

North Pacific Fishery Management Council

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FINAL MINUTES

197th Plenary Session
North Pacific Fishery Management Council
April 8-13, 2010
Hilton Hotel, Anchorage, Alaska

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APPROVED: 

DATE: 6-9-2010

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The North Pacific Fishery Management Council met April 8-13 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met April 6-8, and the Advisory Panel met April 6-10 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
Duncan Fields
Dave Hanson
John Henderschedt

Roy Hyder
Dan Hull
Denby Lloyd/Stefanie Moreland
Jim Balsiger/Sue Salvesson
Bill Tweit
ADM C.C. Colvin and Capt. Mike Cerne

NPFMC Staff

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

Jon McCracken
Sarah Melton
Chris Oliver
Maria Shawback
Diana Stram
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Robert Clark
George Hunt
Seth Macinko
Keith Criddle

Farron Wallace
Gordon Kruse
Franz Mueter
Doug Woodby
Milo Adkinson

Anne Hollowed
Kathy Kuletz
Lew Queirolo

* Absent: Terry Quinn and Sue Hills

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Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
John Crowley
Julianne Curry
Jerry Downing
Tom Enlow

Tim Evers
Jeff Farvour
Becca Robbins Gisclair
Jan Jacobs
Bob Jacobson
Simon Kinneen
Chuck McCallum

Matt Moir
Ed Poulsen
Beth Stewart
Lori Swanson
Anne Vanderhoeven

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

Mr. Fields moved, which was seconded, to approve the minutes of the previous meeting in February 2010. Motion passed unanimously.

Mr. Lloyd moved to approve the two plan team nominations: Karla Bush to the Crab Plan Team, and Joseph Stratman to the Scallop Plan Team. Motion passed without objection.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:04 am on Thursday, April 8, 2010.

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

AGENDA: The agenda was approved as published.

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, briefly reviewed his written report, announcing a new staff member, as well as updating the Council on upcoming meetings.

There was brief discussion regarding the process of the Ocean Policy Task force, and noting that "marine spatial planning is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process." Mr. Oliver noted that after public comment and input, a letter would be drafted and submitted as part of the national public comment on Marine Spatial Planning, with a copy to Secretary Lubencheco.

NMFS Management Report

Ms. Sue Salveson briefly reviewed an overview of regulatory action and NMFS in-season management report. John Lepore, NOAA General Counsel, provided a brief update on litigation of interest to the Council, and Dr. Martin Loefflad gave a report on observer restructuring and outreach efforts.

ADF&G Report

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

NOAA/Office of Litigation and Enforcement

There was no NOAA Enforcement report given.

USCG Report

Lt. Cmdr. Ray Reichl of the USCG provided the Coast Guard Enforcement Report, following a brief address by ADM Colvin.

U.S. Fish and Wildlife Report

Greg Balogh of USF&W provided an update on re-location efforts for Short-tailed albatross. He also gave an overview of the Department of Interior's climate change reaction efforts and collaborative forums addressing these issues.

Protected Species Report

Jeannie Heltzel gave the protected resources report, noting first that Steller sea lion issues and the delayed biological opinion will be discussed under the C-1 agenda item. Ms. Heltzel gave an update on seabirds and seabird avoidance, and loggerhead sea turtles.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

Each agenda item will begin a brief background from part of the "Action Memo" from the Council meeting notebook. This section will be set in a different typeface and size than the actual minutes. Expanded portions and background of any agenda item are available in the Council notebooks and upon request. Following the Action Memo will be a very brief summary of the Staff, Advisory Panel, and Scientific and Statistical Committee Reports. Last will be a section describing Council **Discussion and Action**, if any.

Governor Sean Parnell addressed the Council on Thursday afternoon, and commended it for its responsible stewardship of the fisheries, with a transparent and public process facilitating stakeholder involvement. He also praised the Council for effective management of fish resources, and highlighted the cooperative efforts between the states of Oregon, Washington and Alaska. He thanked Council members for their dedication to ensure viable and sustainable fisheries off Alaska.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 Update on the SSL Biological Opinion

Background:

At the April meeting, NMFS will provide the Council with an update on the schedule for releasing the draft SSL Biological Opinion. The release of the Biological Opinion was postponed from the scheduled March 1, 2010 release date. At this point, NMFS has indicated that a discussion on schedules for the preparation of analytical documents and rulemaking to implement any necessary changes to the fisheries might best be delayed until after the draft BiOp is released, when the nature and scope of possible analyses and rulemaking can be better assessed.

Dr. Balsiger gave a brief report of the status of the Biop, noting that NMFS still plans to release it in 2010, but there may be multiple factors affecting its completion. He also noted that if it is not released by June 2010, the Council may wish to hold a special meeting to address changes in regulations that will affect the fisheries managed by the Council.

There were general questions regarding clarification of timing from the Council members, and Dr. Demaster answered questions regarding upcoming Steller Sea Lion surveys. It was generally agreed that numbers from the 2010 survey would be available for the December Council meeting.

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There was brief discussion regarding the CIE review and white paper describing the current population estimate of SSLs in comparison to the recovery plan criteria. Dr. Balsiger noted that both of them are important in the process, and that the agency is unable to determine timing and/or review process at the current time.

Neither the AP nor the SSC took up this agenda item. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Hendershedt noted that the Council should have alternate plans should the BiOp not be ready for the June meeting. It was generally agreed to discuss agenda timing during the staff tasking agenda item.

Mr. Fields suggested drafting a letter outlining the importance of SSL surveys in western Alaska. It was agreed to re-view request during the staff tasking agenda item.

C-2 Charter Halibut Permit Endorsements

BACKGROUND

In February 2010 the Council received a report from NMFS regarding implementation of the charter halibut limited entry (moratorium) program in Southeast and South Central Alaska. The Council was concerned that the final rule implemented a more liberal permit endorsement system than the Council intended. The Council felt that excessive fishing capacity in the charter halibut sector could result from the methodology used to assign angler endorsements (the number of anglers allowed to fish for halibut on a trip) to charter halibut permits held by charter halibut businesses that would be initially issued more than one permit. The Council noted its intent to more closely align angler endorsements with the actual greatest number of anglers for each vessel that gave rise to each permit.

Rachel Baker and Ben Muse (NMFS) gave the staff report on this agenda item. Neither the AP nor the SSC had this item on their agendas. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Hull, to select Option 3, Alternative 2 as its preferred alternative. He spoke to his motion noting that it better meets the “fair and equitable” allocation of the Halibut Act. It also corrects the problem of issuing more endorsements than what was intended by the Council and does not disadvantage anyone relative to their earning history. **Motion passed unanimously.**

There was discussion regarding transferrable permits and the Council’s intent to tie individual permits to specific vessels which led to further discussion regarding leasable permits and definitions. It was agreed to discuss this issue at a later date; either under staff tasking, or at a different meeting.

Brief discussion continued regarding data and calculations used to determine angler endorsements. It was determined that ADF&G has reviewed the data, as will the agency. It was also noted that NMFS has the ability to change the official record when the evidence (from an appeal process) deems it necessary.

C-3 Groundfish Annual Catch Limits

BACKGROUND: ACL Final Action

The Magnuson-Stevens Act and the National Standard 1 Guidelines require councils to develop measures to prevent overfishing, rebuild overfished stocks, achieve optimum yield, and to establish ACLs and AMs for species and species groups identified as “in the fishery.” An ecosystem component (EC) category may also be included in the FMPs for species and species groups that are not targeted for harvest, not likely to become overfished or subject to overfishing, and not generally retained for sale or personal use.

Jane Cosimo gave the staff report on this issue, and reviewed the Non-Target Species Committee report. Lori Swanson gave the AP report, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved to adopt Alternative 2: Revise the groundfish FMPs to comply with requirements to set annual catch limits and accountability measures, and eliminate the other species category and manage GOA squids, BSAI and GOA sculpins, BSAI and GOA sharks, and BSAI and GOA octopus separately in the target species category. Additionally, prohibited species and forage fish are in the ecosystem component category, target species are “in the fishery,” and non-specified species are removed from the FMPs and complementary regulatory amendment. Additionally, the Council recommends adoption of the 6 housekeeping amendments as described in Appendix A, and Appendix B of the analysis. The motion was seconded.

Mr. Tweit noted that besides being mandated to revise current practices to bring them into compliance with the revisions to the MSFMA, that this option is a right step to take from conservation standpoint, although currently there is only a minor risk of overharvesting in other species category; forage fish are NOT likely to be overfished in the absence of conservation and management measures. He also noted that generally, these species are not retained for sale or personal use in the groundfish fisheries. Mr. Tweit emphasized that the threat of litigation should not play a part in Council decisions.

Mr. Benson agreed everyone gets nervous when we start drawing other boxes, but this has been an ongoing process, with the concern of having less flexibility and the danger of having fisheries close. He reminded everyone that by taking this action, we are realizing a series of steps the agency can take preceding a fishery closure. Mr. Benson remarked that during discussions in the Ecosystem Committee, re-categorizing forage fish and other species as new information became available was noted and it was agreed that doing so was a ‘work in progress.’

Mr. Balsiger noted that the ultimate goal of this is to reducing the risk of overfishing of the identified species in the ocean.

Mr. Tweit briefly mentioned that this action is applicable to NS1, and directly addresses NS3; removing sculpins, sharks, octopuses, and squids from the other species category into the target category and requiring that ACLs be set for them, the final intent being the reduction of overfishing in GOA and BSAI.

Mr. Lepore noted that the standard is the “best scientific information available” and that this action would allow the Council to not be not stymied by lack of information in reducing the risk of overfishing.

Mr. Henderschedt moved to amend the main motion, and was seconded, to note 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. Roll call vote: Motion passed unanimously.

Mr. Benson moved to task staff to draft a discussion paper on recommendations from the NTSC in its minutes on page 2 – a list of items of interest – which are split between stocks in the fishery and stocks in the EC category. Mr. Henderschedt seconded the motion. Mr. Benson noted that the Committee discussed items of interest for further management of stocks, and to meet again to review the paper at a later date. Mr. Benson discussed mandatory review and vulnerability analysis, but did not specifically list, or task the SSC with a different way to calculate Tier 6. **Motion passed without objection.**

Mr. Tweit amended the motion which was seconded: to include in the discussion paper the effects of current Tier 6 relative to the adoption of this new framework, and recommendations on which Tier 6 species would be first on list of review by SSCs and Plan teams. Ms. DiCosimo noted timing with tasking of staff and ability to draft the discussion paper and have the Committee review, it was generally agreed to wait until the Committee is able to review the paper. **The amendment was withdrawn with concurrence of the second.**

Mr. Fields was concerned as to whether a description of information is required for a stock to move from tier 6 to tier 5.

Mr. Fields amended the motion which was seconded by Mr. Hull, to include brief discussion on what information is needed to move stocks from Tier 6 to Tier 5, and an update on the status of that data (estimate of biomass, natural mortality) and what research is still needed. Passed unanimously.

Mr. Tweit moved, which was seconded, to request the SSC conduct a review at its next meeting of implementation of ACL and OFL rules relative to the current suite of specifications for the different tiers, with emphasis of Tier 5 and Tier 6 species.

Mr. Tweit noted that there was a need to highlight this in order to implement necessary change new ACLs and OFL for tier 5 and tier 6 species at the same time new rules are implemented. **Motion passed without objection.**

C-4 Central Gulf of Alaska Rockfish Program

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. At subsequent meetings, the Council has revised those alternatives to their current form. In February 2010, the Council reviewed a preliminary draft of the analysis and scheduled the item for initial review at this meeting.

Mark Fina and Jon McCracken gave the staff report on this agenda item. Lori Swanson gave the AP report, and Farron Wallace gave the SSC report on this item. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved a lengthy 14 page printed motion, which was seconded. He responded to questions from the Council and spoke to his motion page by page. There were clarifications from staff and sections were marked for discussion as the Council began deliberation.

The Council determined to proceed through the document page by page and offer amendments accordingly. A full motion is attached to these minutes as APPENDIX 4.

Page 3: Section 4.5

**Mr. Hendershedt moved, and Mr. Hyder seconded to add:
Suboption: divide the set aside between participants equally.**

Mr. Henderschedt commented that the entry level fishery has had many altering factors, and that this option would incorporate the ability to be fair and equitable. **Motion passed unanimously.**

There was brief discussion regarding definitions of “legal landing” and “delivery.”

Page 4: Section 4.5

Mr. Tweit moved to amend, which was seconded, the option that begins “Qualified entry level trawl LLPs, in aggregate, would receive an allocation of QS from the primary rockfish species in an amount between...” and change the 2.5 to 1.5% – 5%.

Mr. Tweit mentioned that because of public comment, expanding range for clarity makes sense, and would allow evaluation of 3% of the trawl sector in the entry level **The motion passed without objection.**

Page 5: 7.2.4 Exemptions:

Mr. Henderschedt moved, which was seconded, for the CP sector, a shorttraker allocation of the TAC will be Option 1(b) 50% and strike 1(a) 30.03%. Mr. Henderschedt noted that in its present form, the motion limits moving into a limited access fishery within the rockfish program. If the Council eliminates limited access fishery, we should give them something else on the cooperative side. There was a brief discussion regarding elements in the alternatives and options, and the Council’s obligation to notice the public as to what elements are possibly included. Mr. Fina indicated that Council approved motions and deletions will be included in the final document and are intended to facilitate analysis being done, and to inform public of options. NOAA General counsel advised the Council to proceed with caution when making last minute decisions at final action and to not foreclose on options too soon. **The motion failed 3/7 with Tweit, Benson, and Henderschedt voting in favor.**

Page 5: last part of 7.2.4

Mr. Balsiger moved to amend, which was seconded, the following MRAs in the cp section will be enforced on:

- a. A trip by trip basis
- b. An instantaneous basis

Mr. Balsiger wanted to make sure Enforcement has the tools they need in the regulations and analysis. **Motion passes unanimously.**

Bottom of page 5, top of page 6

Mr. Cotten moved to amend, which was seconded, to retain full range of options for supplementing the last seasonal apportionment of halibut PSC. Mr. Cotten spoke to his motion noting that the document will have more analysis on a few additional, important, issues, and it would be premature to delete any of the options at this time. **Motion passed without objection.**

Page 8, Section 10

Mr. Lloyd moved to amend by striking a paragraph “Under the LLP/open access fishery option....” noting that it was no longer applicable. It was seconded by Mr. Fields. **Motion passed without objection.**

Page 10

Mr. Henderschedt moved to amend, which was seconded by Mr. Fields, in the: 4 and 5th paragraph “no processor shall process more than...” add an option to the range of 10%. The motion was seconded. And he added:

In the event that a historic participant withdraw from the fishery either by not submitting an annual registration, or as a result of an in season catastrophic event, that the processor’s grandfather limit shall be distributed on a pro rata basis to the remaining grandfather limits and processing limits for the year, or remainder of the year.

Mr. Henderschedt noted that with the addition of the 10%, a low processor cap with grandfather provisions for historic processors, would likely provide more processor protections than the lower numbers. He noted it’s a different approach to the use of processing caps to provide some protections. There was brief discussion regarding motion, and that it was two separate ideas.

It was moved by Mr. Cotten and seconded by Mr. Fields to bifurcate: adding the 10% and the grandfather limits. There was brief discussion regarding re-structuring the question as to avoid the bifurcation, and that the two parts are linked. **The motion passed 8/2, with Henderschedt and Tweit voting against.**

Mr. Henderschedt spoke briefly to the 10% being added to the primary and the secondary caps as an alternative, noting that it serves some protection for processors. **Motion passed without objections.**

There was lengthy discussion on grandfather limits. It was generally agreed staff would examine methods of adjusting the cap and grandfather amounts in the event that a grandfather processor is not available, and the cap creates a potential barrier to complete harvest of the fishery. **The motion was withdrawn with concurrence of the second.**

Page 11: Section 18.1

**Mr. Henderschedt moved to amend to add two options under Catcher Vessel Options (existing Option 2):
Catcher vessel options**

- **Exempt a vessel that participated in the WYAK rockfish fishery for 2006-2008 and participated in the entry level pilot fishery at least one year. These vessels will be sideboarded at their catch history for 2006-2008.**
- **Allow qualified entry-level vessels to opt out of the central gulf rockfish program**

Mr. Henderschedt spoke to his motion, noting that the gains to the vessel from being in the rockfish program would pale in comparison from the losses of being precluded from in the WYAK rockfish fishery.

Mr. Tweit moved to amend the amendment by putting the second option under 4.4, in order to make it clear that the opt out provision is only available to qualified entry level vessels. Mr. Hull seconded the amendment, and the motion passed without objection.

The amendment passed without objection.

Page 12: Halibut PSC

Mr. Henderschedt moved to amend, which was seconded by Mr. Tweit: Under Halibut PSC unstrike “suboption” to keep it as an option, and not automatically be included as an option. Mr. Henderschedt noted that it was just keeping the language, but re-establishing the distinction as a suboption, rather than automatically keeping it in Option 2. **Motion passed without objection.**

There was brief discussion regarding the analysis and that strikeouts would be used to indicate removed options. Mr. Lloyd clarified that there was intent for 100% observer coverage in the rockfish program.

The amended main motion was voted on and passed without objection.

C-5 Bering Sea and Aleutian Island Crab Issues

(a) Emergency Exemptions from Regional Delivery Requirement

Over the course of several meetings, the Council received public testimony that an exemption should be created to regional landing requirements in the event that compliance with those requirements is prevented by unavoidable circumstances. The exemption would be 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. In response, the Council developed alternatives and reviewed an analysis of those 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 that time. 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. Since that time, stakeholder discussions developed preliminary suggestions concerning possible revisions, but failed to reach any consensus concerning changes to the alternatives.

Mark Fina gave the staff report, and Lori Swanson gave the AP report. The SSC did not address this agenda item. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Cotten moved the written Regional Landing Exemptions (as provided in public comment by the City of St. Paul and attached as Appendix 5) and noted that his motion also included the purpose and needs statement provided by the Advisory Panel. The motion was seconded by Mr. Tweit, and there was brief discussion regarding revising an existing analysis to address items that have

changed. It was hopeful to be on the agenda in October for final action. **Motion passed without objection.**

(b) Final action on Western Aleutian Islands golden king crab fishery regionalization

Since the second year of fishing under the Bering Sea and Aleutian Island crab rationalization program, participants in the Western Aleutian Island golden king crab fishery have expressed concern that the West region landing requirement may be unworkable in that fishery. The program requires that 50 percent of the catcher vessel Class A IFQ be landed in the area west of 174° West longitude. Under the program to date, shore-based crab processing in this region has occurred only in the community of Adak. In the first four years of the program, deliveries to the Adak plant were complicated as the operator of that plant holds few of the processor quota shares in the fishery. Despite this mismatch, holders of processor shares have largely relied on the plant in Adak for West region processing.

At its December 2009 meeting, the Council request that NOAA Fisheries undertake emergency rulemaking establishing an exemption from the West region landing requirement for the current 2009-2010 crab fishing season. In addition, the Council requested that staff develop an analysis of alternatives for an amendment that would either allow for exemptions from the landing requirement in future years based on the agreement of qualified parties that no shoreside processor is available in the region or remove the West region landing requirement altogether. After reviewing the analysis at the February 2010 meeting, the Council scheduled this item for final action

Mark Fina gave the staff report and Lori Swanson gave the AP report. The SSC did not address this agenda item. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved to adopt Alternative 2, Option 2, with 20% selected in the definitions for quota share, as written below, as its preferred alternative.

Alternative 2: Contractually Defined Exemption

To receive an exemption from the regional landing requirement in the WAG fishery, specified QS holders, PQS holders, and municipalities shall have entered into a contract. The contract parties will annually file an affidavit with NMFS affirming that a master contract has been signed.

Definitions:

QS Holders: Any person or company that holds in excess of 20% of the west-designated WAG QS.

PQS Holders: Any person or company that holds in excess of 20% of the west-designated WAG PQS.

Municipalities: The municipalities of Adak and Atka.

Approval of Exemption:

An exemption to the regional landing requirement will be granted, if the contracting parties have filed an affidavit with NOAA Fisheries affirming that a master contract has been signed. In the affidavit, each of the parties as defined above, or their authorized representative, must signify their approval of the exemption in writing.

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Mr. Lloyd noted that 20% was the appropriate threshold because it allows parties who are reasonably invested in the program, yet not such a small level to allow too many “nuisance complaints.” Interests for shorebased facilities will most likely be covered by community representation, and requiring a shorebased representative to approve the exemption would be unnecessary duplication.

Mr. Tweit discussed the National Standards and noted that this action would increase the yield of stocks. Mr. Lloyd noted that PQS holders are included, and Mr. Fields concurred that all stakeholders were covered in their interests and relative to the needs of the affected communities. There was brief discussion regarding the appropriateness of the parties included. It was generally agreed that the Council is not intending the exemption process to be easy.

Mr. Tweit moved to amend the motion, which was seconded, to add 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. Motion passed unanimously.

It was generally agreed that the National Standards be incorporated in the record, and noted that this motion achieves OY meeting National Standard 1. National Standard 8 is met by crating the exemptions with community stakeholders in mind. Presumably stakeholders are requesting exemption in their own interest, and Council has accommodated them.

The main motion passed unanimously by a roll call vote.

D-1 Crab Management

(a) Preliminary review of BSAI Crab Annual Catch Limit analysis and BSAI Snow/Tanner rebuilding plans.

The Council will review a preliminary review analysis of amendments to address BSAI Crab ACLs and two of three rebuilding plans under consideration at this time. Implementation of both ACLs and rebuilding plans must occur for the 2011/12 crab fishing year.

This preliminary environmental assessment evaluates three actions to amend the BSAI Crab FMP.

Diana Stram gave the staff report on this agenda item. The AP report was taken, the SSC comments were heard earlier, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded by Mr. Cotten, to direct staff to incorporate SSC and plan team recommendations as well as the following comments in preparing the analysis for initial review.

The Council supports the SSC and AP recommendations on the draft snow crab rebuilding plan and proposed ABC control rules that would be used to annually establish crab ACLs.

Despite this support, the Council has the following concerns:

- **Precautionary assumptions may already be incorporated into the annual stock assessment and OFL specification process. To prevent excessive layering of precautionary buffers the Council believes that conservative assumptions in stock assessment models must be reevaluated and that the appropriate venue for consideration of precautionary measures is in recommendation of ABC by the Crab Plan Team and SSC and in TAC setting conducted by the State of Alaska.**
- **The Council would like to have a clearer understanding of the National Standard 1 guideline requirements to inform selection of a preliminary preferred alternative. For example, would a range for additional uncertainty of 0.1-0.3 rather than 0.2-0.6 satisfy requirements?**
- **Moving the timing of ABC recommendation to June as described in the SSC and AP minutes under a new Option 4 would not allow for use of survey data from the most recent year. This may be an unnecessary risk given the sometimes dramatic inter-annual fluctuations in abundance experienced by some crab stocks.**
- **Accountability Measures are a means of addressing crab bycatch in fisheries contributing to crab mortality. The Council should begin to develop crab bycatch management measures including PSC limits for each crab species. It is the Council's intent that PSC limits be analyzed to identify the groundfish [and scallop] fishery sectors contributing to crab bycatch and quantify their relative contribution to total crab bycatch mortality. The Council believes that Accountability Measures should establish a linkage between the crab and groundfish FMPs to equitably spread the burden of crab bycatch mortality amongst all fishery participants.**

Mr. Lloyd spoke to his motion, and fielded questions from the Council members.

Mr. Henderschedt moved to amend, which was seconded, to add after the first sentence in the third bullet, "..... As well the Council may set a one year, rather than two year standard for rebuilt crab stocks, one or both of these options may present an unnecessary risk....."

Mr. Henderschedt pointed out that by highlighting this, much of the same data may be useful in determining a one year or two year standard. **Amendment passed without objection.**

Mr. Balsiger moved to amend the first bullet to read:

- **The annual stock assessment and OFL specification process should avoid inclusion of multiple conservative buffers. The Council believes that the appropriate venue for consideration of precautionary measures is in recommendation of ABC by the Crab Plan Team and SSC and in TAC setting conducted by the State of Alaska.**

The amendment was seconded by Mr. Lloyd. Mr. Balsiger spoke to his amendment noting the rewording is adjusted as to not show fault or blame in how the process is conducted currently. **Amendment passed without objection.**

There were brief discussions regarding crab bycatch and PSCs, and clarifying that it is the appropriateness of the PSCs and the contribution of individual but various groundfish fisheries that would inform what the PSCs should be in the fishery.

Mr. Benson moved to amend the motion, which was seconded, to add"and scallop" in the last bullet of the motion after the word "groundfish." Motion passed without objection.

It was agreed that time would be reserved during staff tasking to discuss scheduling crab issues with the Board of Fisheries.

(b) Preliminary review of Pribilof Island blue king crab rebuilding plan.

This preliminary draft environmental assessment evaluates five proposed alternative rebuilding measures for the Pribilof Islands blue king crab stock. The Pribilof Islands blue king crab stock remains overfished and the current rebuilding plan has not achieved adequate progress to rebuild the stock by 2014. This revised rebuilding plan considers five alternatives. Four of the alternatives are different closure configurations to restrict groundfish fisheries in the areas of the stock distribution. The fifth alternative considers a prohibited species bycatch cap on the groundfish fisheries. The preliminary impacts of these alternatives on rebuilding the blue king crab stock as well as the environmental and social/economic impacts of these measures are considered in this analysis. Initial review for this analysis is scheduled for June 2010 with final action in October 2010.

Diana Stram gave the staff report on this agenda item. The AP report was taken, the SSC comments were heard earlier, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved and Mr. Cotten seconded, to continue development of the analytical package and that they incorporate recommendations from SSC and AP. There was brief discussion regarding having the plan teams review the trigger closures in relation to gear and/or sector specific PSC levels. **Motion passed unanimously.**

D-2 Scallop Management

D-2 (a) Plan team report/SAFE

The Scallop Plan Team met in Juneau on March 3-4, 2010 to review the status of the weathervane scallop stocks in Alaska, to prepare the Stock Assessment and Fishery Evaluation (SAFE) report and to review the Annual Catch Limit (ACL) analysis. The SAFE report provides an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.

Diana Stram gave the staff report on this issue, the SSC's report had been given earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved to approve the Scallop SAFE as presented, which was seconded by Mr. Fields. It was generally agreed that although there were recommended amplifications to the SAFE, the information was sound. **Motion passed without objection.**

D-2 (b) Scallop ACL analysis

Mr. Lloyd made a motion, which was seconded, to move forward with the current alternatives and options and continue with the analysis. He noted that the analysis is on track, and while there may be

difficulties with some of the alternatives at this preliminary point, there is no need to amend them at this time, and that the Council should move forward as planned. **Motion passed without objection.**

D-3 Miscellaneous Groundfish Issues

(a) Initial review of area closures to protect GOA Tanner crab

BACKGROUND

In October 2009, the Council initiated an analysis to evaluate proposed area closures for the groundfish fishery to protect Tanner crab. There are four areas proposed for closure, all on the northwestern side of Kodiak Island. Included in the alternatives are options to apply the closures year round or seasonally, and to some or all gear types. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or a 100% observer coverage requirement.

Diana Evans and Sally Bibb (NMFS) gave the staff report on this issue, with help from Nick Sagalkin (ADFG). Capt. Cerne from the USCG gave the Enforcement Committee Report on items relevant to this agenda item. The SSC report had been given earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved the following motion, which was seconded:

The Council requests staff modify the analysis to include the below revisions (relative to the March 2010 initial review draft), expand the analysis to address enforcement and SSC comments, and release for public review.

Purpose and Need

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 and low observer coverage in GOA groundfish fisheries limits confidence in the assessment of Tanner crab bycatch in those fisheries. Tanner crab stocks have been rebuilding since peak fisheries occurred in the late 1970s. Specific protection measures should be advanced to facilitate stock rebuilding.

Alternatives

Alternative 1: Status Quo – No action

Alternative 2: Close the areas specified below to pot and trawl all groundfish (~~trawl, pot, and longline~~) fisheries

Component 1: Area definition

ADF&G Northeast Section

Option 1: Statistical Area 525807

Option 2: 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),

excluding state waters

ADF&G Eastside Section

Option 3: Statistical Area 525702
ADF&G Southeast Section
Option 4: Statistical Area 525630

Component 2: Closure timing

Option 1: Year round

Suboption 1: trawl gear

Suboption 2: pot gear

~~Suboption 3: longline gear~~

Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)

Suboption ~~5~~ 4: Vessels using pelagic trawl gear would be exempt from closures

Option 2: Seasonally (January 1 – July 31)

Suboption 1: trawl gear

Suboption 2: pot gear

~~Suboption 3: longline gear~~

Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)

Suboption ~~5~~ 4: Vessels using pelagic trawl gear would be exempt from closures

Alternative 3: In order to fish in these areas specified below, require 100% observer coverage on all ~~trawl~~ groundfish (trawl, pot, and longline)-vessels and 30% observer coverage on all pot groundfish vessels less than 125 feet.

Note: Fishing days and observer coverage in these areas would be separate from and not count towards meeting a vessel's overall 30% groundfish observer coverage requirement.

Area definition

ADF&G Northeast Section

Option 1: Statistical Area 525807

Option 2: 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),

excluding state waters

ADF&G Eastside Section

Option 3: Statistical Area 525702

ADF&G Southeast Section

Option 4: Statistical Area 525630

Note: A combination of alternatives, options, and suboptions may be selected.

Mr. Lloyd spoke to his motion, noting that the deletion in the purpose and need statement recognizes that analysts have determined effects of this action are not "significant" under NEPA standards. The addition speaks to the need to consider precautionary closures or to improve our understanding of fishing interactions through improved observer coverage. Additionally, the motion reorganizes the alternatives and options to allow the Council to adopt any combination of area closures for closure and/or observer coverage. This motion removes hook-and-line gear from the alternatives. He also noted that pelagic trawl fisheries have a similarly low estimation of Tanner crab bycatch in area 630, as do hook and line fisheries

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(see page 17, Table 8), however, National Marine Fisheries Service and the Enforcement Committee have raised concerns over an exemption that would be specific to “pelagic trawl gear” so the motion does not remove pelagic fisheries from this amendment package.

There was discussion regarding observer coverage under Alt. 3, and whether it would deter vessels from fishing (particularly in the <60’ fleet). Mr. Lloyd noted that the purpose of the alternative is to gain more information on bycatch in the areas. Also, it was noted that the proposed closures are based on crab survey data, to avoid some of the problems associated with unrepresented observer data. Timing was discussed, and it was noted that final action is scheduled for October, but the implementation is decided by the agency.

Concerns were highlighted with parallel state action in the pot cod fishery in State waters. There was brief discussion and it was agreed that this issue would be an agenda item at the October joint board meeting with the Council and the Board of Fisheries.

Mr. Henderschedt moved to amend the motion, which was seconded by Mr. Benson, to address the problem statement adding the following language after “...in those fisheries” “...and a greater level of observer in appropriate areas may provide the council with higher level of confidence in the assessment of any bycatch occurring in the designated areas as a basis of future management actions as necessary.” Mr. Henderschedt noted the purpose of the language is to make a link between observer coverage and collecting data and reducing bycatch of tanner crab. **The motion passed without objection.**

Mr. Henderschedt moved to amend, which was seconded, to add a new option 5 under alternative 2 component 1, “Area definition,” and would also apply in Alternative 3, “Area definition.”

5th option: Bathymetrically based area designations within the above areas focused on preferred crab habitats.

Mr. Henderschedt spoke to his motion, noting it carried the same intent of mix and match areas, but more surgically designed. He mentioned that closure areas are quite large, now, and could result in unwarranted impacts on groundfish fleets. Lengthy discussion regarding bathymetric mapping and design followed, and the ability to enforce selected areas was discussed. Mr. Lloyd noted concern that choosing which areas within the larger blocks would contribute to a lengthy delay of this action. **Motion failed 4/6 with Henderschedt, Hyder, Tweit, and Benson voting in favor.**

Mr. Benson moved to amend in Option 5, Component 1, to include the strawman closures for non-pelagic and pot gear that were included in the October 2009 discussion paper for analysis. Mr. Benson noted that it would be helpful to have additional information, as the strawman are based on high incidence of bycatch, and noted that it would be the closures for the central gulf only. Ms. Evans posted maps which highlighted the closure areas, and fielded questions. There was lengthy discussion on the tradeoffs between achieving yield and minimizing bycatch. **The motion failed 5/5, with Henderschedt, Hyder, Tweit, Benson and Balsiger voting in favor.**

Mr. Henderschedt noted that the term “bycatch” should remain “bycatch” throughout all documents, and not use the term interchangeably with “PSC,” as it is more clearly understood by the public. It was generally agreed to relay this note to the SSC.

Mr. Fields moved to amend, which was seconded by Mr. Hull, to add in : Alternative 2 Component 1: Area Definition for Statistical Area

Option 1: Statistical Area 525807 and the area east of Stat Area 525807 north of 58 degrees lat. South of 58 degrees 15 min lat. And west of 151 degrees 30 long. Also applies to Alternative 3 in areas of definition section.

Mr. Fields spoke to his motion. There was general discussion, and the map was projected. Mr. Fields noted that his amendment expands the Marmot Bay closure.

Mr. Henderschedt moved to amend the amendment, which was seconded: Under Option 1, component 1, only apply to pot fishery. Mr. Henderschedt noted that in looking through the data, the areas described in the motion do a better job of highlighting bycatch in the trawl, rather than the pot fishery. There was brief discussion, and the **amendment failed 3/6, with Henderschedt, Tweit, and Benson voting in favor.**

There was general discussion regarding being able to pick and choose areas at final action. **Vote on the amendment passed 8/2, with Tweit and Benson voting against.**

Captain Cerne moved to amend in Alternative 2, component 2, both options: Adding a subportion 5: Vessels using pelagic trawl gear to directed fish for pollock would be exempt from closures. The amendment was seconded. He noted this motion would satisfy concerns raised by the enforcement committee, to accommodate the fishing group that is not raising bycatch levels. **Motion passed without objection**

Dr. Balsiger noted that there is an option of not taking final action in October, should concerns and recommendations from the SSC warrant further examination.

Mr. Hyder moved to amend, which was seconded by Mr. Benson, to take the words out “release for public review.” from the introduction to the motion and add “and add the AP recommendations.” Mr. Hyder stated his concern with the timeline. **The amendment failed 3/7 with Tweit, Hyder, and Henderschedt voting in favor.**

Mr. Benson moved to amend the amendment to strike “add the AP recommendations.” The amendment passed with Mr. Lloyd objecting.

Mr. Hyder restated the amendment, which was seconded, to clarify that the document NOT be released for public review. He noted he wants time to more clearly define preferred alternatives, and does not see urgency. **The amendment failed 4/6, with Hyder, Benson, Tweit, and Henderschedt voting in favor.**

Mr. Tweit stated that he appreciates the work the staff has done, and hopes that the information brought back at the next meeting can be enough for the public to review, and that they should be constructively engaged.

The vote on amended main motion passed 8/2, with Benson and Hyder voting against.

(b) Review updated discussion paper on GOA Chinook salmon bycatch

BACKGROUND

*In October 2009, the Council reviewed a discussion paper on Chinook salmon and *Chionoectes bairdi* Tanner crab bycatch in the GOA groundfish fisheries occurring in the central and western GOA. At that meeting, the Council separated the Tanner crab bycatch portion into a separate analysis, and asked staff to bring back updates to the discussion paper specifically for Chinook salmon.*

The discussion paper was mailed to the Council in late March. The paper provides updated bycatch levels of Chinook salmon in groundfish fisheries through 2009, and more information on Chinook species abundance and directed fisheries. The paper also includes elements from previous iterations of the discussion paper, including preliminary alternatives that have been proposed for Chinook bycatch management measures, and strawman closures representing areas with high bycatch.

Diana Evans gave the staff report on this issue. Lori Swanson gave the AP report, and the SSC did not discuss this issue. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved, which was seconded, the following motion on GOA Chinook Salmon bycatch:

The Council directs staff to expand the discussion paper on GOA Chinook Salmon bycatch in the GOA groundfish fisheries be revised and expanded as follows:

- 1. Discuss requiring the full retention of salmon in the GOA groundfish fisheries.**
- 2. Update and further refine GOA groundfish fishing/bycatch data with discrete tables by target fishery, statistical reporting area, by statistical week indicating total catch, # of Chinook salmon bycatch and bycatch rate.**
- 3. Update and refine spatial mapping of GOA Chinook bycatch in the GOA groundfish fisheries by displaying fishery specific information by month and year as well as aggregate information (current displayed). Mapping should be at a scale so that discrete statistical areas can be identified.**

Additional background:

- Provide current stock assessment data, including “in river” fishery regulations, for the larger GOA Chinook salmon producing streams. (Kenai, Deshka, Anchor, Chignik, Ayakulik, Karluk & Copper)**
- Presentation regarding known relationships between environmental variables and the abundance of GOA Chinook salmon and any available trend information.**
- Expand the discussion regarding stocks of origin for GOA Chinook salmon inclusive of but not limited to the Clark/Nelson stock separation analysis (2001) and the 1994 tagging study. Any information regarding contribution of local stocks should be included.**
- Expand discussion regarding limitations of GOA observer data to include how this data is used to enforce PSC limits, MRA caps, and to direct inseason management decisions.**

The Council will write a letter to NMFS requesting that NMFS accelerate, as much as is possible, the analysis of any GOA Chinook salmon bycatch samples that could help identify stocks of origin. The letter should also encourage NMFS to establish programmatic protocols to sample and identify Chinook salmon caught in GOA trawl fisheries.

Mr. Fields noted that he is following the inclusion of recommendations from the AP, and amplifying certain areas. There was general discussion regarding relationships between environmental variables and salmon abundance trends.

Mr. Henderschedt moves to amend, which was seconded by Mr. Benson, to delete the entire first bullet “provide current stock assessment data...” Mr. Henderschedt reminded the Council that generally a discussion paper does not include full SAFE data, and is concerned that a relationship has already been made between trawl data and fish decline in river, when it has not been determined. **Motion failed 3/8, with Tweit, Benson, and Henderschedt voting in favor.**

There was brief discussion regarding priorities to be included in the discussion paper, and the large volume of information requested in the discussion paper. Mr. Fields noted that once the information is brought forward in the paper, the Council will then have a more informed basis on which to make decisions.

The main motion passed with one objection: Mr. Tweit.

(c) Review progress on the Northern Bering Sea Research Plan

Background

The Alaska Fisheries Science Center (AFSC), at the request of the Council, is developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council, became effective in 2008, and is currently closed to bottom trawl fishing. The primary goals of the plan would be to use the research area to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities. The AFSC is in the early stages of developing the research plan.

The Council is scheduled to review progress on the development of the Northern Bering Sea Research Plan and the community and subsistence workshop. No action is required; however, the Council may wish to comment on the revised schedule.

Nicole Kimball gave the staff report on this agenda item. Lori Swanson gave the AP report, and the SSC's report had been given earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Lloyd moved, which was seconded, to adopt the revised NBSRA Research Plan schedule as outlined in item D-3(c)(5) with the following changes:

- 1) Include community and subsistence stakeholders in the science meeting scheduled for January 2011 for an integrated approach.**
- 2) Move the updates scheduled for April 2011 to the June 2011 Council meeting in Nome, Alaska.**

Mr. Lloyd spoke to his motion noting that further outreach/information can take place without inhibiting the schedule of the Research Plan. **Motion passed without objection.**

[Stefanie Moreland participated for Mr. Denby Lloyd for the following two agenda items.]

(d) Receive Amendment 80 Cooperative Report

BACKGROUND

Implemented in 2008, the Amendment 80 program is a limited access privilege program (LAPP) that allocates a portion of total allowance catches (TACs) for Atka mackerel, Pacific ocean perch, and 3 flatfish species (yellowfin sole, rock sole, and flathead sole), along with an allocation of prohibited species catch (PSC) quota for halibut and crab, in the Bering Sea/Aleutian Islands, to the Amendment 80 sector. One of the requirements when establishing the Amendment 80 program was the submission of an annual year-end cooperative report summarizing their fishing activities from the preceding year to the Council.

Jason Anderson, manager of the Best Use Cooperative, gave a brief summary. No action was taken.

(e) Receive report of EFP testing of Chinook salmon excluder

BACKGROUND

This report will present the findings from the most recent fieldwork on EFP 08-02, which was dedicated to testing "flapper-style" salmon excluder devices. On behalf of the North Pacific Fisheries Research Foundation, the permit holder John Gauvin, with assistance from Dr. Craig Rose of NMFS' RACE Division and John Gruver of United Catcher Boats Association, tested a flapper excluder design last February which sought to address shortcomings in earlier flapper excluder designs (i.e., inconsistent escape rates and extreme weighting needed to ensure the panel remains open at normal towing speeds). As such, the current excluder was placed aft of other flapper excluders, where slower water flow was expected to help achieve the performance objective of having the panel remains approximately 50% down (open) while towing, and hence allow salmon escapement while towing.

John Gauvin and John Gruver gave a report of the Results from winter 2010 EFP tests on flapper salmon excluders.

COUNCIL DISCUSSION/ACTION

Ms. Moreland commended the presenters on improving and updating the Council on these excluder devices, and highlighted the positive comments from the SSC. She noted that there may be interest in integrating data that is collected with these devices, and integrating into the catch accounting system. It was generally agreed that NMFS could provide information in their B reports on progress in this area.

D-4 Misc issues – EFH and HAPC

(a) EFH 5-year Review, action as necessary

The EFH Final Rule and each of the Council's FMPs require that a review of EFH components be completed every 5 years. The Final Rule provides guidance that EFH provisions be revised or amended on this timeline, as warranted, based on available information. There are ten EFH components that are

included in each of the Council's FMPs, and any change to text of the FMP requires a formal FMP amendment.

The Council's action at this meeting is to review the summary report, and decide whether further action is needed. Based on the review, the Council will decide whether any of the new information highlighted in the review warrants initiating further evaluation, or FMP amendments to revise EFH descriptions and recommendations in the Council FMPs.

Diana Evans, Matt Eagleton (NMFS) and John Olson (NMFS), gave the staff report on this agenda item. The SSC had given its report earlier, and Lori Swanson gave the AP report. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded by Mr. Benson, to Accept the recommendations for changes to the FMPs in the revised Table 22 in our decision memo with the follow modifications:

- 1) BSAI Crab. Postpone action on the recommendation by the Crab Plan Team for a re-evaluation of fishing effects on crab EFH, and task Council staff with the preparation of a discussion paper as recommended by the Ecosystem Committee. Council intent is to seek further clarification regarding the issues raised by the CPT, and to provide additional focus for any subsequent analysis.**
- 2) Terminology. Accept the recommendation of the Ecosystem Committee to adopt a common terminology in the report and any subsequent analyses with respect to the taking of corals and sponges in the fisheries by using the term "observed catch" and dropping the use of the term "bycatch".**

In addition, the Council endorses the SSC recommendations for research priorities related to EFH, and requests that these priorities be added to the Council's research priority list and forwarded on to the relevant agencies.

Mr. Tweit reminded the Council that a lot of progress has been made in EFH, and additional scrutiny may be beneficial for certain amendments as far as identifying what the fishing effects are, and new information regarding effects of fishing, and to sort out which are bycatch issues rather than EFH issues. It was also clarified that the AP motion has recommendations from the Ecosystem committee, which is intended as part of the Council motion. **The motion passed without objection.**

Staff clarified that the SSC's research priorities adopted as part of the motion would replace those currently in the FMPs for EFH research. Additionally, they will also be part of the Council's annual larger research priority list.

D-4 (b) Review and adopt HAPC criteria and priorities

Background

Habitat Areas of Particular Concern (HAPCs) are geographic sites that fall within the distribution of EFH for the Council's managed species. The Council has a formalized process, identified in the FMPs, for selecting HAPCs. Under this process, the Council will periodically consider whether to set priority habitat types. This action initiates a Council call for proposals for candidate sites to be identified as HAPC, which meet the specific, priority habitat types. The Council's action at this meeting is to decide whether to set HAPC priorities, and thus initiate a call for proposals for candidate sites. The Council also

needs to adopt revised criteria for evaluating proposals, which will be published with the call for proposals.

Diana Evans, Matt Eagleton (NMFS) and John Olson (NMFS), gave the staff report on this agenda item. The SSC had given its report earlier, and Lori Swanson gave the AP report. Public comment was taken.

[Sue Salveson participated for Jim Balsiger, and Stefanie Moreland participated for Denby Lloyd during the following discussion.]

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded, to accept the recommendations of the AP with the following changes:

- 1) **Modify the language for “rarity” as recommended by the Ecosystem Committee by replacing the word “unique” with “uncommon” and include revised text to clarify that a “region” is defined as one of the Alaska regions: Gulf of Alaska, Bering Sea, Aleutian Islands, and Arctic. A proposal must meet a rarity designation of either “2” or “3”.**
- 2) **Defer a decision on the Bristol Bay RKC spawning habitat as a HAPC priority, pending completion of the crab EFH discussion paper.**
- 3) **Accept the AP recommendation for skate nurseries to be identified as a HAPC priority.**
- 4) **Delete the AP recommendation that sablefish pre-recruit sites be identified as HAPC at this time, and instead request that NMFS prepare a discussion paper on all factors that may be affecting sablefish recruitment.**

There was lengthy discussion on what is “rare,” and the rating system, with respect to occurrence in the Alaska regions.

Ms. Moreland moved to amend, which was seconded, to strike the AP recommendation marked as 1. She noted that by doing so, it would allow the motion to be consistent with SSC, and in the Ecosystem Committee minutes there were no recommendations for overfished species; however it advocates looking at rarity of species that uses habitat, not the habitat itself. **The amendment passes without objection.**

There was brief discussion regarding evaluating proposals, and what makes a skate nursery. Mr. Eagleton noted that skate nurseries were defined by survey and observed catch, as well as stereo and video monitoring, and located in defined areas in the Bering Sea, and a few areas south side of Unalaska Island. Ms. Salveson noted that the evaluation criteria were defined in the RFP.

Main motion passes without objection.

(c) AI Ecosystem Team terms of reference

Background

At the January 2010 AI Ecosystem Team (AIET) meeting, a report on which was presented to the Council in February 2010, the Team suggested developing a Terms of Reference for the AIET. This document would articulate what the purpose and role of the Team is, and how it is to interact with other groups such as the Council Plan Teams and the preparers of the Ecosystem SAFE report. Additionally, the terms of reference would address how the AI Fishery Ecosystem Plan should be used within the management process.

Diana Evans gave a brief staff report; the AP did not address this agenda item, and the SSC report had been given earlier. There was no public comment.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved to have Council adopt the Terms of Reference with editorial changes recommended by the Ecosystem Committee, and the SSC. It was generally agreed that the Plan was interesting, and useful, and by having the Ecosystem Team facilitate better use of the FEP information in the Council process is good role for the Team, and ensures the Plan will not just “sit on the shelf.”

The motion passed without objection.

(d) Rural Community Outreach Committee Report and Outreach

Background

The Rural Community Outreach Committee (committee) was appointed by the Council in June 2009. 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 Alaska 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. The committee has convened three times since it was established. At this meeting, the Council is scheduled to review the Rural Community Outreach Committee report from February 23, as well as the draft chum salmon bycatch outreach plan, which incorporates the committee’s recommendations.

Nicole Kimball gave the staff report on this agenda item. The AP gave their report, and the SSC did not address this agenda item.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved to approve the Rural Community Outreach Committee’s recommendations on page 1 and 2 of the action memo and that the Council move forward with the Outreach Plan for the Chum Salmon Bycatch EA/RIR/IRFA. The motion was seconded by Mr. Hull. Mr. Fields noted that the recommendations are appropriate, and the outreach plan is a broad, plan that, while it may need revision throughout the process, gives notice to the public for what lies ahead. **Motion passed without objection.**

D-5 Staff Tasking

BACKGROUND

Committees and Tasking

The list of Council committees, an updated workplan for implementing the programmatic groundfish management policy and the three meeting outlook was provided. The Council may wish to discuss priorities for completing ongoing projects, as well as any new tasks assigned during the course of this meeting.

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GOA COE Program (GOA Am. 66) eligibility status for two communities

In March, the Council received two letters from individuals petitioning the Council to take action to include their communities in the list of eligible communities for the Community Quota Entity (CQE) Program in the Gulf of Alaska. The two communities at issue are Game Creek and Naukati Bay, both located in Area 2C (southeast Alaska).

Nicole Kimball gave a brief staff report on the GOA CQE program, and requests from two individuals to include their communities in the list of CQE eligible communities. Mr. Oliver briefly reviewed additional requests to the Council that were included in the briefing books, the calendar, and 3 meeting outlook. He also briefly reviewed a list of items the Council had discussed to bring up in staff tasking: AM80 GRS, Halibut charter permit leasing issue; correspondence in SSL surveys; an observer program alternative being added; priority of Chinook bycatch discussion paper; and reviewing the assumed mortality rate in trawl and pot fisheries. Mr. Hyder reminded Council to approve the minutes. Mr. Tweit wanted to add discussion on sablefish as part of HAPC: Mr. Oliver noted he would include that, as well as a few other items when drafting the three meeting outlook.

Mr. Lloyd would like to add a discussion on the halibut moratorium permit transferability.

Mr. Benson noted that the Council and Board of Fisheries will have a few items to address, and that a Protocol Committee Meeting could be beneficial. Mr. Balsiger noted that in June, the Agency will have Amendment 91 information which can be added to an agenda in an upcoming meeting.

Lori Swanson gave the AP report, the SSC did not address staff tasking, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Fields moved, which was seconded, to approve the minutes of the February 2010 meeting. Motion passed without objection.

Mr. Lloyd moved to forward the Plan Team nominations for approval. He noted they were both State of Alaska Fish and Game employees, and that their positions associated with plan team membership and they are well qualified. He noted the SSC approves of the nominations and **the motion passed without objection.**

CQE

Mr. Cotten moved, which was seconded, to initiate an analysis to determine whether the communities of Naukati Bay, Game Creek, Cold Bay, and Kupreanof should be included in the list of eligible communities contained in Table 21 of the Federal regulations implementing GOA Amendment 66. The motion passed without objection.

Joint Board of Fisheries/Council meeting or Protocol Committee Meeting

It was generally agreed that staff will work with the Executive Director of the Board of Fisheries with timing and developing a draft agenda.

AFA Cooperative Reports

Mr. Henderschedt moved, which was seconded, to initiate an analysis that would eliminate two reporting requirements and consolidate to one final report yearly in April. The motion passed without objection.

AMENDMENT 80 GRS

Mr. Henderschedt moved, which was seconded by Mr. Benson, that the Council requests NMFS report to the Council at its June 2010 meeting on the status of monitoring, enforcing and prosecuting the GRS program. The Council requests information from NMFS reviewing the enforcement and prosecution concerns raised during the development of the GRS Program, AM80 and AM93; any new concerns about monitoring and enforcing the GRS program that have been identified by the agency or industry participants, and potential concepts for refinement of the GRS Program to address these concerns. Mr. Henderschedt noted that the Agency was cooperative with timing on what they would be able to accomplish, and understood that there was a tight timeline. Industry would be on notice and could provide public comment to the Council in June. **Motion passed without objection.**

Charter Halibut Leasing

Mr. Lloyd recalled that the Council's original motion regarding leasing of charter permits was that leasing was not to be allowed. He noted his concern in the current regulatory package. Ms. Salveson discussed the position of the Agency regarding the complexity and the regulatory structure required to develop the prohibitions. She noted that the proposed rule does NOT prohibit leasing and the analysis and Council motion do not outline the tools required to implement a prohibition in addition to monitoring and enforcing a prohibition. Mr. Lloyd noted his concern with the deeming process, and allowing the Council to approve rulemaking by proxy.

Mr. Fields passed out the following motion.

***Charter Halibut Moratorium
Leasing Provisions***

Motion: Initiate a discussion in paper of the following elements and options regarding leasing of Halibut Charter Permits.

Problem Statement: Leasing of Halibut Charter Permits could substantially change the character and current primary business practice of the halibut charter fleet and could enable increased acquisition of halibut charter permits by individuals that do not have an investment in the fishery. In addition, leasing provisions are likely to decrease the sale and transfer of permits from existing permit holders and may inhibit entry level opportunities for new halibut charter operators as well as increase the price of entry.

Alternative 1: Status Quo

Alternative 2: Limit Leasing of Halibut Charter Permits

Option 1: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook must own at least 20-51% interest in the vessel.

Sub option: 12 month rule applies

Option 2: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook must log at least 1-5 halibut charter trips in the logbook. For businesses owning halibut charter permits, an individual with a minimum ownership of 10-33% must log the minimum number of trips.

Sub option: Log at least 3-10% of the trips in the logbook

Sub option: Apply only to logbooks that have at least 10-20 trips recorded.

Option 3: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook are limited to requesting 2-3 saltwater logbooks for unique vessels in a 12 month period and no more than 2-3 unique vessels in a 60 month period.

Option 4: Halibut charter permit holders that use their permit onboard a vessel that is identified on an ADF&G saltwater logbook are required to be present either at the point of departure or at the point of return for the charter trip. For businesses owning halibut charter permits, an individual with a minimum ownership interest of 10-30% must be present at either the point of departure or at the point of return for the charter trip.

Alternative 3: Halibut charter permit holders or an employee of a halibut charter permit holder that uses their permit onboard a vessel that is identified on an ADF&G saltwater logbook must be aboard the vessel when their permit is being used. For businesses owning halibut charter permits, and individual with a minimum ownership interest of 10-33% must be aboard the vessel.

Upon the halibut charter permit holder's request for the issuance of or transfer of a halibut charter permit, the permit owner is required to sign a sworn affidavit that the permit will not be leased and that the individual or entity does not expect to receive economic compensation from "leased" use of the permit. (Penalty for falsification should be loss of permit.) (Upon issuance or transfer of the halibut charter permit, or upon the change of use of a permit on a unique vessel as identified on an ADF&G saltwater logbook.)

Mr. Fields noted that although it's difficult, he wants to inhibit and hinder leasing, and to keep the current nature and character of the Charter industry, the Council must prohibit leasing. Mr. Fields answered questions on his motion from various Council members, and there was general discussion regarding priority of this issue.

Mr. Henderschedt moved to amend, which was seconded, to change the title to "charter halibut moratorium leasing limitation provisions." He noted that since leasing is allowed (under current rulemaking) a more appropriate and descriptive title would help as we move along. **Amendment passed without objection.**

Ms. Smoker (NOAA GC) noted briefly that there may be some enforcement issues with the current motion, and that the Enforcement Committee and other staff may want to work closely while drafting the discussion paper.

Mr. Hull noted the Charter Halibut Stakeholder Committee discussed leasing prohibitions, however, were not inclined to "prohibit" them due to the inability to define specific criteria and conditions to prohibit leasing. The Council may find it difficult to prohibit leasing, but may discourage it to the extent it would happen infrequently.

Motion passed without objection.

Deeming Motions

Mr. Tweit noted that deeming the Council and Agency to act on their behalf is a powerful tool and needs to be used appropriately. There needs to be a connect between staff, the Agency, and the Council when working on rules and notices. There was general discussion regarding incidences where Deeming is effective, and when a final rule needs to be brought back before the Council. It was generally agreed that

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it is a case by case basis in which Deeming is effective, and in which the Council needs to review a ruling. Mr. Lloyd emphasized a need for a heightened awareness from staff when reviewing final rules.

Steller Sea Lions

The Council briefly discussed the Steller Sea Lion survey results, and Mr. Fields noted that as soon as the data is available, it be included in the Steller Sea Lion Biological Opinion.

Tanner Crab Mortality Rate in GOA Chinook Analysis

Mr. Lloyd noted that in the trawl and pot fishery, not just the impact of bycatch, but also the mortality rates should be used in the analysis. Mr. Lloyd would like staff to apply 80% mortality to trawl, and 20% to pot bycatch. There was lengthy discussion regarding what percentage number or range to use. It was generally decided that the best available information the Council has for fixed gear would be a range, and that will be included in the GOA trawl bycatch analysis. (80% in trawl, and 20% and 50% in pots.)

New Option for Vessel Replacement action that is scheduled for final action in June

Mr. Lloyd moved, which was seconded: A replacement vessel may have a LOA of 50' 100' or 150' greater than the vessel it replaces. Follows GF forum's recommendation, with a smaller value included. There was brief discussion regarding the appropriateness of adding an alternative at this time, and that staff has indicated it would not be difficult to include. **The motion passed without objection.**

Amendment 91

Mr. Henderschedt noted that the Proposed Rule for Amendment 91 is very complicated, and acknowledges staff's effort and thorough work on the rule.

Mr. Oliver walked through the three meeting outlook, and there was brief and general discussion regarding the agenda. It was generally agreed that the Executive Director and the Council Chairman would work on the agenda, and circulate to the Council members for comment before the meeting.

GOA Chinook Bycatch

It was generally agreed that this agenda item could be elevated in priority status, noting however that it would follow final action on the GOA Tanner Crab bycatch item. There were comments regarding the genetic sampling protocol portion of the analysis, and growing interest from the public. It was generally agreed that a progress report on instituting a sampling protocol in the GOA would be requested for the next meeting, possibly during the B reports.

There was brief discussion regarding an agenda and the schedule in June, noting that it's dependent on receiving the Steller Sea Lion Biological Opinion.

The Council Chairman thanked the Council members for their work.

The Council adjourned at 2:21pm, on April 13, 2010.