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News & Notes

North Pacific Fishery Management Council

February 2010



Photo Credit Karla Bush ADF&G

Election of Officers

The Council's Advisory Panel unanimously re-elected Tom Enlow from Unisea as Chair and Lori Swanson of Groundfish Forum and Joe Childers of United Fishermen of Alaska as co-Vice Chairs. The Council's Scientific and Statistical Committee also selected its officers, with Pat Livingston from the Alaska Fisheries Science Center as Chair and Farron Wallace from the Washington Department of Fish and Wildlife as Vice Chair.

Farewell to Jay Ginter

Chair Olson recognized Jay Ginter's impending retirement with a plaque and a standing ovation from the Council, agency staffs, and the public. Jay has worked 30 years with NMFS, 25 of them at the Alaska Region. Jay has made huge contributions toward the development and implementation of North Pacific fisheries conservation and management measures. Jay's expertise on management of the commercial, subsistence, and recreational fisheries for Pacific halibut has long been recognized and will be sorely missed. We wish him luck in his future endeavors.



NPFMC Newsletter
February 2010

Commercial Halibut and Sablefish IFQs

The Council initiated two new amendments and four discussion papers to amend the IFQ program stemming from a 2009/2010 call for proposals.

One IFQ amendment would allow halibut Area 4B category D quota shares to be fished on category C vessels. This proposal was previously analyzed in 2006 under Omnibus IV but not adopted by the Council at that time based on stakeholder recommendations. The previous analysis will be updated and scheduled for final action at a future Council meeting.

A second IFQ amendment would prohibit use of hired skippers for future transfers of halibut and sablefish catcher vessel QS by initial recipients, using a control date of February 12, 2010. The Council identified an array of issues for both individual initial QS recipients and corporate initial QS recipients to be addressed in the analysis. The Council also discussed its December 2007 recommendation to implement a 12-month requirement, along with an exception for constructive loss of a vessel, for the 20 percent ownership stake in a vessel on which IFQs would be allowed to be fished by a hired skipper.

The Council also initiated discussion papers on possible actions to:

- Allow retention of Area 4A halibut incidentally caught while targeting sablefish in the BS and AI management areas. This action would have the objective of not increasing halibut bycatch levels. Any future action would be under IPHC regulatory authority, and would not require an amendment to the IFQ program.
- Explore the implications of using pots in the GOA sablefish fishery. The Council may form a gear committee of affected stakeholders in the future to review the paper and recommend action to the Council.
- Assess whether the problem of unharvested halibut IFQ in Area 4 is attributable to the current halibut IFQ vessel cap, or whether there are other contributing factors that have led to the underages.
- Remove the block program for sablefish A category QS and increase the use cap for sablefish A category QS.

These documents will be scheduled for Council action pending staff availability. Staff Contact is Jane DiCosimo.

April Council Meeting

REMINDER: April Council Meeting in Anchorage to begin on Tuesday the 6th for the AP and SSC, and the Council will convene on April 8th, which is a THURSDAY. The meetings will be held at the Anchorage Hilton, and public comment deadline will be **Tuesday, March 30, 2010**. The schedule was adjusted because of the Easter Holiday. Please note the difference in your calendars.

Halibut PSC limits

The Council reviewed a discussion paper on the process for changing the halibut prohibited species catch (PSC) limits in the GOA and the BSAI.

Based on this review, the Council requested an expansion of the background information, particularly with respect to the comprehensive series of considerations set forth in the GOA FMP for the establishment of halibut PSC limits (listed in Appendix 1 of the discussion paper, available on the Council website). The expanded paper is intended to inform subsequent actions by the Council to identify the problem(s) in the groundfish fisheries in the context of GOA halibut PSC limits and whether to pursue an analysis to adjust the PSC limits under either an amendment to the GOA FMP or the annual specification process. The Council requested that the focus of the next, expanded paper should be on clarifying the specific issues required to change PSC limits in the future.

The Council also requested a separate discussion paper to evaluate halibut PSC caps in the Bering Sea relative to similar considerations that were identified for the GOA. Any adjustment to the Bering Sea PSC limits would require a regulatory amendment. Contact Jane DiCosimo for more information on halibut related items.

CQE Program Review

In February, the Council reviewed a discussion paper evaluating the Community Quota Entity (CQE) Program. This paper was reviewed in conjunction with several IFQ proposals requesting changes to the regulations governing the program. Under GOA Amendment 66, the Council revised the IFQ program to allow a distinct set of 42 remote Gulf coastal communities to purchase and hold catcher vessel QS in Areas 2C, 3A, and 3B, in order to help ensure access to and sustain participation in the commercial halibut and sablefish fisheries. Eligible communities can form non-profit corporations called CQEs to purchase catcher vessel QS, and the IFQ resulting from the QS must be leased to community residents annually. In effect, the CQE remains the holder of the QS, creating a permanent asset for the community.

Five years after implementation, only one CQE has purchased quota share to-date, and thus, the program has not come close to reaching its regulatory limits (i.e., use caps). However, in terms of performance, the one CQE that has purchased quota share appears to have met the performance standards adopted by the Council. In addition, 21 of the 42 eligible communities have completed the process to form a CQE and have it approved by NMFS. Limited purchases of QS have been attributed to both 1) financial barriers to purchasing QS; and 2) program-related restrictions. While the program cannot yet be viewed as a success, there are a few recent developments that may provide better financing opportunities for CQEs, as well as program development associated with other fisheries (i.e., fixed gear Pacific cod and halibut charter permits) that may help to further the opportunities provided under the original CQE Program.

Upon review of this paper and the IFQ proposals related to the CQE Program, the Council initiated a regulatory amendment to allow CQEs located in Area 3A to purchase Area 3A category D quota share. Currently, CQEs are not allowed to purchase D category QS in Areas 3A or 2C. Under the proposed amendment, Area 3A D category QS purchased by CQEs would be required to be fished on D category vessels (35' or less). In addition, CQEs would be limited in their cumulative purchase of D category QS to an amount equal to the total D category QS initially issued to individual residents of Area 3A CQE communities.

In addition, the Council initiated a discussion paper evaluating development of a CQE Program for non-CDQ communities located in Area 4B. Eligible communities, of which Adak is likely the only one, would be allowed to purchase Area 4B halibut QS and Aleutian Islands sablefish QS. This paper will include discussion of whether to require residents to fish the annual IFQ, similar to the Gulf program.

Other provisions of the program would mirror the CQE Program requirements in the Gulf. Finally, the Council requested revisions to the CQE Program review document, such that a final version would be available this spring. Staff contact is Nicole Kimball.

Charter Halibut Limited Entry Permit Endorsements

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 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 intends to more closely align angler endorsements with the actual greatest number of anglers for each vessel that gave rise to each permit.

To address its concerns regarding excessive fishing capacity, the Council initiated a new analysis to amend the regulations to consider two alternatives. Under Alternative 1 (Status quo) all permits issued to a business receiving multiple permits would be issued an angler endorsement equal to the greatest number of charter vessel anglers onboard any vessel used by the business to generate a permit as reported to ADF&G on any bottom fish logbook trip in 2004 or 2005, but not less than 4. Under Alternative 2 for businesses that would be issued multiple permits, one permit would be issued with an endorsement equal to the greatest number of charter vessel anglers onboard any vessel used by the business to generate a permit as reported to ADF&G on any bottom fish logbook trip in 2004 or 2005, but not less than 4. Each *subsequent* permit issued to the same business would be issued with an endorsement equal to the next greatest number of charter vessel anglers onboard any *other* vessel used by the business to generate a permit, whose catch history has not already been used by the business to determine an angler endorsement, as reported to ADF&G on any trip in 2004 or 2005, until all permits are issued. *The year selected for determining angler endorsements must be the year selected by the applicant for permit qualification.* Final action is scheduled for April 2010. The Council intended that this amendment be implemented in regulation prior to issuance of charter halibut permits to businesses that would be issued multiple permits. Staff contact is Jane DiCosimo.

Groundfish Annual Catch Limits

The Council released an analysis for public review that would amend the BSAI and GOA groundfish fishery management plans. This action is needed for the FMPs to conform to the Magnuson-Stevens Act and National Standard 1 guidelines for implementing annual catch limits and accountability measures. Proposed alternatives would 1) define target stocks in the fishery and require ACLs and AMs (including the current maximum retainable allowance level management regime for them; 2) eliminate the other species category and set separate ACLs for sharks, squids, sculpins, and octopuses; 3) define prohibited species under a new ecosystem component (EC) category and retain its current management regime; 4) define forage fish *either* in the fishery *or* in the EC category, and retain its current management regime; and 5) remove non-specified species from the FMPs. Final action is set for April 2010 to comply with a statutory deadline of January 2011.

The Non-Target Species Committee will meet in March to provide recommendations to the Council for final action on the ACL analysis, as well as, develop alternatives for trailing amendments to address management issues related to 1) setting separate ACLs for sharks, squids, sculpins, and octopuses; 2) moving grenadiers into the FMP under either the target category or EC category; 3) moving squids and octopuses under the EC category; and 4) other issues identified by the committee. Contact Jane DiCosimo for more information.

Observer Program

At the February meeting, the Council reviewed the second draft of the observer restructuring implementation plan and a report from the Observer Advisory Committee (OAC). While a formal motion was not deemed necessary, the Council noted progress made on the implementation plan and concurred with the OAC recommendations, which generally request additions to the plan. An additional Council recommendation focused on providing information such that the public and Council can see the implications of excluding State-managed, State water fisheries from the Federal observer restructuring plan. The next iteration of the implementation plan will be provided as part of the overall analysis for observer restructuring.

The Council was also made aware of an analysis of bias in the current observer system developed by the Alaska Fisheries Science Center, and requested that this analysis be released as soon as it is available. This analysis has been drafted and is currently undergoing internal review. The Council also encouraged NMFS to conduct outreach meetings in coastal communities, specifically with members of the small boat and halibut sectors, in order to help inform the sample design, vessel selection process, and logistical issues related to deploying observers in those sectors. NMFS is making plans to meet with several organizations, both in Seattle and Alaska. A progress report updating the Council on this outreach effort will be scheduled for the April Council meeting.

The Council approved another OAC meeting May 25-26 in Seattle, with the primary purpose of reviewing the initial draft analysis prior to the Council's review in June. Meeting details are posted on the Council's website. Note that the implementation plan and January 29 OAC report reviewed by the Council in February are also posted on the Council website. Staff contact is Nicole Kimball.

Amendment 80 Cooperative Formation Action

At the February meeting, the Council took final action to modify Amendment 80 cooperative formation regulations. The Council selected Alternative 4, suboption 1 as the preferred alternative. Under this alternative, cooperative formation would require two quota share holders and 7 quota share permits. Relaxing cooperative formation standards could provide additional opportunities to quota share holders to form cooperatives. The Council also selected the quota share assignment suboption that would require a quota share to assign all quota share permits either to a cooperative or the limited access fishery beginning two years after the implementation of the final rule. Finally, the Council selected the GRS suboption that would apply GRS in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement. Staff Council contact is Jon McCracken, or Glenn Merrill at NMFS.

BSAI Crab ACLs & Rebuilding

The Council received a report from NMFS and BSFRF on cooperative survey results from 2009 for estimating snow crab selectivity in the NMFS trawl survey as compared with the BSFRF trawl.

Additional reports were provided to update the Council on NMFS research to estimate snow crab selectivity and efforts to understand the sensitivity of the snow crab model to the range of selectivity parameters. This work is still on-going and additional information will be provided at the March Crab Plan Team meeting and included as applicable in the snow crab rebuilding analysis and snow crab stock assessment.

The SSC also reviewed and commented on these survey reports as well as on progress reports from analysts on efforts to draft an analysis of proposed ABC control rules for all ten crab stocks to meet statutory requirements for Annual Catch Limits (ACLs). Preliminary review of the ACL analysis for all ten stocks and rebuilding plans for three stocks (EBS snow crab, EBS Tanner crab and Pribilof Island blue king crab) is scheduled for the April Council meeting. A special Crab Plan Team meeting is scheduled for late March at the AFSC in Seattle to review and comment on these analyses. Staff contact is Diana Stram.

Unharvested BSAI Pcod TAC

In February, the Council reviewed a discussion paper examining reasons for unharvested BSAI Pacific cod TAC and possible changes to fully use the TAC. Since Amendments 85 and 80 were implemented in 2008, 4,477 mt and 2,538 mt remained unharvested in 2008 and 2009, respectively. These amounts could have supported additional fishing for the hook-and-line catcher processor sector, which is typically the only sector operating late in the year. The majority of the unharvested BSAI Pacific cod TAC is attributed to the Amendment 80 sector. The discussion paper identified that there is currently no regulatory mechanism that authorizes reallocation of Pacific cod from the Amendment 80 sector to other sectors, and all possible options to do so would require rulemaking. Upon review of the paper and public testimony, the Council determined that no action is necessary at this time. Recognizing that there is pending legislation to establish a hook-and-line catcher processor cooperative, which could potentially facilitate future transfers between the two sectors, the Council thought it prudent to keep apprised of the issue, but not initiate rulemaking at this time. The Council may re-evaluate whether action is necessary after the completion of the 2010 BSAI Pacific cod season. Council staff contact is Nicole Kimball.

Chum Salmon Bycatch

The Council is in the process of refining alternatives for analysis for chum salmon bycatch management measures. Currently, these alternatives consider both transferable and non-transferable hard caps (fishery-wide and allocated by sector) and triggered time/area closures. The Council reviewed a discussion paper which provided information on candidate area closure options and applicable time frames. The Council moved to include additional candidate closures in the analysis as well as a proposed zonal approach for identifying groupings within this proposed approach. The Council requested that staff evaluate bycatch data through 2009 in an expanded discussion paper for June to evaluate these proposed area and trigger cap approaches. The Council also requested the following additional information and clarifications to be included in the revised paper: analysis of discrete area approach normalized across years; discussion of application of Component 7 and suboption; description of the rolling hot spot regulations (Amendment 84); discussion of catch accounting for specific caps for discrete areas and area aggregations; discussion on the ability to trigger a regulatory closure based on relative bycatch within a season considering changes in bycatch monitoring under Amendment 91; contrasting a regulatory closure system (Components 5 and 6) to the ICA closure system (Component 7) including data limitations, enforcement, potential level of accountability (i.e., fleet-wide, sector, cooperative, or vessel level); examination of differences between high bycatch years (i.e. 2005) and other years to see what contributes to high rates; examination of past area closures and potential impacts of those closures on historical distribution of bycatch and on bycatch rates. The discussion paper will be available for review by mid-May. The full Council motion on the chum salmon bycatch alternatives as well as the staff discussion paper on candidate area closures is available on the Council's website.

In June, the SSC will review a proposed methodological approach for the analysis in conjunction with reviewing the genetic data availability (and regional breakouts) and revised closure area analysis. The Council will review the expanded discussion paper, receive additional reports on bycatch stock of origin for both chum and Chinook bycatch in recent years for the pollock fleet and refine alternatives (both area closure alternatives as well as the hard cap alternatives) as necessary. Final

refinement of alternatives is scheduled for June 2010 in order for staff to begin the analysis in the summer of 2010. Preliminary review of that analysis is scheduled for February 2011 with initial review in June 2011. Staff contact is Diana Stram.

Upcoming NBSRA workshop

A workshop is planned for February 24-25, 2010, in Anchorage to hear from subsistence fishing communities adjacent to the Northern Bering Sea Research Area (NBSRA), to delineate areas of subsistence harvest or critical habitat of marine species in the NBSRA, understand the nature of subsistence activities, register concerns about the impact of commercial bottom trawling, and collect ecological knowledge of the NBSRA. Information from the workshop will be included in the scientific research plan that is being developed by the Alaska Fisheries Science Center to study the effects of bottom trawling on the benthic community. More information is available on the Council website.

AI FEP

The Council received a report from the AI Ecosystem Team and the Ecosystem Committee about plans to update and revise the AI Fishery Ecosystem Plan (FEP), and concurred with the suggested approach. The Team and Committee intend to develop a Terms of Reference for the Council's review at the April Council meeting, which will address the purpose of the Team, the purpose of the FEP, and what the relationship of the FEP and the Team is intended to be with other aspects of the Council management process. The Team also intends to update the FEP with new information and present a comprehensive report to the Council on the FEP updates as well as the status of the AI ecosystem interactions. The Team has identified February 2011 as the likely date for the comprehensive update, in order to incorporate results from the 2010 summer AI trawl survey. The Team's report and the Ecosystem Committee minutes are available on the Council website. Staff contact is Diana Evans.

Steller Sea Lions

The Council received a report from the Steller Sea Lion Mitigation Committee (SSLMC) highlighting recent scientific findings presented at its January 26-28 committee meeting in Seattle. The Committee received presentations from the Alaska Fisheries Science Center, Alaska SeaLife Center, Alaska Department of Fish and Game, and several universities regarding new scientific information on SSL populations, diet, vital rates, predation, movements, and fishery interactions. The Powerpoint presentations are posted on the Council's Protected Resources website, along with the SSLMC minutes.

The Council also discussed the schedule for the release of the draft Biological Opinion (BiOp) and potential action by the Council if the draft BiOp contains a Jeopardy and/or Adverse Modification (JAM) conclusion. The draft BiOp is scheduled to be released for public review by the NMFS Office of Protected Resources on March 1, 2010. The SSLMC will meet on March 9th to 11th (continuing on the 12th, if necessary) at NMFS Alaska Region headquarters in Juneau to review the draft BiOp. The committee is tasked with providing comments to the Council on the draft BiOp, as well as commenting on the feasibility of the Council developing appropriate SSL mitigation measures given the content and findings of the draft BiOp. At the April 2010 meeting, the Council, AP, and SSC will receive a full presentation of the draft BiOp by NMFS staff, and the Council will receive a report

with comments on the BiOp from the SSL Mitigation Committee. The Council could then decide whether to further engage the committee and initiate the development of SSL mitigation measures. In February, the Council indicated that if the draft BiOp contains a JAM determination, it expects that NMFS will provide performance standards that give the Council sufficient latitude and aren't overly prescriptive, but that provide enough direction to guide the development of appropriate management measures.

The Council reiterated its request to modify the schedule for the Center for Independent Experts (CIE) review of the draft BiOp to allow the public, SSLMC, SSC, and Council the opportunity to review and comment on the BiOp prior to the CIE review. NMFS indicated that this could occur without delaying the release of the draft BiOp, but it could delay completion of the final BiOp. The Council would need to provide its comments to NMFS at the end of the April 2010 meeting. NMFS would respond to the Council's comments within 30 days, or as soon as practicable, and the Council's comments and NMFS' response would be provided to the CIE reviewers. Under this scenario, the CIE review would likely be completed in August 2010. The Council also commented on the CIE Terms of Reference and Statement of Work and requested that NMFS make several changes to expand the focus of the review to all scientific information relevant to the status and recovery of the Western DPS. Staff contact is Jeannie Heltzel.

The Council received a discussion paper from staff concerning economic data collection, which suggested a process that could be used to refine existing programs and advance future programs. The Council directed staff to begin advancing the suggested process through an assessment of the crab economic data reporting program. The Council's purpose for developing the data collection program will be revisited to frame the assessment of the program. Drawing from previous assessments of the program by industry and NOAA Fisheries, each variable collected by the program would then be assessed for its informative value, accuracy, and collection cost. The Council would use this assessment as the starting point for the development of modifications to the program. The Council also expressed its intent to conduct a similar assessment of the Amendment 80 data collection program, once the assessment of the crab program is completed.



A Steller Sea Lion with a satellite GPS tag.

Upcoming Meetings

Rural Community Outreach Committee – February 23, Anchorage

Community and Subsistence Workshop for the Northern Bering Sea Research Area – February 24-25, Anchorage

Scallop Plan Team – March 3-4, TSMRI, Juneau

Steller Sea Lion Mitigation Committee – March 9-12, NMFS Alaska Region, Juneau, to review BiOp

Crab Plan Team – March 29-April 1, AFSC, Seattle

Non-Target Species Committee March 23, 2010 (tentative date)

Ecosystem Committee – April 7, 1-5 pm, Anchorage

Enforcement Committee – April 7

Groundfish Plan Team conference call to review proposals for Pacific cod stock assessments: 12:30 pm, May 6.

Crab Plan Team – May 10-14, Hotel Alyeska, Girdwood, AK

Observer Advisory Committee May 25-26, AFSC Seattle

Groundfish Plan Teams – week of September 20, Seattle

Wakefield Symposium November 8-11, Anchorage

Groundfish Plan Teams – week of November 15, Seattle

GOA Rockfish Pilot Program

At the February meeting, the Council reviewed a preliminary draft of the Central Gulf of Alaska rockfish analysis. After reviewing the analysis and hearing public testimony, the Council added the following new options for consideration:

- options for catcher processor excessive share use caps of 20 percent, 30 percent, and 40 percent;
- options to remove sideboard limits applicable to the catcher processor sector in the West Yakutat and Western Gulf of Alaska rockfish fisheries and limits on shallow water and deep water halibut usage;
- options to remove July standdowns applicable to catcher processor participants in the program;
- options to allocate halibut mortality to the program based on either historical halibut usage during the first three years of the pilot program or based 50 percent on halibut usage during the pre-pilot program qualifying years and 50 percent on halibut usage during the first three years of the pilot program;
- an option that allows between 10 percent and 100 percent of the unused halibut allocations to be added to the last seasonal halibut apportionment for trawl gear. Any halibut that is not added to that last seasonal apportionment would remain unavailable;
- a excessive share option that would limit a person from holding more than 3 percent of the catcher vessel allocation with an option to grandfather persons receiving an initial allocation in excess of the limit; and
- an option to exempt fixed gear entry level participants from vessel monitoring system requirements.

In addition, the Council asked staff to supplement the analysis with additional discussion on the interplay between catcher processor cooperative formation rules and vessel and individual use caps, the increasing entry level allocation (relative to the maximum set aside), and value estimates for the flatfish fisheries that are supported by the surplus halibut mortality from the program. Finally, the Council asked staff to provide total qualified catch histories (i.e., denominators) for the different qualifying years to allow individual participants to estimate their allocations under those qualifying year options.

A revised copy of the elements and options is provided on the Council website. Initial review of the analysis is scheduled for the April meeting. The Council suggested that it may or may not select a preliminary preferred alternative at that time. Staff contacts are Mark Fina and Jon McCracken.

EFH and HAPC

EFH 5-year report

The SSC reviewed the draft 5-year summary report for review of the essential fish habitat (EFH) provisions in the Council's fishery management plans (FMPs) and provided feedback to the authors for improving the report. The revised final report will be available to the public in mid-March, and will be reviewed by the Council in April. At that time, the Council will decide whether any revisions are warranted to EFH descriptions in the FMPs (in which case they would initiate FMP amendments), or whether any further analysis or development of conservation measures is warranted.

HAPC Criteria and Schedule

In April, the Council is scheduled to consider whether to set new habitat type priorities for habitat area of particular concern (HAPCs), thus initiating a request for proposals for nominating sites to be considered as HAPCs. With respect to the timeline for the HAPC process, the Council indicated that should new HAPC priorities be identified, a request for proposals to nominate candidate HAPC sites would occur over the summer. This schedule will accommodate both a sufficient length of time for the public to nominate candidate sites, and a thorough review of HAPC proposals by the Plan Teams without interfering with their obligations during the fall assessment and harvest specifications cycle.

The Council also considered the SSC's recommendations for revised HAPC proposal evaluation criteria, and is providing an opportunity for the public to comment on the revised criteria before adopting them in April. The SSC's recommended proposal evaluation criteria are posted on the Council website. The revised criteria will be published with any request for proposals for nominating HAPC candidate sites. Staff contact is Diana Evans.

Marine Spatial Planning

The Council has submitted comments on the national Coastal and Marine Spatial Planning Framework, for which the public comment period ended on 2/12/2010. The Council concurred with a joint letter submitted by the eight Regional Fishery Management Councils commenting on the authority structure laid out in the draft Framework. Additionally, the Council identified several Alaska initiatives currently in place that are compatible with the goals of marine spatial planning, including the AI Fishery Ecosystem Plan, and provided comments on the need to preserve flexibility to allow plans for Alaska to be developed for Alaska's subregions.

Bering Sea Crab

At its February 2010 meeting, the Council continued development of two regulatory packages addressing concerns of stakeholders in the Bering Sea and Aleutian Island crab fisheries. These regulatory amendments could modify community rights of first refusal and west region landing requirements in the Western Aleutian Island golden king crab fishery.

The first package considers three modifications to the **community rights of first refusal** on processing shares. The first modification would extend the time to exercise the right from 60 days to 90 days and the time to perform under the contract from 120 days to 150 days. The second modification would limit circumstances under which the rights would lapse. Currently, rights of first refusal lapse, if the community fails to exercise the right on a processor quota share (PQS) transfer or if the yielded IPQ are used outside the community of the right holder for three consecutive years. Coming into the meeting, the proposed action would have extended the rights indefinitely without lapse. The Council modified the proposed action to include three optional changes to the status quo. Under the first, the provision under which rights lapse after three years of IPQ use outside of the community of the right holder would be removed. The second option would provide that the right lapses, if the right holder fails to exercise the right on a transfer of PQS that triggers the right. In addition, the option would provide for the shifting of the right to the community in which the IPQ are used either immediately, after 3 years, or after 5 years. Under the third option, any holder of PQS that is subject to a right of first refusal on implementation of the program would be required to maintain a contract providing for a right of first refusal. The third action would limit the assets to which the right applies. Currently, the right applies to any assets included in a contract that also includes PQS to which the right applies. The proposed action would apply the right to either: 1) PQS only (and no other assets) or PQS and any community-based assets included in the transaction. The proposed actions also include provisions for determining community-based assets to which the right applies and defining the price of the PQS (and any other assets to which the right may apply). To further the development of this action, the Council has also requested staff to examine a proposed structure defining the administration of the right. The Council will review this package in June.

The second amendment would create an **exemption to the West region landing requirement** in the Western Aleutian Islands golden king crab fishery. In that fishery, fifty percent of the Class A catcher vessel individual

fishing quota (IFQ) is required to be landed west of 174° West longitude (the West region). 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 voiced concerns with processing capacity in the West region of that fishery. This season, the bankruptcy of the operator of the Adak shore plant increased these concerns, leading the Council to recommend that NOAA Fisheries undertake emergency rulemaking to remove the landing requirement for the current (2009-2010) season. In addition, the Council initiated an action to allow for an exemption to the regional landing requirement. At this meeting, the Council modified the proposed action, eliminating an alternative that would have removed the regional landing requirement altogether. The remaining alternative would allow for a contractual agreement to the exemption annually by certain stakeholders, including quota share holders whose holdings exceed a specific threshold, PQS holders whose holdings exceed a specific threshold, the communities of Adak and Atka, and possibly any operator of a shore plant in the community of Adak or Atka that exceeds a specific processing threshold in the fishery. Final review for this action is scheduled for the April Council meeting.

In response to public testimony, and scheduled for discussion in April, the Council also stated its intention to include the development of an **emergency exemption from regional landing requirements** in other fisheries. The Council had previously developed an amendment package that would have created such an exemption. That amendment failed to be advanced for action, as stakeholders did not come to agreement on the terms of the exemption. The Council expressed its hope that stakeholders continue efforts to reach agreement on the terms of the exemption. Staff contact in Mark Fina.

Alaska Marine Ecosystem Forum

The Alaska Marine Ecosystem Forum (AMEF) held a meeting in January 2010. The AMEF is comprised of Federal and State agencies, including the Council, with jurisdiction over marine activities. The AMEF meets biannually to discuss issues of collaboration and coordination. In January, the items of discussion included agency coordination on the Arctic, responses to the Coastal and Marine Spatial Planning Framework, and the Council's progress in considering nominations to the national MPA framework. A meeting summary was made available to the Council and is posted on the Council website.



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Call for Proposals for BSAI and GOA Pcod Models

Following a recommendation from its SSC in December 2009, the Council is calling for proposals from the public for models to be considered for inclusion in the BSAI and GOA Pacific cod stock assessments. Model proposals may be as brief or as detailed as the proposers would like to make them. Proposals are to be submitted to Grant Thompson (Grant.Thompson@noaa.gov), author of the BSAI and GOA Pacific cod stock assessments, by close of business on Monday, April 19. These proposals will be collated by Dr. Thompson and circulated to the Groundfish Plan Teams for a two week review period. The Teams will convene via teleconference/web at 12:30 pm (Alaska time), May 6 to review proposals from the public, as well as previous requests for model runs from the Groundfish Plan Teams and SSC.

The purpose of the meeting is for the Plan Teams to provide their recommendations to the author and SSC; the agenda and opportunities for public participation will be structured to facilitate Plan Team discussions. The meeting will be open to the public and proposers will be permitted to summarize their proposals. Late proposals will NOT be reviewed by the Plan Teams. The SSC will review all proposals and recommendations from the author and Plan Teams in June 2010 and provide direction to Dr. Thompson for which models to include in the stock assessments for Plan team review in September 2010 and SSC review in October 2010. Contact Jane DiCosimo or Dr. Thompson for more information.

Amendment 80 Lost Vessel Replacement

At the February meeting, the Council completed an initial review of the draft EA/RIR/IRFA for a proposed FMP amendment to address lost vessels in the Amendment 80 program. The analysis was initiated to address a May 19, 2008, ruling of the U.S. District Court of the Western District of Washington that invalidated the Amendment 80 provisions limiting the vessels used in the Amendment 80 program. In *Arctic Sole Seafoods, Inc. v. Gutierrez*, the district court found the statutory language of the Capacity Reduction Program ambiguous as to whether replacement of qualifying vessels with non-qualifying vessels was permissible, and found the agency's interpretation of the statute to be arbitrary and capricious.

At this meeting, the Council developed the following problem statement for this action:

Allowing Amendment 80 vessel owners to replace their vessels due to actual total loss, constructive total loss, permanently ineligibility to be used in a U.S. fishery, or for other reasons would allow vessel owners to improve vessel safety, meet international class and load line requirements that would allow a broader range of vessels. Allowing smaller vessels to be replaced with larger vessel could improve the ability of vessel owners to comply with the groundfish retention standard (GRS) applicable to all Amendment 80 vessels.

The Council also reviewed and modified the proposed alternative and options. Provide below is a summary of those changes.

- Added an option under Alternative 3 to allow for a replacement vessel to have a length overall 10% or 20% greater than the original qualifying Amendment 80 vessel it replaced.
- Added two suboptions under Alternative 3. The first suboption, applying to Option 1 (a) through (d), would establish a 180 foot

minimum size restriction. The second suboption would restrict replacement vessels from being used in the Amendment 80 limited access fisheries.

- Add a suboption under Option 1 (applicable to (a) through (d)) that different vessel size restrictions may be applied to large (>145 feet LOA or 200 feet LOA) and small (<145 feet LOA or 200 feet LOA) vessels.
- Add a suboption under Option 2 (b) that would subject Amendment 80 vessels targeting GOA flatfish to sideboards.
- Modified the Option 3 (a) that would adjust the Amendment 80 sideboards in the GOA to account for history of the *Golden Fleece* in same manner as other Amendment 80 vessels.
- Added Option 3 (c) that states that if the replacement vessel for the *Golden Fleece* is greater than the LOA of the license that was originally assigned to the vessel, then the replacement vessel will be subject to all sideboards that apply to other Amendment 80 vessels, with the catch and PSC use of the vessel added to the existing GOA sideboards. If the *Golden Fleece* replacement vessel is less than or equal to the LOA of the license assigned to the vessel, then the vessel sideboards would apply.
- Under Option 4, the Council added additional language that states (a) a replacement vessel cannot enter an Amendment 80 fishery without quota share being assigned to that vessel and (b) persons holding a quota share permit associated with a vessel that is permanently ineligible to re-enter US fisheries is eligible to replace the vessel associated with its quota share permit.
- Added Option 5 that states any vessel replaced under this program would be ineligible to be designated on an FFP and an LLP. Also included under Option 5 is a suboption that states any replaced Amendment 80 vessel may be used to replace other Amendment 80 vessels.
- The Council also requested staff includes a table showing the ages of each of the Amendment 80 vessels.

The amendment package is scheduled for final action at the April 2010 Council meeting. Staff Council contact is Jon McCracken, or Glenn Merrill at NMFS.

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 2/22/10

April 6, 2010 Anchorage, AK Hilton Hotel	June 7, 2010 Sitka, AK	October 4, 2010 Anchorage, AK Captain Cook
SSL Biological Opinion: Review and action as necessary Halibut Charter Endorsements: Initial Review/Final Action Catch Shares Report: Finalize comments Rural Community Outreach Ctte: Action as necessary Am 80 Co-op Reports (T) Am 80 Lost Vessel Replacement: Final Action CGOA Rockfish Program: Initial Review Observer Program: Report on Outreach Efforts BSAI WAG: Final Action BSAI Crab Emergency Relief: Discussion/Direction Northern BS Research Plan: Review Progress Groundfish ACL Requirements: Final Action GOA Tanner Crab Bycatch: Initial Review GOA Chinook Salmon Bycatch: Discussion paper (T) Crab ACLs: Preliminary Review Snow/Tanner Rebuilding Plans: PT report; Preliminary Review Pribilof BKC Rebuilding Plan: Preliminary Review Scallops: Plan Team Report; Approve SAFE Scallop ACLs: Preliminary Review AI Ecosystem Plan Team: Approve Terms of Reference HAPC Criteria and Priorities: Review/Adopt EFH 5-Year Evaluation: Final Review; action as necessary	SSL Measures: action as necessary GOA P.cod sideboards for crab vessels: Initial Review (T) GOA Halibut PSC Discussion Paper: Preliminary Review CGOA Rockfish Program: Final Action Observer Program Restructuring: OAC report; Initial Review BSAI Crab ROFR: Initial Review (T) BSAI Chum Salmon Bycatch: Review Disc paper; finalize alts. Arrowtooth Flounder MRA: Initial Review (T) Crab ACLs: Initial Review Snow/Tanner Rebuilding Plans: Initial Review Pribilof BKC Rebuilding Plan: Initial Review Alaska MPA System Briefing: Review Scallop ACLs: Initial Review	SSL Measures: action as necessary BS&AI P.cod Split: Discuss plan/action as necessary (T) GOA P.cod sideboards for crab vessels: Final Action (T) GOA Halibut PSC Discussion Paper: Review final paper Economic Data Collection: Review discussion papers Observer Program Restructuring: Final Action (T) BSAI Crab ROFR: Final Action (T) Arrowtooth Flounder MRA: Final Action GOA Tanner Crab Bycatch: Final Action (T) Crab ACLs: Final Action Snow/Tanner Rebuilding Plans: Final Action Pribilof BKC Rebuilding Plan: Final Action MPA Nomination Discussion Paper: Review Hagermeister Island: Initial Review Groundfish Specifications: Receive Plan Team Report HAPC: Review Proposals for Analysis (T) Adopt Proposed Catch Limits

ACL - Annual Catch Limit
 AI - Aleutian Islands
 GOA - Gulf of Alaska
 SSL - Steller Sea Lion
 BKC - Bue King Crab
 BOF - Board of Fisheries
 FEP - Fishery Ecosystem Plan
 CDQ - Community Development Quota
 VMS - Vessel Monitoring System
 EFP - Exempted Fishing Permit
 BiOp - Biological Opinion
 MRA - Maximum Retainable Allowance

PSC - Prohibited Species Catch
 TAC - Total Allowable Catch
 BSAI - Bering Sea and Aleutian Islands
 IFQ - Individual Fishing Quota
 ROFR - Right of First Refusal
 GHF - Guideline Harvest Level
 EIS - Environmental Impact Statement
 LLP - License Limitation Program
 SAFE - Stock Assessment and Fishery Evaluation
 MPA - Marine Protected Area
 ACL - Annual Catch Limit
 HAPC - Habitat Areas of Particular Concern

Future Meeting Dates and Locations

April 6-, 2010 in Anchorage (start on Tuesday)
 June 7 -, 2010 in Sitka
 Oct 4-, 2010 in Anchorage (Captain Cook)
 Dec 6- 2010 in Anchorage Hilton
 January 31-February 8, 2011-Seattle
 March 28-April 5, 2011-Anchorage
 June (TBA)
 September 26-, 2011 in Unalaska

(T) Tentatively scheduled