reducing competition among sectors for access to the GOA Pacific cod resource.

The Council made several additions and refinements to the components and options for analysis at its December 2008 meeting. Specifically, the Council added options under Component 2 to

restrict vessels from participating in the GOA Pacific cod fisheries using more than one operation type (i.e., vessels could not operate as both CPs and CVs). The intent of these options is to preclude vessels from opportunistically fishing off both the CP and CV allocations for a respective gear type. In addition, the Council adopted options to calculate sector allocations based on catch history from 2002 through 2008 (best 3 or 5 years), and options for seasonally apportioning sector allocations. The Council expanded the community protection provisions in Component 8 to include several options and suboptions; different options could be selected for the Western GOA and Central GOA. The intent of these options is to protect processing and community delivery patterns established under the current inshore/offshore regulations.

In addition, after reviewing a staff discussion paper on management issues in the parallel fishery at the June 2009 meeting, the Council revised the problem statement and Component 10 of the alternatives, which addresses the parallel waters fishery. The Council removed an option to establish a parallel waters catch cap after reviewing information that showed that some participants rely heavily on the parallel waters fishery, and could lose access to the fishery if parallel waters catch is limited. Option 2 was revised to mirror the approach taken by the Council to address management issues resulting from the participation of Federally-permitted vessels that do not hold LLP licenses in the BSAI parallel waters Pacific cod fishery. Currently, entry into the parallel waters groundfish fisheries by Federally-permitted vessels is not limited. If sector allocations are established, parallel waters activity by newly entering Federally-permitted vessels could erode the catches of historic participants who contributed catch history to the allocations and depend on the GOA Pacific cod resource. Vessels fishing in Federal waters are required to hold an LLP license with the appropriate area, gear, and species endorsements, but vessels fishing in parallel State waters are not required to hold an LLP license. The Council adopted an option for analysis that would preclude Federally-permitted vessels that do not have LLP licenses from participating in the GOA Pacific cod parallel fishery to prevent any such encroachment. The Council directed staff to incorporate these additional options into the initial review draft for this meeting.

Jeannie Heltzel (NPFMC staff) provided a review of elements, components and options from the initial review draft of the document "Allocation of Pacific cod among sectors in the Western and Central GOA." The Council also received the recommendations of the Advisory Panel and oral public comments on this issue.

Please see APPENDIX II for the full motion recommended by the Advisory Panel.

COUNCIL DISCUSSION/ACTION:

Commissioner Denby Lloyd moved a complete written motion and it was seconded, based on the AP motion. An outline of the discussion and motions to amend follow, with the complete motion attached as APPENDIX III.

After introducing his motion, Commissioner Lloyd spoke to his motion, noting differences between the Central and Western GOA. There was a general discussion regarding the difference between "motherships" and stationary floating processors, which may only operate at a single geographic location. Ms. Heltzel reviewed these definitions from the document, and answered general questions about the analysis.

There was a longer discussion regarding the National Standards, with NOAA General Counsel reminding the Council that NMFS is still under ESA Section 7 consultation, and any actions the Council takes will be reviewed closely. The Council proceeded with amendments and discussions starting with the Problem Statement.

Mr. Mecum moved, and it was seconded, to change the last sentence of the problem statement, so it reads “while recognizing that new entrants.... may participate in the fishery” Motion passed unanimously.

Mr. Fields moved to add a broader range for the Council’s allocation adjustment considerations under Component 9. (For example: For each sector the range for the high potential allocation is increased by 3 percentage points, and the range for the low potential allocation expanded to 3% below the sector’s current low number, except sectors with a low percent allocation of less than 5% would retain their current low number.) It was seconded by Mr. Cotten. He provided a handout noting how the new allocation options would apply to the different sectors, in the different management areas.

There was discussion regarding using catch history to establish sector allocations vs. ranges of allocations, and how they are related. Mr. Fields noted that using a range gives the Council flexibility while noticing the public and not constraining the decisions when it is time for final action. The Council noted that new tables would have to be made using the “range,” and Ms. Heltzel advised the Council that while the tables can be provided to the Council, more effort will be required to provide an analysis of the tables to the Council, and what the changes in the range would mean to the sectors.

Mr. Henderschedt noted that rather than discussing ranges of allocations, it would be better to have the analysis reflect specific goals. Mr. Fields affirmed that the tables reflecting the wider ranges of sector allocations would be included as part of the analysis of Component 4, and that the economic analysis would evaluate these ranges.

The motion passed 6/5, with Cotten, Fields, Dersham, Henderschedt, Lloyd, and Olson voting in favor.

Mr. Henderschedt moved, and Mr. Benson seconded the following: Under Component 2, For WGOA and CGOA Pacific cod: holders of CP licenses shall make a one time election to receive a WGOA and or CGOA Cod CP or CV endorsement. Upon implementation of the GOA sector allocations, holders of these licenses will be limited to operating in the sector designated by their license in the GOA cod fishery.

For example, CPs may not operate as CVs in the cod fishery. Future catch accounting for these vessels should be according to operating mode. **Motion passed without objection.**

Mr. Fields moved and Mr. Hull seconded, a motion to delete the stepdown by 1% provision for the jig allocation in Component 5. A substitute motion made by Mr. Henderschedt and seconded by Mr. Benson to step down the jig allocation if 90% of the previous allocation (rather than the current allocation) is not harvested. If this occurs, the jig allocation will be stepped down by 1% in the following year (to the previous allocation), but shall not drop below the level initially allocated. The substitute motion passed without objection.

Mr. Fields moved and Mr. Dersham seconded a revision to Component 5, which would increase the jig gear allocation cap to a range from 5% to 7%, rather than just 5%. He noted that capping the jig allocation at 5% may inhibit growth in participation by residents of coastal communities. Motion passed 7/4, with Cotten, Dersham, Fields, Hull, Lloyd, Mecum, and Olson voting in favor.

Mr. Cotten moved and it was seconded to add the following: Add a suboption which would apply a 60/40 seasonal apportionment to any jig allocation as a result of this action. Motion passed without objection.

Mr. Mecum moved and it was seconded to change CGOA and WGOA in Component 7 to “GOA”. Motion passed without objection

Mr. Henderschedt moved and it was seconded to revise Option 1 under Component 8 to read: “Motherships may not receive deliveries of directed Pacific cod harvests.” Motion passed without objection.

Mr. Henderschedt also moved and it was seconded to change Component 8, suboption (can be applied to Options 2-4) “Limit weekly processing of Pacific cod landings from CVs by vessels operating as motherships to...” “...(c) 300 mt per week and applies to all cod landings from CVs”

There was brief discussion on how the language in the motion clarifies the suboption; the intent is to limit processors that are operating in mothership mode. **Motion passed with Mr. Cotten objecting.**

Mr. Mecum moved and it was seconded to change under Component 8: Change the last sentence in the paragraph to read: “Stationary floating processors at a single geographic location during the year may only process groundfish.” Motion passed without objection.

Mr. Tweit moved and it was seconded to clarify the 4 options listed under Component 8 are not mutually exclusive. Motion passed without objection.

Mr. Fields handed out a printed motion which Mr. Hull seconded, to allow motherships operating within a 3 mile seaward swath of the Census Designated Place (CDP) of the following communities. Sand Point, King Cove, Perryville, Ivanof Bay, Chignik, Chignik Lagoon, Akhiok, Chenega Bay, Halibut Cove, Karluk, Larsen Bay, Nanwalek, Old Harbor, Ouzinkie, Port Graham, Port Lions, Seldovia, Tatitlek, Tyonek. The first option would allow Federally-permitted vessels to operate as motherships within the boundaries of Western and Central GOA communities that have provided certified municipal land and water boundaries to the State of Alaska Department of Community and Economic Development. The second option would allow Federally-permitted vessels to operate as motherships within a 3 nautical mile seaward swath of a list (shown in the printed motion) of Census Designated Places. Mr. Fields indicated that it was his intent that the Council could choose both options, in case some communities do not have municipal boundaries registered with the State of Alaska DCED. Motion passed 7/4, with Cotten, Dersham, Fields, Hull, Lloyd, Mecum and Olson voting in favor.

Mr. Fields also moved to add a section to the motion as vii, which would say; “Motherships operating within the municipal boundaries of these designated communities are limited to processing codfish at no more than 3 approved municipal geographic locations in a single year.” There was discussion regarding definition of “municipal” and “approval.” Motion failed 4/7, with Cotten, Fields, Hull, and Lloyd voting in favor.

Mr. Tweit moved and Mr. Lloyd seconded to change in Component 8, Option 2 the range of allowing mothership activity up to a percentage of TAC from (5-10%) to (0-10% in the CGOA and 1-10% in the WGOA). Motion passed without objection.

Mr. Fields made a motion which Mr. Dersham seconded which would “prohibit mothership processing activity if there are already 2 or more processors processing at least 50 mt weekly of codfish.” There was general discussion concerning how weekly processing activity would be monitored in order to determine whether motherships could operate in a community. This prohibition would likely have to be assessed based on the previous year’s processing activity in a community. Mr. Fields, with concurrence of his second, withdrew his motion.

There was a discussion on Component 9: General vs. specific direction with respect to sector allocations. Mr. Henderschedt advised Council members to air concerns and ask clarifying questions now, so they may be addressed in the analysis and answered specifically. He stated that the more focused the Council is in defining its intentions, the better the analysis can reflect the impacts of the Council's decisions on the sectors.

Mr. Hull noted that "equity of access" is a new term added to Component 9, and requested staff to address this issue in the next document. There was a brief discussion regarding excess incidental catch and excess prohibited species catch by sectors and how that will be addressed. It was generally agreed that Council Staff would be allowed latitude to include an analysis of how issues of equity of access have affected catch history by the sectors.

During discussion on Component 7, **Mr. Fields moved Mr. Cotten seconding, to further apportion the hook-and-line CV halibut PSC between vessels less than and greater than 50 ft LOA (in the CGOA) and vessels less than and greater than 60 ft LOA (in the WGOA).** Mr. Mecum noted that these would be small allocations, and Mr. Fields clarified that the intent was to establish separate PSC allocations for the large and small vessel sectors in the W and C GOA. **The motion failed 4/7, with Cotten, Fields, Hull, and Hyder voting in favor.**

Mr. Benson moved and Mr. Hyder seconded to delete the last sentence of the proposed written motion which requested staff to compile information on trawl CP licenses that have trawl CP landings. There was brief discussion regarding timeline for staff, and Mr. Benson noted that the substantial additional analysis has already been requested. **Motion passed 9/2, with Cotten and Fields voting against.**

Mr. Cotten moved and Mr. Fields seconded it to revise the option under the list of WGOA sectors in Component 2:

OPTION: For Western GOA only, create a single sector of combined trawl and pot CVs
Motion passed without objection.

Amended main motion passed unanimously.

C-2 Central Gulf of Alaska Rockfish Program

ACTION REQUIRED

Preliminary review of the CGOA rockfish program analysis

BACKGROUND

In June 2009, the Council adopted a suite of elements and options for developing a new management program for the Central Gulf of Alaska rockfish fishery to replace the existing pilot program, which is set to expire after the 2011 fishing season. A copy of the elements and options are attached as Item C-2(1). Since June, staff has been preparing a preliminary EA/RIR/IRFA analyzing alternatives defined by those elements and options. The analysis includes a description of the alternatives defined by the elements and options, a detailed description of the existing conditions in the rockfish fishery during two periods – the period leading up to the rockfish pilot program and the period since implementation of the rockfish pilot program, and preliminary drafts of the EA and the IRFA. A copy of the preliminary analysis was mailed on September 22.

Given the uncertainty of Council authority for some alternatives and the pending opinion of NOAA GC concerning that authority, staff has focused its efforts on portions of the analysis less likely to be affected by that opinion.

At the June 2009 meeting, the Council directed staff to draft a letter to NOAA General Counsel requesting its opinion of the Council's authority to adopt management programs defined by the alternatives. A copy of the letter is attached as Item C-2(2). To date, the Council office has not received a written response to this letter. It is possible that a response will be available for distribution at the meeting, or that NOAA General Counsel may be able to comment concerning the scope of the Council's authority at that time.

In addition to the preliminary EA/RIR/IRFA, staff has prepared a separate discussion paper with information concerning specific decision points that the Council could consider addressing at this meeting. The discussion paper includes a description of the proposed allocations to harvesting sectors and their members, as well as the proposed allocations to shore based processors. The discussion paper also includes an analysis of proposed allocations to participants in the pilot program trawl entry level fishery (including shore based processors that participated in that fishery), proposed shortraker and roughey rockfish allocations, management of sablefish and Pacific cod allocations to harvest sectors, and the rollover of unused halibut PSC from the rockfish fishery cooperatives to other Gulf trawl fisheries. Under this agenda item, the Council could consider selecting preferred options concerning these aspects of the program to simplify and streamline the future analysis of the program alternatives. The discussion paper is attached as Item C-2(3).

Dave Bedford sat in for Mr. Lloyd during this portion of the meeting.

NPFMC staff members Jon McCracken and Mark Fina presented the Council with a review of the elements and options for analysis in the GOA rockfish fishery. They fielded questions and comments, and took the AP report and heard public testimony on the subject.

COUNCIL DISCUSSION/ACTION

Mr. Bedford moved and Mr. Dersham seconded that the Council advance the Rockfish Program Discussion Paper for public review with modifications. A complete motion is available as Appendix IV.

There was general discussion on the general benefits of the program, while still trying to deal with the complexities brought forth by NOAA General Counsel. Mr. Bedford reviewed his motion page by page, highlighting areas where provisions could be addressed in the program. Mr. Bedford answered questions from the rest of the Council on options in the program. After a brief discussion regarding procedure, **Mr. Henderschedt moved the following change be added before the last sentence of the problem statement and Mr. Fields seconded:**

The portion of the current catcher processor sector currently participating in the rockfish coop have also benefitted from the RPP. These benefits include greater spatial and temporal flexibility in prosecuting the fishery, which result in lower bycatch, a more rational distribution of effort and more stable markets. Certain provisions of the current RPP act as disincentives to some CP operators from joining the coop sector and achieving these benefits. These disincentives should be eliminated to the extent practicable in the new RPP.

Motion passed 9/2, with Cotten and Lloyd voting against.

Mr. Henderschedt moved to retain under the Elements and Options, Catcher Vessel Alternatives (CV): Severable harvester/processor association – no forfeiture. It was seconded and motion passed without objection.

Mr. Mecum moved to strike the AP's addition: Halibut PSC in the CP sector shall be divided between the coop(s) and limited access according to the history of the participating vessels.

There was discussion regarding the sentence in question and its consistency with the problem statement. **Motion failed 6/5 with Benson, Cotten, Fields, Hull, and Mecum voting in favor.**

Mr. Benson moved and Mr. Henderschedt seconded striking CV 4, 5, and 6 under component 9.1. He noted that only CV 3 would apply to processor eligibility. Motion passed without objection.

Mr. Tweit moved and seconded by Benson, to re-instate the following stricken language: Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law. He noted that it would be helpful to staff to leave it in the document. Motion passed without objection.

Mr. Tweit also moved, with a second by Mr. Henderschedt, to add an option 3 under 9.3 Option B: Option 3: 70/30 There was brief discussion regarding the necessity to provide a broader range. Motion passed with Mr. Olson objecting.

There was discussion between staff and the council members clarifying the effect of their motion on the existing options, specifically noting that CV 7 would be included in its entirety.

Mr. Tweit moved and Mr. Henderschedt seconded the following: Option: a minimum of two independent entities is required to form a CP coop. Mr. Tweit noted that review of two different entities is to ensure consistencies across other programs. Staff reassured the Council that this will be examined in the analysis. The amendment passed without objection.

Mecum moved Henderschedt seconded to strike an addition under Regionalization in Section 8: Option 1: All CV CQ must be landed in the Port of Kodiak if processing facilities are available. He noted that NMFS would issue an enforcement waiver to allow deliveries elsewhere, and that this option addition was unnecessary. Motion passed without objection.

Mr. Fields moved and Mr. Bedford seconded: Individual CV Vessel Cap: No CV may catch more than 4-7 % of the target CV quota, with a Suboption grandfather provision. There was discussion regarding having a larger range, so that rapid consolidation in the amount of vessels participating in the rockfish fishery would not occur.

Mr. Henderschedt moved to amend Mr. Fields' motion adjust the percentages to 4-10%; Mr. Benson seconded. Discussion continued regarding the possibility of restricting consolidation in response to lower quotas without knowing how the fishery fluctuates. **Amendment to Mr. Fields amendment passed without objection; as did Mr. Field's amended amendment.**

Mr. Henderschedt moved to delete an option that limits the program to 10 years: Motion was seconded . Lengthy discussion ensued regarding the necessity for a program limit. **Motion failed 6/5, with Benson, Henderschedt, Hyder, Tweit, and Mecum voting in favor.**

Mr. Tweit moved and Mr. Bedford seconded to insert the following at the beginning of the "Program Duration:" "Absent Council review, and recommendation to extend..." Motion passed without objection.

Mr. Henderschedt moved and Mr. Benson seconded to delete the last sentence of the motion which reads: The Council requests information describing the history of how sablefish was allocated with regard to Amendment 14 (80/20 split). Discussion continued regarding issues of the sablefish bycatch management in the trawl rockfish fishery. **Motion passed 6/5 with Benson, Dersham, Henderschedt, Hull, Tweit, and Mecum voting in favor.**

Amended main motion passed without objection.

C-3 Observer Program

ACTION REQUIRED

- (a) Receive report on EFP for Phase 2 of GOA Electronic Monitoring project
- (b) Review Implementation Plan for Restructuring the North Pacific Groundfish Observer Program; review Observer Advisory Committee report; action as necessary

BACKGROUND

- (a) Receive report on EFP for Phase II of GOA Electronic Monitoring project

During 2007, a pilot study was conducted to determine whether electronic monitoring (EM) could be used to improve estimation of halibut discards in the Central GOA rockfish fishery (Phase I study)(Bonney and McGauley, 2008). Based on results from a single vessel in an experimental setting, the study indicated that EM had the potential to produce more reliable and precise estimates of halibut discards when compared to current observer sampling methods. However, the study stressed that performance of an EM system in a commercial environment could be quite different and recommended further research into its broader utility. Specifically, the Phase I study was unable to: reasonably assess costs associated with large-scale EM under different regulatory scenarios; determine the extent to which different vessel configurations, sizes, and fishing methods would impact the practicability of EM; investigate the flow of data from an EM system at sea to data available for the management of actual quotas; and investigate the extent to which vessel crew would cooperate with the required halibut discard-only policy necessary for accurate halibut accounting.

The Alaska Groundfish Data Bank, in cooperation with NMFS, developed a Phase II project under an EFP to qualitatively investigate these outstanding questions. The Phase II project was completed during the 2008 rockfish pilot project fishing season, and the Council is scheduled to review the project report at this October Council meeting. The report was mailed to the Council on September 14.

- (b) Review Implementation Plan for Restructuring the North Pacific Groundfish Observer Program; review Observer Advisory Committee report; action as necessary

The existing North Pacific Groundfish Observer Program (Observer Program), in place since 1990, establishes coverage levels for most vessels and processors based on vessel length and amount of groundfish processed, respectively. Vessels and processors contract directly with observer providers to procure observer services to meet coverage levels in regulation. In the past several years, the Council, NMFS, and the Observer Advisory Committee (OAC) have been working to develop a new system for observer funding and deployment in the Observer Program. The concept previously proposed was often called 'observer restructuring.' In general, the program would be restructured such that NMFS would contract directly with observer providers for observer coverage, and this would be supported by a broad-based user fee and/or direct Federal funding. Concerns with the existing program arise from the inability of NMFS to determine when and where observers should be deployed, inflexible coverage levels established in regulation, disproportionate cost issues among the various fishing fleets, and the difficulty to respond to evolving data and management needs in individual fisheries.

The last attempt to restructure the observer program was in 2006. Due to specific cost and statutory issues, at the time of final action in June 2006, the Council approved an extension of the current program, by removing the December 31, 2007 sunset date in existing regulations, as opposed to restructuring the observer program. This action was also recommended to the Council by NMFS and the OAC, given the need for continuing the program in the short-term and the lack of control over Congressional authority and cost issues

In December 2008, upon review of a discussion paper,¹ the Council initiated a new observer restructuring analysis (EA/RIR/IRFA), with a revised problem statement and suite of alternatives. The December 2008 Council motion is attached as Item C-3(1). The Council motion specified that the analysts first work on a description of how NMFS would deploy observers under a restructured observer program (an implementation plan), recognizing that this important component will eventually be folded into the overall analysis. The motion also stated that the OAC should convene to review the implementation plan, prior to completion of the overall analysis.

NMFS and Council staff developed the implementation plan over the past several months, and it was sent to the Council on September 14. The OAC met in Seattle on September 21 – 22 at the Alaska Fisheries Science Center, with the primary purpose of reviewing and providing feedback on the implementation plan. The OAC report is attached as Item C-3(2). Note that the OAC was reconstituted in June 2009; membership is listed on the front page of the OAC report.

¹http://www.fakr.noaa.gov/npfmc/current_issues/observer/ObserverRest1208.pdf.

C-3 (a) EFP Phase II of GOA Electronic Monitoring Project

The Council had presentations from Alan Kingsolving and Julie Bonney outlining challenges and results from their project. They fielded questions from the Council, and noted changes that affected the sampling.

C-3 (b) Observer Restructuring Program

Nicole Kimball (NPFMC Staff) reviewed the Implementation Plan for restructuring the Observer Program, and introduced Brandee Gerke who reviewed the fee collection portion of the plan. Following Ms. Gerke, Martin Loefflad and Craig Faunce from NMFS walked the Council through and the “restructuring” of the system regarding funding and deployment of observers and the flexibility to provide the best service and data.

Lori Swanson gave the Advisory Panel report, and comments were heard from the public.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved the following motion, including alternatives for analysis, with a second by Mr. Fields:

Alternative 1. Status quo; continue the current service delivery model.

Alternative 2. GOA-based restructuring alternative. Restructure the program in the GOA, including shoreside processors; and include all halibut and <60’ vessels participating in groundfish fisheries in the BSAI. Vessels in the restructured program would pay an ex-vessel value based fee. Retain current service delivery model for vessels \geq 60’ and shoreside processors in the BSAI.

Alternative 3. Coverage-based restructuring alternative. Restructure the program for all fisheries and shoreside processors with coverage of less than 100 percent. Vessels in the restructured program would pay an ex-vessel value based fee. Leave vessels and processors with at least 100 percent coverage under the current service delivery model.

Alternative 4. Comprehensive restructuring alternative with hybrid fee system. Restructure program for all groundfish and halibut fisheries off Alaska. Vessels and shoreside processors with 100 percent or greater coverage would pay a daily observer fee; vessels and shoreside processors with less than 100 percent coverage would pay an ex-vessel value based fee.

Alternative 5. Comprehensive restructuring alternative that would assess the same ex-vessel value based fee on all vessels and shoreside processors in the groundfish and halibut fisheries in the GOA and BSAI.

Forward the OAC recommendations for further development, discussion, and expansion of several sections of the restructuring implementation plan, as outlined in Section VI of the OAC report. The Council requests the OAC convene prior to the February Council meeting to review the revised

document, recognizing that the implementation plan will eventually be folded into the overall analysis.

Forward the SSC recommendation of a more detailed analysis of proposed funding mechanisms, including scenario analyses of likely variation in catch and price.
Motion passed without objection.

There was brief discussion regarding the timeline and scheduling of the observer program analysis; the Observer Advisory Committee and membership; and the possible need for outreach to the halibut and small boat sectors.

C-4 BSAI Crab Issues

C-4 (a) Identify preliminary preferred alternative for exemption from regional delivery requirement

BACKGROUND

At its June 2009 meeting, the Council received a staff report summarizing the status of an analysis of alternatives for providing an exemption to regional landing requirements in the event that compliance with those requirements is prevented by unavoidable circumstances. The exemption is intended to address safety risks, potential loss of resource (through excessive deadloss), and extreme economic hardships that may arise if deliveries under regional landing requirements applicable to Class A individual fishing quota (IFQ) are delayed or prevented by extreme ice conditions or other uncontrollable circumstances. To avoid potentially insurmountable administrative burdens, the alternatives would establish a system of civil contracts between harvesters, processors, and regional representatives, as the means of defining the exemption. The Council received an analysis of alternatives at its February 2009 meeting. At that time, the Council requested stakeholders to propose revisions to alternatives to address concerns raised in public testimony. At this meeting, stakeholders had preliminary suggestions concerning possible revisions, but failed to reach any consensus concerning changes to the alternatives. As a result, the Council took no action on this matter, but strongly urged stakeholders to exercise their collective best efforts to arrive at a consensus recommendation for a preliminary preferred alternative prior to this meeting. Industry will present a report of its progress to date.

Mark Fina (NPFMC staff) gave a report on C-4 items a-d. The Council heard the Advisory Panel report, and public testimony on these items.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved and Mr. Dersham seconded that the Council take no further action on this item. Mr. Fields noted the Council has spent a large amount of time, however there have been changes in the crab fishery since, and that the effect of this motion would be to put the issue in neutral. **Motion passed without objection.**

C-4 (b) Initial Review of right of first refusal modifications

BACKGROUND

At its June 2009 meeting, the Council also received a discussion paper concerning certain aspects of the community right of first refusal on processor quota shares. The paper was specifically intended to shed light on issues that some stakeholders believe limit the effectiveness of the right in protecting communities. Based on public testimony and the recommendation of the

Advisory Panel, the Council elected to advance three possible changes to the right of first refusal for analysis. Under the first action, community representatives holding the right would have an additional 30 days to exercise the right and perform under the contract. The second action would remove any lapse of the right, which occurs under current rules, if the processor shares are used outside of the community for three consecutive years or if a community representative elects not to exercise the right on an applicable transfer. The third alternative would limit the application of the right to assets located in the community benefiting from the right. Under the current structure, a community representative that exercises the right must accept the contract on its terms, which may include assets that are not located in the subject community.

COUNCIL DISCUSSION/ACTION

Mr. Cotten moved and Mr. Tweit seconded; **In Action 3, Alternative 2 add the option to have the right apply only to PQS.** (bottom of page v on summary). Mr. Cotten noted that staff raised the questions, and recommended that they be answered in the next analysis. **Motion passed without objection.**

Mr. Cotten moved, and it was seconded to continue the analysis and options as a package with review at the December meeting. **Motion passes without objection.**

C4 (c) Review proposals to address Western Aleutian Islands golden king crab fishery issues

BACKGROUND

At its June 2009 meeting, the Council received a discussion paper concerning unutilized quota in the Western Aleutian Islands golden king crab fishery. In response to the paper and public testimony, the Council requested industry to continue the development of a possible exemption to regional landing requirements that would apply, if processing capacity is unavailable in the West region of that fishery. The Council requested that those proposals be brought forth at this meeting. Industry members will report on their proposals at the meeting.

COUNCIL DISCUSSION/ACTION

There was lengthy discussion regarding the emergency relief and comments on the emergency rule. There were questions to NOAA General Counsel, specifically how an emergency is determined. **Mr. Henderschedt moved and Tweit seconded that the Council adopt the AP recommendation by requesting NMFS to consider emergency relief in WAIGKC if a processor in Adak does not operate, so that crab is not left in the water again.**

Mr. Tweit offered, and Mr. Fields seconded a substitute motion: Request staff develop an analysis assessing nature of requested emergency action to relieve delivery requirements for WAG to address apparent lack of processing capacity in Adak. Lengthy discussion continued regarding determination of emergency rule; staff availability; and time line. Mr. Tweit noted that the effect of the substitute motion to provide guidance. Council will make recommendation based on analysis, both on request, and background behind request. **The substitute motion passed without objection; carrying the motion.**

Mr. Henderschedt made a motion to address the AIGKC fishery: **Adopt the AP's recommendations through the arbitration section with the following change:**

Initiate an analysis of the proposed alternatives provided by the industry and listed below: ~~The AP would like the analysis brought back for initial review in December if possible.~~

Mr. Henderschedt noted that it was a good outline of an agreement that parties have reached. Discussion ensued regarding implementation, and discussion regarding any administrative issues that may arise.

Mr. Fields made an amendment which was seconded: change ranges in the motion in definition of percentages

QS holders; any person or company that holds in excess of 1-15%

PQS holders; any person or company that holds in excess of 1-15%

Shoreside processor facility located in any one of the 5 municipalities that process in excess of 10-30%

Discussion regarding how percentages would be reflected in the program. **Motion passed without objection, and amended main motion passed with Fields voting against.**

C4 (d) Review outline for the 5-year review of the program

BACKGROUND

In development of the crab rationalization program, the Council scheduled several reviews of the program. Among those reviews is a comprehensive review of the program to be undertaken in the 5th year after implementation of the program. Specifically, the Council included the following provision in its motion defining the program:

Formal program review at the first Council Meeting in the 5th year after implementation to objectively measure the success of the program, including benefits and impacts to harvesters (including vessel owners, skippers and crew), processors and communities by addressing concerns, goals and objectives identified in the Crab Rationalization problem statement and the Magnuson Stevens Act standards. This review shall include analysis of post-rationalization impacts to coastal communities, harvesters and processors in terms of economic impacts and options for mitigating those impacts. Subsequent reviews are required every 5 years.

Among the specific items to be included in the review are potential options to mitigate negative effects on coastal communities, harvesters, and processors. In considering the scope of any such mitigation measures, the Council should consider the package of alternatives currently tasked for analysis.

COUNCIL DISCUSSION/ACTION

There was brief discussion regarding staff latitude in drafting the 5 year review. **The Council took no action.**

C-4 (e) Approve BSAI Crab SAFE report and OFLs; receive discussion paper on crab bycatch and PSC limits

C-4 (f) Review status of St. Matthew and Pribilof blue king crab and snow crab rebuilding plans

BACKGROUND

(e) Approve BSAI Crab SAFE report and OFLs; receive discussion paper on crab bycatch and PSC limits

The Crab Plan Team met at the Alaska Fisheries Science Center from September 14-16, 2009 to review the status of stocks and to compile the annual Stock Assessment and Fishery Evaluation (SAFE) report. The Crab SAFE report was mailed to you September 22nd. This is the second year of the new process for annual determination of Crab OFLs and the Crab Plan Team is part of the newly established review process for BSAI crab assessments. There are 10 crab stocks in the BSAI Crab FMP and all 10 must have annually established OFLs. Six of the ten stocks have OFLs, established following the summer survey information availability. Two of the ten stocks (Norton Sound red king crab and AI golden king crab) have OFLs that were established following review and recommendations by the CPT and SSC in the spring of 2009 in order to allow for the summer fisheries for these stocks. The remaining two stocks (Adak red king crab and Pribilof Islands golden king crab) have OFLs recommended based on Tier 5 formulation (average catch). The CPT compiles the introduction to the SAFE Report and provides stock assessment and OFL recommendations within it with additional recommendations and discussions included in the CPT Report. The Crab Plan Team Report will be made available at the meeting.

Following approval of Amendment 24 to the BSAI Crab FMP, all ten crab stocks have annually-specified overfishing limits (OFLs). For all stocks for which information is available, these OFLs are intended to cover total removals from the stock, including bycatch in groundfish and scallop fisheries. Additional requirements for catch removals for crab stocks will be necessary to comply with ACLs. The Crab Plan Team discussed relative bycatch management measures in groundfish and scallop fisheries at the May 2009 meeting. The Team recommended further consideration of bycatch in groundfish fisheries by the Council. In June, the Council tasked staff to prepare a discussion paper summarizing the current bycatch by crab stock in groundfish fisheries as well as the current measures under the BSAI groundfish FMP to control crab bycatch. At this meeting, the Council will review the current management measures for crab bycatch in the BSAI groundfish FMP, the overall stock-specific removals as they relate to new OFLs by crab species under the Crab FMP, the data on crab bycatch in groundfish fisheries and the potential issues as noted in the discussion paper and discuss a direction for revising crab bycatch management measures in the groundfish fisheries.

(f) Review status of St. Matthew and Pribilof blue king crab and snow crab rebuilding plans

BSAI crab stock status in relation to status determination criteria are on an annual basis at this meeting. No crab stocks were subject to overfishing in 2008/09. Two stocks remain under rebuilding plans: EBS snow crab and Pribilof Islands blue king crab. Of these, the Pribilof Islands blue king crab estimated biomass remains below its MSST and is still considered in an overfished state. For EBS snow crab, estimated biomass is above the MSST but below its B_{MSY} proxy level and thus this stock will not be rebuilt within its rebuilding period. Rebuilding plans for EBS snow crab and Pribilof Islands blue king crab are to be revised for implementation by the 2011/12 fishing year. St. Matthew blue king crab estimated biomass is above B_{MSY} for the second consecutive year and may now be considered rebuilt. EBS Tanner crab estimated biomass for 2009/10 is projected to be below its MSST and considered to be approaching an overfished condition. A new rebuilding plan to EBS Tanner crab will be developed for implementation by the 2011/12 fishing year.

Council staff Dr. Diana Stram reviewed both agenda items and answered general questions from the Council. Lori Swanson reported for the Advisory Panel on these two agenda items, and the Council heard public comment on the issue.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved and it was seconded for the Council to approve the 2009 Crab SAFE report and recommended OFLs. Motion passed without objection.

Mr. Lloyd moved and Mr. Benson seconded that Council request staff to expand the discussion paper on crab bycatch to include AP and SSC suggestions, and to include expansion to PSC limits as they affect the crab fishery and OFL limits. There was discussion on timing depending which stocks were included and how they would be packaged. Motion passed without objection.

There was discussion on general direction and requests for increased focus on rebuilding plans and what data are available for inclusion in the discussion paper.

C-5 (a) Trawl sweep gear modification requirement

ACTION REQUIRED

- (a) Final action on trawl sweep requirements for the Bering Sea flatfish trawl fishery

BACKGROUND

In June 2008, the Council initiated an analysis to require elevating disks on trawl sweeps on bottom trawl vessels targeting flatfish in the Bering Sea. A public review draft of the analysis was mailed to the Council in early September; the executive summary of this analysis is attached as Item C-5(a)(1).

In addition to evaluating the requirement for elevating disks on trawl sweeps, the analysis also includes an alternative under which a small subarea of the Northern Bering Sea Research Area would be opened to fishing by vessels using the modified trawl gear. Additionally, an option is analyzed to adjust the boundaries of the St Matthew Island Habitat Conservation Area (HCA), to ensure adequate protection of blue king crab. The St Matthew HCA is adjacent to the area that may be reopened to modified gear.

The Council requested the Crab Plan Team review the boundaries of the St Matthew HCA to determine whether the boundary adequately protects blue king crab, and if not, what adjustments would be needed to allow for adequate protection. The Crab Plan Team met on this issue on September 15th, and consequently their input was not included in the public review draft mailed out to the Council. A summary of their discussion, and their recommendation to move the St Matthew HCA boundary eastward to encompass the territorial sea around St Matthew Island, was mailed to the Council in late September, and is attached as Item C-5(a)(2). The Plan Team minutes are included in the materials for agenda item C-4(e).

The proposed amendment resulting from this analysis would also address four housekeeping changes to the FMP: a) remove reference to the Crab and Halibut Protection Area, which was effectively superseded by the Nearshore Bristol Bay closure, b) renumber figures in the FMP sequentially, and correct cross-references; c) adjust the northern boundary of the Northern Bering Sea Research Area to conform with the boundary for NMFS statistical area 514; and d) update the CDQ program eligibility list in the FMP to be consistent with the reauthorized Magnuson-Stevens Act. These housekeeping changes are described in the analysis.

Reports were heard from Diana Evans (Council Staff), Melanie Brown and Craig Rose (NMFS) on the public review draft and additional recommendations from the Crab Plan Team. Lori Swanson gave the AP report, the SSC had given its report, and the Council heard public comment.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved and Mr. Henderschedt seconded to adopt alt 3 including the option to adjust St. Matthew Island HCA Eastern boundary eastward (as recommended by the Crab Plan Team), to encompass the territorial sea around St. Matthew Island 12 mi east of the island. The new boundary line would be parallel to the current boundary. Council would also approve the 4 housekeeping amendments that would change the FMP as described in the analysis. Further, that the Council deem the proposed regulations 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.

Amendments:

Mr. Henderschedt moved and it was seconded that based on the Council's understanding, although the modified trawl sweeps could perhaps be implemented in 2010. The Council suggests that the amendment be implemented no sooner than the beginning of the 2011 fishing year. There was general discussion about implementation timeline and acknowledging that some vessel owners may need to make adjustments in scheduling shipyard time for redesigning their vessels. It was clarified that the modified gear requirement and the changes to area boundaries should be implemented at the same time and that this implementation date would not prohibit vessels from using the modified gear on a voluntary basis in the intervening period. **Motion passed without objection.**

Mr. Cotten moved and Mr. Fields seconded to adjust the eastern boundary of Modified Gear Trawl Zone from 168°W to 169° W. Mr. Cotten noted that this change was recommended by the Bering sea Elder's Advisory Group. There was lengthy discussion on the Council process, reasons to support or oppose the amendment and consequences of adjusting the boundary. **Amended motion passed 6/5 with Cotten, Fields, Hull, Hyder, Lloyd and Olson voting in favor.**

Amended main motion passes unanimously, with all voting members voting in favor.

C-5 (b) Groundfish Issues

ACTION REQUIRED

- (b) Final Action to revise management of BSAI skates**

BACKGROUND

Skates, sharks, sculpins, and octopods are included in the Bering Sea/Aleutian Island (BSAI) "other species" category. A single overfishing limit (OFL), acceptable biological catch (ABC), and total allowable catch (TAC) is specified annually for the "other species" assemblage despite their very different life histories. The problem in the BSAI groundfish fishery is that the management of the assemblage offers minimal protection to individual species or groups. The potential for the entire assemblage TAC to be taken as skates under the No Action alternative exists, even though a directed fishery has yet to develop. The policy objective is to prevent overfishing and maintain healthy stocks of skates. The action would require the Council to annually establish an OFL, ABC, and TAC for skates as a group or individual skate species, thereby enhancing the management tools to control their harvest. It is the first of several FMP amendments to comply with revised guidelines for setting annual catch limits.

A complementary amendment to federal regulations at 50 CFR part 679 would: 1) remove skates from the maximum retainable amounts (MRAs) for the "other species" category and create a new

skate MRA category; 2) list new species code(s) for BSAI skates, and 3) list a “pollock/Atka mackerel/skates/other species” category for setting a halibut prohibited species catch limit. During initial review in June 2009, the Council added a third alternative that does not include the MRA adjustment, because the analysis suggested that such an action would result in the potential for increased skate retention, which is contrary to the Council’s management strategy for this stock.

Jane DiCosomio, Council Staff, gave a full report. The Council heard the AP report, and the Council heard public comment.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt moved and Mr. Benson seconded to adopt alternative 3, the AP recommendation. He noted that it was final action, and that the action was first and foremost focused on conservation and maintaining an MRA standard that prevents a large expansion of current harvest levels. Several Council members noted their agreement, and that the SSC had concurred as well.

Mr. Tweit moved to amend the motion with a second by Mr. Benson, as follows: 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. The amendment passed without objection

The amended main motion passed unanimously, with each Council member voting favorably in turn.

C5 (c) Receive Plan Team reports; recommend proposed groundfish specifications for 2010/2011

BACKGROUND

Plan Team reports

During their meetings on September 18, 2009, the BSAI and GOA Groundfish Plan Teams recommended proposed groundfish specifications for 2010 and 2011. The team recommendations are based on rollovers of the established 2010 final specifications, except for Eastern Bering Sea walleye pollock which is a rollover of the 2009 final specifications. The rollover approach was adopted by the Council in 2007. The report from the Joint BSAI/GOA Plan Team meeting is attached as Item C-5(c)(1). The BSAI Groundfish Plan Team report is attached as Item C-5(c)(2). The report from the GOA Groundfish Plan Team is attached as Item C-5(c)(3). The teams also accepted proposed changes to stock assessments for Pacific cod, sablefish, sharks, skates, sculpins, and BSAI Alaska plaice, and received numerous informational reports from NMFS staff.

Proposed Groundfish Specifications

The Council is scheduled to recommend proposed BSAI and GOA groundfish specifications for a two-year period each October for the sole purpose of notifying the public of likely outcomes for Council action to set quotas for 2010 and 2011 in December 2009. Therefore, 2010 specifications that were adopted in December 2008 have been published in the *Federal Register* and will start the fisheries in January 2010.

Bering Sea/Aleutian Islands The BSAI Plan Team recommendations for proposed 2010/2011 BSAI groundfish specifications are attached as Item C-5(c)(4). Final BSAI groundfish specifications for 2009/2010 including: 1) Prohibited Species Catch (PSC) limits for halibut, red king crab, Tanner crab, opilio crab, and herring and their gear type and target fishery apportionments and 2) halibut

discard mortality rates (DMRs) for CDQ (Community Development Quota) and non-CDQ are attached as Item C-5(c)(5) to assist the Council in setting proposed PSC limits for 2010/2011 at this meeting. IPHC Staff recommendations for 2010 - 2012 CDQ and non-CDQ fisheries will be provided in December 2009. NMFS staff will be available to assist in setting PSC amounts using Table 8(a) through (e) for 2009.

Gulf of Alaska The GOA Plan Team recommendations for proposed 2010/2011 GOA groundfish specifications are attached as Item C-5(c)(6). Final specifications for 2009/2010 and halibut PSC apportionments are attached as Item C-5(c)(7) to assist the Council in setting proposed halibut DMRs and PSC apportionments for 2010/2011.

GOA TAC Considerations for State Pacific Cod Fishery Since 1997, the Council has reduced the GOA Pacific cod TAC to account for removals of not more than 25 percent of the Federal P. cod TAC from the State parallel fisheries. Using the area apportionments of the proposed 2010 P. cod ABC that was recommended by the Plan Team, the 2010 and 2011 federal TAC for P. cod would be adjusted as listed below.

Proposed 2010 and 2011 Gulf of Alaska Pacific cod ABCs, TACs and state Guideline Harvest Levels (GHLs) (mt).

Specifications	Western	Central	Eastern	Total
ABC	31,005	45,315	3,180	79,500
State GHL	7,751	11,329	318	19,398
(State % of ABC)	25	25	10	24.4
Federal TAC	23,254	33,986	2,862	60,102

Joint crab and groundfish meeting The plan teams for crab, BSAI groundfish, and GOA groundfish met jointly on September 16, 2009 to review items of common interest: role of economists on plan teams, annual catch limit FMP amendments, total catch accounting under ACL requirements, review of habitat areas of concern criteria, application of uncertainty in crab and groundfish stock assessments and ABC control rules for crab. A report from the meeting is attached as Item C-5(c)(8).

Jane DiCosomio and Diana Stram, Council Staff, gave a full report. The Council heard the AP report, had the SSC's recommendations, and there was no public comment.

COUNCIL DISCUSSION/ACTION

BSAI

Mr. Benson moved and Mr. Fields seconded to move the AP recommendations for BSAI specifications, with one adjustment: 2011 TAC for skates: 30,000t.

Mr. Henderschedt noted an error in the TAC tables, and made a motion to clarify the tables: the tables in the action memo labeled C5(c-5) for 2010 and 2011 the Council adopt for TACs the ones from the action memo label, except for EBS Pollock, which is the same as in the AP motion. (Motion/Tables are attached as Appendix V to this document). Brief discussion regarding typographical errors, and clarifications. **Amendment passed without objection.**

Amended main motion passed without objection.

GOA

Mr. Benson moved to adopt the AP/SSC recommendations for specifications for the Gulf of Alaska Groundfish fisheries, including the PSC tables. Mr. Fields seconded the motion. There was brief discussion regarding recognizing Pcod TAC reduction for state water fishery. **The motion passed without objection.**

C-6 Permit Fees

BACKGROUND

Establish permit fees

In December 2004, NMFS Policy Directive 30-120 called for the establishment of a uniform national policy of charging applicants for the cost of processing permit applications. Except for cost recovery implemented under the halibut and sablefish IFQ program and the Crab Rationalization Program, the fishery management plans for Alaska groundfish, crab, scallops, and salmon do not authorize the collection of fees to reimburse the federal government for the cost of issuing permits. Thus, NMFS prepared an analysis of the required FMP amendments and associated regulations so that agency policy is extended more fully to the North Pacific fisheries.

Alternative 2 would exempt permits for subsistence halibut harvest, and other options would exempt permits for the prohibited species donation programs, and/or exempted fishing permits from new fees. These exemptions are considered because without them, the potential exists that program objectives designed around these permits could be compromised. Section 1.76 of the public review draft addresses issues raised in the Council's July 2008 letter to NMFS (C-6 Supplemental).

The Council approved the release of the analysis to the public for review in June 2009.

Sue Salveson (NMFS Staff) outlined the program and answered questions, and Lori Swanson gave the AP report. The Council heard public comment on the issue.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved and it was seconded by Mr. Cotten to take no action. Lengthy discussion ensued regarding equity and uniformity regarding observer costs; mandatory fees, and consistency and conformity to how fees are collected.

Mr. Mecum offered a substitute motion which was seconded by Mr. Henderschedt:

Alternative 2, Option 4: amending the FMPs to require cost recovery for all permits and registrations; would exempt the PSD and the EFP permits.

Amend section 3.3 of the Fishery Management Plan for Groundfish of the GOA to add the following paragraph and implement this FMP authority by regulatory amendment:

With the exception of exempted fishery permits (EFPs) authorized under section 3.3.2 of this FMP, and of prohibited species donation (PSD) permits authorized under Section 3.6.1.1 of this FMP, fees may be assessed and collected by NMFS to recover the administrative costs incurred by the Federal government in processing applications for permits required to participate in the fisheries managed under this FMP as authorized by Section 303(b) of the MSA.

Amend section 3.3 of the Fishery Management Plan for Groundfish of the BSAI to add the following paragraph and implement this FMP authority by regulatory amendment:

With the exception of exempted fishery permits (EFPs) authorized under section 3.3.2 of this FMP, and of prohibited species donation (PSD) permits authorized under Section 3.6.1.1 of this FMP, fees may be assessed and collected by NMFS to recover the administrative costs incurred by the Federal government in processing applications for permits required to

participate in the fisheries managed under this FMP as authorized by Section 303(b) of the MSA.

Amend Section 8.1.2 of the Fishery Management Plan for BSAI King and Tanner Crabs to add the following paragraph and implement this FMP authority by regulatory amendment:

Fees may be assessed and collected by NMFS to recover the administrative costs incurred by the Federal government in processing applications for permits required to participate in the fisheries managed under this FMP as authorized by Section 303(b) of the MSA.

Amend Section 3.1.2 of the Fishery Management Plan for the Scallop Fishery off Alaska to add the following paragraph and implement this FMP authority by regulatory amendment:

Fees may be assessed and collected by NMFS to recover the administrative costs incurred by the federal government in processing applications for permits required to participate in the fisheries managed under this FMP as authorized by Section 303(b) of the MSA.

Amend Section 5.2 of the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska to add the following paragraph:

Fees may be assessed and collected by NMFS to recover the administrative costs incurred by the Federal government in processing applications for permits required to participate in the fisheries managed under this FMP as authorized by Section 303 (b) of the MSA.

Amend Section 3.11 of the Fishery Management Plan for Fish Resources of the Arctic Management Are to add the following paragraph:

With the exception of exempted fishing permits (EFPs) authorized under Section 3.11.1 of this FMP, fees may be assess and collected by NMFS to recover the administrative costs incurred by the Federal government in processing applications for permits required to participate in fisheries that may be managed under this FMP as authorized by Section 303(b) of the MSA.

There was discussion regarding costs of the program, and exemptions to the program. Alternatives and additions to fee collection, such as online programs were discussed. Differences in the FMPs, and the fees that could be collected were noted, as well as fee programs the State of Alaska administers.

General discussion continued regarding the ability of NMFS to implement a fee collection without the Council's endorsement, and the Council's role in approving amendments to the FMPs to allow for this program.

Mr. Tweit moved to amend the substitute motion and it was seconded 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. Amendment passed without objection.

Amendment Substitute motion passed 8/3, with Fields, Lloyd, and Olson voting against.

Mr. Mecum thanked the Council for its patience on this issue, and NMFS staff and the RAM division for their work on the analysis.

D. Other Issues

D-1 Salmon Bycatch

BACKGROUND:

(a) Initial Review of salmon bycatch data collection

At its June 2009 meeting, the Council initiated an analysis of five alternative data collection programs (including the status quo) to collect information to evaluate the effectiveness of the Amendment 91 bycatch management measures. At that time, the Council indicated that the primary purpose of such a data collection program would be to evaluate the information provided in the Incentive Plan Agreement (IPA) reports. In addition, the data could be used to assess the effectiveness of the bycatch management measures, including the IPAs, the hard cap, and the performance standard; and to assess the effects of those measures on where, when, and how pollock fishing and salmon bycatch occur. The analysis examines the effects of each alternative, including its potential to meet these purposes, and discusses the feasibility of each alternative, including effects on the timeliness of implementation. The draft initial RIR/IRFA for the proposed Chinook bycatch data collection program was mailed to you on September 18, 2009. The Executive Summary is attached as Item D-1(a)(1).

Mark Fina (NPFMC Staff) and Marcus Hartley (Northern Economics) presented the analysis and reviewed the alternatives, Lori Swanson provided the AP report, the SSC had given their report, and public comment was heard.

COUNCIL ACTION/DISCUSSION

Mr. Bedford participated in the discussion for Mr. Lloyd.

Mr. Henderschedt moved the following written motion, which was seconded by Mr. Hanson: The Council requests that staff prepare an analysis of the following alternatives for Initial Review in December 2009 if possible :

Alternative 1

Status quo (existing data sources)

Alternative 2A

In addition to the status quo data sources:

- (1) Transaction data for salmon – quantity and price of transfers (survey will be used to determine whether these are arm's length transactions). As defined by:

Option 1 – Transfer Ledger: All entities holding Chinook bycatch credits will track all transfers from the beginning of each year in an official ledger that would be submitted to NMFS at the end of the year.

Option 2 – Compensated Transfer Form: Require that IPAs and AFA Cooperatives summarize initial holdings of Chinook by vessels or other entities, and that they summarize all transfers regardless of whether the transfers were “compensated” transfers. For all “compensated” transfers, each party (transferor and recipient) must complete and submit to NMFS a Compensated Transfer Form. A transfer is “compensated” if there is an exchange of dollars (or any currency) for bycatch credits from one party to another.

- (2) Information regarding change in fishing grounds:
Defined by the collection of estimated gallons of fuel burned in moving to the next fishing location when moving to avoid salmon bycatch.

[To be used with existing information allowing examination of:

- a. For both the original and new fishing grounds, the date, time, bycatch rate, location, and CPUE of tow.
- b. Pollock quota remaining for harvest and salmon allowance remaining at time of event.
- c. Time, distance, and use of fuel in searching for cleaner fishing grounds.]

Alternative 2B

In addition to the status quo data sources:

- (1) Transaction data for salmon and pollock– quantity and price of transfers (survey will be used to determine whether these are arm’s length transactions).

By expanding Options 1 and 2 to include pollock quota.

- (2) Information regarding change in fishing grounds (as defined under Alternative 2A)

Alternative 3

In addition to the status quo data sources:

- (1) Transaction data for salmon and pollock– quantity and price of transfers (survey will be used to determine whether these are arm’s length transactions). (as defined under Alternative 2B)
- (2) Average annual hourly fuel burned fishing and transiting and annual fuel purchases in cost and gallons to be used with existing data to:
 - estimate costs of moving vessels to avoid salmon bycatch (vessel fuel use, transit time, and lost fishing time).
- (3) Post-season surveys of skippers to determine rationale for decision making during the pollock season (fishing location choices and salmon bycatch reduction measures).

There was lengthy discussion on what is “compensation” and “compensated transfers,” during which Mr. Cotten made a motion seconded by Mr. Fields: In Option 2, after dollars, add “Or any other definable valuable consideration” Motion failed 9/2 with Dersham and Fields voting in favor.

It was discussed and decided that staff would have industry provide comment in its Incentive Plan Agreement reports as to what types of compensation are being used in their fleets.

Main motion passed without objection.

Mr. Bedford moved to drop D3 Halibut Logbook reporting from the Council agenda and rescheduled it for December. Mr. Dersham seconded, and motion passed without objection.

D-1 (b) Geiger/Pella report on salmon bycatch sampling

BACKGROUND:

A report “*Sampling Considerations for Estimating Geographic Origins of Chinook Salmon Bycatch in the Bering Sea Pollock Fishery*” by Jerome Pella and Harold Geiger was mailed to you on September 18th. This report was commissioned by the Alaska Department of Fish and Game in order to assist in the development a sampling plan and corresponding statistical estimators of stock composition and stock abundance for Chinook and chum salmon caught by vessels in the Bering Sea Pollock fishery. The report outlines aspects of a sampling program and provides recommendations for improving sampling protocols in the future. The authors will be available to discuss their report and recommendations (SSC only).

NMFS comments on the report are provided in a letter attached as Item D-1(b)(1). Staff from the Alaska Fisheries Science Center will be available to answer questions on this issue.

COUNCIL DISCUSSION/ACTION

Mr. Oliver reported the SSC heard a report regarding the sampling, and introduced Martin Lloflad (NMFS) to who would be reviewing the NMFS response about the report. Mr. Loefflad reviewed both the paper, and NMFS' response point by point. The Council heard public comment on this issue, and the AP did not take up this agenda item, and no action was taken by the Council.

D-2 (a) ACL Requirements

ACTION REQUIRED

Review Progress on ACL Requirements

BACKGROUND

In June 2009 the Council tasked staff to begin analyses necessary to bring FMPs into compliance with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of federal fisheries under the revised guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Compliance with ACL requirements for Alaska Scallop and BSAI Crab FMPs will require substantive changes to those FMPs primarily in order to incorporate an ABC control rule into the annual specifications process for both FMPs. Action plans for these analyses are attached as Item D-2(a)(1) for crab and Item D-2(a)(2) for scallop. Technical analyses to provide alternative ABC control rule formulations for BSAI Crab Stocks were completed this summer and are attached as Item D-2(a)(3) and Item D-2(a)(4) in conjunction with analyses of the Groundfish Tier system uncertainty evaluations (attached as Item D-2(a)(5)). These were presented at the Joint meeting of the Crab Plan Team and Groundfish Plan Teams on September 16th (see Joint CPT/Groundfish Plan Team report under agenda item C-5(c) of briefing books). The Crab Plan Team recommended alternative approaches for formulation of uncertainty-based buffer approaches to ABC control rules for BSAI crab stocks (contained in the report attached under C-5(c)). These alternatives will be discussed at this meeting in conjunction with the timeframe for this analysis as well as alternative formulations for establishing ABCs (and ACLs) for weathervane scallop. Statutory deadlines of October 2011 and June 2011 for the crab and scallop FMP amendments require Council final action in 2010.

The Council also adopted an interim action plan for amending the two groundfish FMPs in June (Item D-2(a)(6)), pending scientific recommendations on which groundfish species may be candidates for a new, voluntary FMP category for ecosystem components (Item D-2(a)(7)). The main proposed action is to define which species: 1) are "in the fishery," 2) may be included in this new "EC" category (e.g., forage fish), and/or 3) may be removed from the FMP (e.g., non-specified species). Other FMP text changes will be proposed to document compliance with the guidelines on other management issues.

The Council is scheduled to revise the draft action plan at this meeting to provide a suite of alternatives for beginning the draft environmental assessment. The Council tasked the Non-Target Species Committee with recommending revisions to the alternatives to begin the analysis. The committee convened on September 15, 2009, but a lack of clarity in the guidelines did not allow the committee to provide recommendations at this time. The committee requests another meeting to review responses to a series of questions it generated, at which time it expects to be able to recommend revised alternatives for analysis (Item D-2(a)(8)). A joint response from staffs of NOAA General Counsel, NMFS Headquarters, NMFS Alaska Region, and the Council is provided under Item D-2(a)(9).

Council staff will be prepared to present an inclusive list of possible alternatives for analysis based on the AFSC vulnerability analysis and committee discussions from which the Council may select its range of alternatives at this meeting, or redirect the staff list to the committee for

another meeting of the Non-Target Species Committee meeting. The timeline for Council action is short, however, and the Council is encouraged to streamline the alternatives to address only those FMP amendments that are required to meet the revised guidelines. Final action should be scheduled no later than April 2010 for implementation to occur by January 1, 2011.

Diana Stram (Council Staff) gave a report on ACL progress on Crab and Scallop, and Jane DiCosimo gave a report relative to Groundfish stocks in the BSAI and GOA. Lori Swanson gave the AP report, and the SSC had given their report on this issue at an earlier time.

COUNCIL DISCUSSION/ACTION

Mr. Benson moved and Mr. Tweit seconded the AP motion in regard to ACL requirement with several components:

- The Council requests staff report back at the April 2010 meeting with another review of the crab ACLs.
- Move forward on the groundfish ACL amendment with an additional referral to the Non-Target Species Committee.
- The Non-Target Species Committee should reconsider Option 4 in order to ensure the orderly development of potential new fisheries on nonspecified species. The committee should consider:
 1. Establishing an ecosystem complex that includes nonspecified species,
 2. Prohibiting directed fishing on ecosystem components, and
 3. Providing for EFPs that include observers and detailed reporting requirements.

Motion passed without objection.

D-2 (b) GOA Chinook salmon and Tanner crab bycatch

BACKGROUND

In June 2008, the Council asked staff to update a discussion paper on salmon and crab bycatch in the GOA groundfish fisheries, and focus specifically on particular species and areas with potentially high bycatch levels: Chinook salmon and *Chionoectes bairdi* Tanner crab, in the central and western GOA. Also, the Council asked staff to identify strawman closure areas as bycatch reduction measures for Chinook salmon and Tanner crab. The discussion paper was updated and reviewed by the Advisory Panel in December 2008, but the Council was not able to take up the agenda item at that meeting. The discussion paper was modified slightly, and sent again to the Council in mid-September.

The discussion paper was mailed to you on September 14, 2009. Staff will provide a general overview of bycatch levels of Chinook and bairdi crab in groundfish fisheries, Chinook and bairdi directed fisheries, and species abundance. As requested, an explanation of the procedures used for estimating Chinook and bairdi bycatch in the GOA groundfish fisheries is also included. In previous iterations of this discussion paper, preliminary alternatives have been proposed for bycatch management measures, and they are included here, along with strawman closures representing areas with high bycatch.

The discussion paper that is being reviewed at this meeting is basically similar to the one from November 2008 (which was reviewed by the AP) and that from March 2009. The main difference is

that in the November 2008 draft, the maps of bycatch rate (number of Chinook or crab per mt of total catch) were inaccurate, because the dataset for the November 2008 paper included only tows/sets with Chinook or bairdi bycatch, and did not include all tows/sets within each area (i.e., 'clean' tows/sets). For the March and September 2009 versions, the maps were updated with data from 2001 to 2008. We retained the strawman created using the 2003-2007 data, from the November 2008 draft, but compared them with 2001-2008 bycatch distribution.

At this meeting, the Council is scheduled to review the discussion paper, and if appropriate, initiate an analysis, with a problem statement and alternatives. The AP reviewed this discussion paper in December 2008, and their minutes are attached as Item D-2(b)(1). The SSC last reviewed an iteration of this discussion paper in April 2008, and their minutes are attached as Item D-2(b)(2).

Diana Evans (Council Staff) and John Olson (NMFS) gave a report and answered questions on the discussion paper. The Council heard the AP report and took public comment.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved and it was seconded to adopt the following Purpose and Need statement and forward for analysis these management measures:

Tanner crab are a prohibited species bycatch in the Gulf of Alaska (GOA) groundfish fisheries. Directed fisheries for Tanner crab in the GOA are fully allocated under the current limited entry system. No specific conservation measures exist in the GOA to address significant, adverse interactions with Tanner crab by trawl and fixed gear sectors targeting groundfish. Tanner crab stocks have been rebuilding since peak fisheries occurred in the late 1970s. Specific protection measures should be advanced to facilitate stock rebuilding.

Alt 1: Status Quo – No action

Alternative 2: Close areas to all groundfish (trawl, pot, and longline) fisheries.

Option 1: Year round

Suboption 1: trawl gear

Suboption 2: pot gear

Suboption 3: longline gear

Suboption 4: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms).

AMENDMENT Mr. Henderschedt amended to add in Option 1 and Option 2: Suboption 5: Vessels using pelagic trawl gear would be exempt from closures Amendment passes w/o objection.

Option 2: Seasonally (January 1 – July 31)

Suboption 1: trawl gear

Suboption 2: pot gear

Suboption 3: longline gear

Suboption 4: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms).

Suboption 5: Vessels using pelagic trawl gear would be exempt from closures

Alternative 3: In order to fish in these areas, require 100% observer coverage on all groundfish (trawl, pot, and longline) vessels

ADF&G Northeast Section

- Statistical Area 525807
- Chiniak Gully
(Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20'W by 57°20' N x 151°20'W by 57° x 152°9'20' W)

ADF&G Eastside Section

- Statistical Area 525702

ADF&G Southeast Section

- Statistical Area 525630

Map is attached as Appendix VI.

There was brief discussion regarding maps and boundaries. Mr. Lloyd clarified that these alternatives replace the existing alternatives listed in the discussion paper. It was noted that although the motion deals only with federal waters, there may be a need to address similar issues in State waters in the future. Mr. Lloyd noted that in addition to permanent closures in state waters, there are also emergency order closures can be addressed in the discussion paper, and highlighted in the joint Board of Fish/Council meeting. Mr. Mecum expressed concerns regarding data presented from the state water pot cod fisheries, which are unobserved, and noted he would like to see other ways to look at bycatch in this fishery. Discussion was noted by staff, and would be addressed in the analysis.

Amended main motion passed unanimously.

Mr. Fields made a motion recommending that staff revise the GOA Chinook salmon bycatch paper to reflect recent catch data, broader stock abundance information and State of Alaska regulatory measures relative to Chinook salmon management. There was brief discussion, noting that it would be up to Staff's discretion as to timeline, and staff would bifurcate the existing discussion paper, moving the crab portion forward as an amendment package, and the Chinook part moving forward as an updated discussion paper. **Motion passed without objection.**

Mr. Cotten moved to request to have in season management provide a GOA Chinook bycatch report as part of their annual management report, and to include maps if distribution in the pelagic trawl fishery if possible. Additionally he moved to request that the AFSC implement their new Chinook salmon protocol, to collect genetic sampling to determine river of origin in the GOA as well as the BSAI. It was seconded by Mr. Lloyd. There was brief discussion clarifying that the GOA sampling should not be prioritized over implementation in the BSAI.

Motion passed unanimously.

D-2 (d) Research Priorities

BACKGROUND

The Magnuson-Stevens Act requires the Council to adopt a five-year plan each year. The Council adopted its first five-year research plan in October 2008, based on recommendations from its four Plan Teams, the Scientific and Statistical Committee, and the Advisory Panel. At this meeting, the Council will update its five-year research plan. The recommendations from the Scallop Plan Team, Crab Plan Team, and Joint BSAI and GOA Groundfish Plan Teams were provided.

Diana Stram (NPFMC Staff) gave a brief overview, and noted that the SSC had already given their report. The AP did not take up this agenda item, and there was no public comment.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, and it was seconded, that the Council adopt the 5 year research priorities covering the years 2010-20114 priorities as proposed by the SSC with one modification: in the section outlining stock assessment, "improve handling mortality estimates for crabs" move from *ongoing needs* to *immediate concerns* category.

Mr. Henderschedt moved, and it was seconded by Mr. Benson, to amend the motion and strike a sentence:

Under "immediate concerns"

C. Fishery Management

1. ~~Analyses are needed of the magnitude and distribution of economic effects of salmon avoidance measures for the Bering Sea pollock fishery. In this case, it is important to understand~~ the ability of pollock harvesters to adapt their behavior to avoid Chinook and "other" salmon PSCs, under various economic and environmental conditions and incentive mechanisms.

Mr. Henderschedt noted that the priority is to review the effectiveness of these incentive mechanisms, and the ability for the feet to be able to respond to them. There was discussion on the importance on the economic effects.

Amendment passes 6/5, with Benson, Dersham, Fields, Henderschedt, and Mecum voting in favor.

Mr. Fields moved and it was seconded to amend the main motion to include in the parenthetical under Immediate Concerns II. Fisheries A. Fish and Fisheries Monitoring include Kodiak Red King Crab Fishery. Amendment passed without objection.

Amended main motion passed unanimously.

D-4 Staff Tasking

BACKGROUND

(a) Committees and Tasking

The list of Council committees is attached as Item D-4(a)(1). Item D-4(a)(2) is the three meeting outlook, and Item D-4(a)(supplemental) provides a summary of current projects and tasking. In addition, an updated workplan for implementing the programmatic groundfish management policy is attached as Item D-4(a)(3). The Council may wish to discuss priorities for completing ongoing projects, as well as any new tasks assigned during the course of this meeting.

In June, the Council tasked the Ecosystem Committee with reviewing various upcoming Council actions on habitat and marine protected area issues. The Council requested an opportunity to review the Ecosystem Committee's December agenda, to see whether the membership of the Committee remains appropriate for the allotted tasks. The draft agenda is attached as Item D-4(a)(4).

(b) Rural Community Outreach Committee

The Rural Community Outreach Committee was initiated by the Council in February 2009 and members were appointed in June. The Council requested that the committee meet over the summer and report back at this October Council meeting. The three primary purposes of the committee, based on Council direction, are: 1) to advise the Council on how to provide opportunities for better understanding and participation from AK Native and rural communities; 2) to provide feedback on community impacts sections of specific analyses; and 3) to provide recommendations regarding which proposed Council actions need a specific outreach plan and prioritize multiple actions when necessary. At its first meeting, the committee addressed organizational, budget, and logistical issues, and discussed ideas on general ways to improve outreach (e.g., how do we communicate who the Council is, what it does, and how to participate). The committee also discussed ways to improve project-specific outreach, and reviewed several ongoing Council projects that may warrant a targeted outreach effort. The committee made several recommendations on these issues, as outlined in the August 12 committee report, attached as Item D-4(b)(1).

The committee also recommended that it convene again in November 2009, by teleconference. Members suggested meeting in person every other meeting, and holding meetings in rural locations when possible. Potential agenda topics for the next meeting are listed on page 7 of the committee report.

(c) Amendment 93 Alternatives

On August 13, 2009, the Council received a letter from NMFS recommending that the Council consider adding an additional alternative to the analysis for Amendment 80 cooperative formation (Amendment 93). The NMFS letter is attached as Item D-4(c)(1).

The existing amendment package, if approved, would modify the requirements that Amendment 80 quota share holders would need to meet to form a harvesting cooperative and receive an exclusive allocation of Amendment 80 species and associated PSC that are incidentally taken during the prosecution of BSAI groundfish fisheries. Currently, there are five alternatives under consideration:

- Alternative 1: (Status quo) – A minimum of three unique quota share holders holding at least nine quota share permits are required to form a cooperative.
- Alternative 2: Reduce the number of unique quota share holders required to form a cooperative from three to two or one unique quota share holder.
- Alternative 3: Reduce the number of quota share permits required to form a cooperative from the existing 9 permits to some lower range. (e.g., three permits to the existing 9 permits)
- Alternative 4: Reduce both the number of unique quota share holders and the number of quota share permits required to form a cooperative (combination of Alternatives 2 and 3).
- Alternative 5: Allow a cooperative to form with a minimum of three unique QS holders holding at least nine QS permits (status quo), or a single or collective group of entities that represent 20%, 25%, or 30% of the sector quota share.
 - GRS Suboption (Applicable to all Alternatives): The GRS shall be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.

The additional alternative recommended by NMFS would require a cooperative to accept any person otherwise eligible to participate in a cooperative, subject to the same terms and conditions that apply to all other members of the cooperative.

The Council conducted an initial review of the amendment package at February 2009, and has scheduled final action for February 2010.

Chris Oliver (NPFMC) briefly reviewed agenda items, reviewed the three meeting outlook, and discussed the timeline for crab issues. Nicole Kimball (NPFMC) reviewed the Rural Outreach Committee report. Mr. Henderschedt noted that during the December meeting, industry had recommended an evening session to review the IPAs, and that Council will coordinate with staff. Mr. Fields noted that discussing GOA Rockfish during the February meeting in Portland may be not well attended by the public involved because it's in the middle of both the trawl and pot season. Mr. Oliver noted that timing for a formal review of the package can be determined at the December meeting. There was further discussion regarding scheduling at the December meeting. It was generally noted that Mr. Oliver and Mr. Olson would review the agenda items and timing for the December and February agenda.

Glenn Merrill (NMFS) reviewed Amendment 80 cooperative formation standards and Amendment 93. Lori Swanson gave the AP report on Staff Tasking, and Public Comment was heard.

COUNCIL DISCUSSION/ACTION

Chairman Olson noted that there was a draft letter concerning the Interim Oceans Policy Report, and Council members can give their comments to Mr. Oliver. There was general agreement that the letter was well crafted and that the Council should go ahead and send it. Mr. Tweit noted that he'd like to see an expanded section on the critical role States play in Marine Spatial Planning, and that States are provided the resources they need to fill that role. Mr. Oliver noted that the Council would appreciate the opportunity to comment as the Oceans Committee develop further implementation plans.

Mr. Henderschedt moved, and it was seconded, that the Council requests staff draft a discussion paper reviewing potential objectives for economic data collection and the structuring of data collection initiatives to achieve those objectives. The paper should address 1. the potential for data collection initiatives to directly inform relatively immediate, specific, and routine management questions, and 2. less defined research initiatives that may have more indirect relevance to specific analysis and decisions. The paper should draw information from the Agency's data quality review of the crab economic data reports, and PNCIAC's recent review of those data, as well as any information that may be derived from the Amendment 80 EDR process and the Chinook salmon bycatch data collection analysis. The paper should discuss the effectiveness of data collection in serving the various analytical and research needs before the Council with the goal of assisting the Council in developing future data collection programs, setting collection and analytical priorities, and making revisions to the Crab Economic Data Reports.

Mr. Henderschedt noted that the Council is dealing with challenges in collecting data and how it is used, and suggested that the Council be more involved. **Motion passed without objection.**

Mr. Mecum moved and it was seconded to add an additional alternative to Amendment 93 analysis that would require a cooperative to accept any person otherwise eligible to participate in a cooperative subject to the same terms and conditions that apply to all other members of the cooperative. Mr. Mecum noted that the alternative is consistent with the purpose and needs statement which seeks to provide enhanced opportunity for vessels to join a cooperative. **Motion passed without objection.**

Chairman Olson reviewed committee appointments:

Ecosystem committee: Chairman Eric Olson; Caleb Pungawi appointed

Halibut sablefish IFQ Implementation Committee: Dan Hull Chair, Jeff Stephan, still a member yet no longer Chairman

Observer committee: Agreement in appointing a Southeast Alaska longliner, no decision yet

Steller Sea Lion Mitigation Committee: Noted 3 vacancies; looking for replacements

Diana Evans (NPFMC), in response to a question from Mr. Tweit, noted that the Council would hear a report at the February meeting from the Ecosystem Committee relative to Implementation to Aleutian Islands Fishery Ecosystem Plan.

Mr. Fields moved, and it was seconded, to have staff develop a discussion paper regarding the differential between the number of fixed gear LLPs that would be awarded to individual CQE community residents and the community CQE under the 10mt qualifying threshold and 7 total permits that council intended to award to individuals in these communities. Mr. Fields noted that this should be a short discussion paper, and that there may be a difference between what was intended, and what was approved. **Motion passed unanimously.**

Mr. Mecum moved and it was seconded that the Council request NMFS to develop a discussion paper that assesses catch monitoring and enforcement requirements necessary to support allocations of Pacific cod and halibut PSC to a freezer longline sector cooperative. Mr. Mecum noted that this discussion paper would be available at the February 2010 meeting. Coop formation may be mandated by legislation (or voluntary) and could be incorporated in any future Council action necessary to implement such legislation. Mr. Mecum noted that this is in anticipation of future legislation, and options in the discussion paper would cover observer issues, certified hopper or flow scales, and product recovery rates, among others. **Motion passed without objection.**

Mr. Henderschedt moved and it was seconded by Mr. Fields, that Council task staff to present a brief report on the Bering Sea Arrowtooth founder fishery That report should include harvest amts, 2005-2009, bycatch of groundfish and PSC in the AT target fishery 2005-2009, the MRA table for other BSAI species and current observer coverage level in the fishery. Mr. Henderschedt noted that it would be a brief report so that the Council can get an idea of what is happening in that fishery. Mr. Henderschedt noted he'd like the report to be presented in December. **Motion passed without objection.**

The Council discussed the 3 meeting outlook and December agenda items.

Mr. Bedford noted with the heavy volume of issues on the December Agenda, EFH 5 year review can be delayed until February. Final action on crab ROFRs can be postponed, and rockfish issues can be postponed benefiting from further analysis. Additionally, he noted halibut/sablefish items would benefit from a February timeline, allowing for feedback from industry. It was generally agreed that although the schedule is full, delaying an issue may only postpone the full agenda until later. And as is Council practice, the December agenda will be drafted by the Executive Director and the Chair and circulated among Council members for comments and recommendations.

Mr. Fields noted that there is not a pressing urgency on the CQE program review, and it is not necessary for December. Along those lines, Mr. Olson noted that the Rural Outreach Committee Report is also not a pressing issue.

Mr. Dersham commented on the Council's action on the Pcod sector split issue and its effect of sea lions on potential state water action contained as alt 5. He noted that the State's Board of Fisheries action does not have to take place before final action by the Council.

Mr. Bedford noted that a recommendation from the Rural Outreach Committee specifying addressing chum bycatch outreach should be addressed. Mr. Olson noted that a meeting of the Committee is scheduled before the Council meets in December, and they will address this specifically.

There was request for clarification from an earlier motion regarding the GOA Pcod sector split motion. There was discussion regarding intent from the maker of the motion, and the motion from the Advisory Panel. It was generally decided that what was passed did not have the intent from the maker of the motion.

Mr. Fields moved for reconsideration of the GOA Pcod sector split motion. Mr. Hull seconded. Motion passed with Mr. Dersham objecting.

Mr. Cotten moved an amendment and it was seconded by Mr. Fields, that in an effort to clarify intent of the motion, based on the Advisory Panels recommendation, to ADD a third sector in the WGOA to include a sector that would be made up of those who had trawl and fixed gear licenses as a third group for analysis. There was brief discussion on clarification of the full motion with Mr. Cotten's clarification. **Amendment passed without objection, and the reconsidered main motion passed without objection.**

ADJOURN

Chairman Olson adjourned the meeting at approximately at 12:07pm Friday, October 9, 2009.

MINUTES

194th Plenary Session
North Pacific Fishery Management Council
October 3-9, 2009
Hilton Hotel
Anchorage, Alaska

TABLE OF CONTENTS

A. CALL TO ORDER 3

B. REPORTS 3

C. MAJOR ISSUES/FINAL ACTION ITEMS 4

 C-1 GOA Pacific Cod Sector Allocations 4

 C-2 Central Gulf of Alaska Rockfish Program..... 9

 C-3 Observer Program..... 11

 C-3 (a) EFP Phase II of GOA Electronic Monitoring Project 13

 C-3 (b) Observer Restructuring Program 13

 C-4 BSAI Crab Issues..... 14

 C-4 (a) Identify preliminary preferred alternative for exemption from regional delivery requirement 14

 C-4 (b) Initial Review of right of first refusal modifications 14

 C-4 (c) Review proposals to address WAI golden king crab fishery issues 15

 C-4 (d) Review outline for the 5-year review of the program 16

 C-4 (e) Approve BSAI Crab SAFE report and OFLs; receive discussion paper on crab bycatch and PSC limits 16

 C-4 (f) Review status of St. Matthew and Pribilof blue king crab and snow crab rebuilding plans..... 16

 C-5 (a) Trawl sweep gear modification requirement..... 18

 C-5 (b) Groundfish Issues..... 19

 C-5 (c) recommend proposed groundfish specifications for 2010/2011 20

 C-6 Permit Fees 22

D. OTHER ISSUES 24

 D-1 Salmon Bycatch..... 24

 D-1 (b) Geiger/Pella report on salmon bycatch sampling 25

 D-2 (a) ACL Requirements 26

 D-2 (b) GOA Chinook salmon and Tanner crab bycatch 27

 D-2 (d) Research Priorities 29

 D-4 Staff Tasking 30

APPENDICIES

- I. Tape log and Public Attendance Register**
- II. AP and SSC Minutes**
- III. GOA Pcod sector allocations motion**
- IV. CGOA Rockfish program motion**
- V. Council Groundfish Specifications**
- VI. Map of statistical areas of closures under alternative 2 and 3 for GOA Tanner crab bycatch in the groundfish fisheries**
- VII. October 2009 Newsletter**