

North Pacific Fishery Management Council

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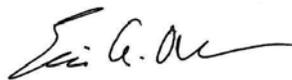
Final MINUTES

200th Plenary Session
North Pacific Fishery Management Council
October 6-12, 2010
Hotel Captain Cook, Anchorage, Alaska

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1. Public Sign in Sheet
2. Time Log
3. SSC Minutes
4. AP Minutes
5. Enforcement Committee Minutes
6. C-3 ACLs and Snow Crab Rebuilding Transcription
7. C-5 GOA Tanner Crab Area Closure Map
8. Final Research Priorities
9. October Newsletter

APPROVED:  _____

DATE: December 14, 2010

Final MINUTES

200th Plenary Session
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The North Pacific Fishery Management Council met October 6-12 at the Hotel Captain Cook, Anchorage, Alaska. The Scientific and Statistical Committee met October 4-6, and the Advisory Panel met June 4-8 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
Cora Campbell/Stefanie Moreland
Jim Balsiger/Sue Salveson
Bill Tweit
ADM CC Colvin/Capt. Mike Cerne

NPFMC Staff

Gail Bendixen
Diana Evans
Mark Fina
Chris Oliver
Maria Shawback

Jeannie Heltzel
Nicole Kimball
Peggy Kircher
Diana Stram
Dave Witherell

Jon McCracken
Sarah Melton

Scientific and Statistical Committee

Pat Livingston, Chair
Robert Clark
Keith Criddle
Susan Hilber
Anne Hollowed

George Hunt
Gordon Kruse
Franz Mueter
Lew Queirolo
Terry Quinn

Ray Webster
Doug Woodby

* Absent: Kathy Kuletz, Seth Macinko, Sue Hills

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NPFMC MEETING
October 2010

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
Theresa Peterson
Ed Poulsen
Beth Stewart
Lori Swanson
Anne Vanderhoeven

Attachment 1 contains the public sign in register and a time log of Council proceedings, including those providing reports and public comment during the meeting.

Mr. Hull moved, which was seconded, to approve the minutes of the previous meetings in August and June 2010. Motion passed unanimously.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:07 am on Wednesday, October 6, 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, highlighting the MPA Executive Order of "Avoid Harm." He noted all the Councils will provide comments and that the North Pacific Council will take the lead on the letter. He advised the Council members to review the order, and provide comments to the Chairman.

NMFS Management Report

Ms. Sue Salveson briefly reviewed an overview of regulatory action and NMFS in-season management report. Mary Furness gave an overview of recent catch reports and accounting. Jane DiCosimo and Rachael Baker gave an overview of the Catch Sharing Plan draft regulations. John LePore gave a brief update of pending legislation, and progress on noted cases.

ADF&G Report

Scott Meyer updated the Council on the status of halibut estimates. 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

Sherrie Meyers gave a report and provided a presentation on NOAA Enforcement issues, and gave a powerpoint presentation.

USCG Report

Lt. Tony Keene of the USCG provided the Coast Guard Enforcement Report, following a brief address by ADM CC Colvin.

U.S. Fish and Wildlife Report

Greg Balogh of USF&W provided an update, and handed out a written summary.

Protected Species Report

Jeannie Heltzel gave a brief protected species report, and Dr. Doug Demaster (AFSC), Brandee Gerkee and Bill Wilson gave an update on the progress of the Steller sea lion biop. After a brief discussion, it was generally agreed that the Council would take any action necessary on Steller sea lions during the Staff Tasking portion of the agenda.

U.S. Department of State Report

Nicole Ricci gave a report and a presentation on issues that affect the North Pacific region related to fisheries.

The Council took public comment on all B items.

COUNCIL DISCUSSION/ACTION

Glenn Merrill of NMFS reviewed the draft regulations related to the CGOA Rockfish Program. At the June meeting, the Council had requested a progress report, and had asked to review the regulations prior to proceeding with the program. The regulations were provided, and the Council had very brief discussion.

Rockfish Proposed Regulations:

Mr. Tweit moves that the Council deems proposed regulations that clearly and directly flow from the provisions of the Council's June 2010 motion on CGOA Rockfish Program and the initial draft regulations provided to the Council at the October 2010 meeting being necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. The motion was seconded.

Mr. Tweit spoke to his motion noting that when the Council reviewed the draft regulations in June, they requested the Agency bring back the draft regulations at the October meeting to give the Council an opportunity to review a complicated and lengthy draft regulation development process. He noted staff from the Agency and Council have also reviewed the regulations, and is satisfied that the Council can deem the regulations at this time. There was brief discussion and an informal request that the Council be able to informally review the draft regulations, and the **motion passed without objection.**

Halibut Catch Sharing Plan:

Ms. Moreland moved that the Council finds the draft regulations for the halibut catch sharing plan (CSP) for International Pacific Halibut Commission (IPHC) regulatory Areas 2C and 3A to be consistent with the intent of the original Council motion of October 2008. The Council has also reviewed the ten areas in the regulations highlighted by NMFS where it was necessary for the agency to make assumptions about Council intent for purposes of implementation and enforcement, and the Council agrees with NMFS' assumptions and rationale, and finds that they are a reasonable interpretation.

The Council recommends two changes to the proposed rule:

The date by which unused GAF convert back to IFQ should be changed from the fixed November 1st date to 15 days prior to the close of the season established by the IPHC. The reporting

requirements in conflict with a prohibition on participation in Areas 2C and 3A in a single trip should be removed.

Also, the Council requests the agency address in the proposed rule Council intent that CSP management measures would be in place for a full season, but provide the agency flexibility to respond or revise regulations in response to a technical error.

The Council requests that NMFS complete and publish the proposed rule for the CSP as soon as possible. The CSP represents a significant improvement in the management of halibut in the North Pacific, and implementation of the CSP remains a high priority for the Council. The motion was seconded by Mr. Fields.

Ms. Moreland spoke to her motion, noting in the draft regulations where the changes would take place, and that her intent is to not only address concerns in the written motion, but also addressing issues from the staff presentation earlier. The intent of the flexibility is to respond to technical corrections.

Mr. Fields congratulated the staff and agency on preparing a document that closely tracks Council intent. He noted that the Council should wait to see how the program progresses before the Council decide to modify or change at this point. Mr. Hull also commended Agency staff, and recommended that this issue continue to be of high importance.

There was brief discussion regarding electronic reporting, and finding a workable solution.

Motion passes without objection.

Mr. Hull would like to discuss drafting a letter to IPHC regarding the catch sharing plan during staff tasking. Mr. Henderschedt noted that the Council may also want to discuss correspondence from South East Alaska Guides Organization (SEAGO) during staff tasking as well.

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.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 Observer Program

BACKGROUND

(a) *Review Observer Advisory Committee report; action as necessary*

As requested by the Council, the OAC met September 28 – 29 at the Hilton Hotel in Anchorage. The primary purpose of the meeting was to review and provide feedback on the public review draft analysis for restructuring the observer program, prior to the Council’s action in October. Note that all of the

recommendations from the May OAC meeting have been addressed in the revised analysis. The September OAC report will be provided at the Council meeting.

(b) Final action on restructuring the North Pacific Groundfish Observer Program

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

In December 2008, upon review of a discussion paper, the Council initiated a new observer restructuring analysis (EA/RIR/IRFA), with a revised problem statement and suite of alternatives. The Council motion specified that the analysts first work on a description of how NMFS would deploy observers under a restructured observer program (i.e., an implementation plan), recognizing that this fundamental component would eventually be folded into the overall analysis. The initial review draft analysis was reviewed by the Council in June 2010. The current suite of alternatives and options is included in the June Council motion.

COUNCIL DISCUSSION/ACTION

Nicole Kimball, Darrell Brannan, (NPFMC) Craig Faunce and Martin Loefflad (AFSC) gave staff presentations on this agenda item. The SSC did not discuss this issue, and Lori Swanson gave the AP report. Public comment was taken.

Mr. Balsiger moved, and was seconded by Mr. Tweit, that the Council adopt Alternative 3, the “coverage-based” restructuring alternative as its preferred alternative, with the following components that include a modified version of Option 2:

Two tier system for general coverage categories: All vessels and processors in the groundfish and halibut fisheries off Alaska would be placed into one of two observer coverage categories. These categories would be established in regulation:

- 1. the “greater than or equal to 100%” ($\geq 100\%$) coverage category, and**
- 2. the “less than 100 percent” ($< 100\%$) coverage category.**

Vessels and processors that would be placed in the $\geq 100\%$ include:

- 1. all catcher/processors and motherships participating in the groundfish and halibut fisheries,**
- 2. all catcher vessels while fishing under a management system that uses prohibited species caps in conjunction with a catch share program, and**
- 3. all shoreside and floating processors when taking deliveries of AFA or CDQ pollock.**

Vessels and processors in the $\geq 100\%$ coverage category would not be included under the fee-based program and would continue to obtain observers by contracting directly with observer providers (“status quo”).

All other catcher vessel landings in the groundfish and halibut fisheries, and processors taking deliveries of this catch, would fall into the $< 100\%$ coverage category. Observer coverage for vessels and processors in the $< 100\%$ coverage category would be managed under an ex-vessel fee based observer service delivery model with the following features:

Basis of the fee assessment: A fee would be assessed on the ex-vessel value of the landed catch weight of groundfish and halibut. The landed catch weight would be the weight equivalents used to debit quotas (e.g., round weight for groundfish and headed and gutted net weight for halibut) which are reported on the processor’s or registered buyer’s landing report submitted to NMFS.

Processors would collect the vessel operators’ share of the fee liability at the time of landing. NMFS would collect the fee assessment through annual billings of the processors.

Ex-vessel value fee percentage of 1.6%: The fee percentage would be set in regulation at 1.6% of the ex-vessel value of groundfish and halibut. The fee percentage will be reviewed annually by the Council after the second year of the program (see Option 2 annual reports, below).

Selection of vessels and processors for observer coverage: The selection of vessels and processors that must carry an observer under the restructured program would be determined through a sampling and deployment plan. Observer coverage rates (trips or vessels) would not be in regulation.

Standard ex-vessel prices to apply to (non-IFQ) groundfish landings to determine the ex-vessel value based fee liability would be based on standardized ex-vessel nominal prices calculated using data derived from COAR using the methodology developed by the CFEC for their gross earnings estimates.

Standard ex-vessel prices would be established for groundfish by species, port of landing, and gear. Three gear type categories would be established: pelagic trawl gear, non-pelagic trawl gear, and fixed gear (everything else besides trawl gear). Because of data confidentiality issues, standardized price data must be aggregated if there are fewer than 3 entities in a price category.

A 3-year rolling average would be used to calculate the standard ex-vessel prices for groundfish (excluding fixed gear IFQ/CDQ sablefish).

Standard annual ex-vessel prices for halibut and sablefish IFQ and CDQ: The most recent available standard annual ex-vessel price for IFQ halibut and IFQ sablefish developed for the IFQ cost recovery program would be applied to landings by:

- catcher vessels in the $< 100\%$ observer coverage category of halibut IFQ,
- halibut CDQ,
- sablefish IFQ, and
- sablefish that accrues against the fixed gear sablefish CDQ allocation.

This standard ex-vessel price is established annually by port or port group from registered buyer reports.

How to define a catcher/processor: The determination of whether a vessel is a catcher/processor or a catcher vessel for assignment to an observer coverage category would be based on the designation that is on that vessel's Federal Fisheries Permit (FFP). Once established prior to the beginning of each fishing year, the designation as a catcher/processor or catcher vessel determines the vessel operation category assignment within the restructured observer program sampling and deployment plan for the calendar year. A different approach would be used for vessels that are included in the program, but not required to obtain an FFP. The appropriate approach would be determined during development of the proposed rule

The following exclusions would be made:

State water GHL and state-managed fisheries: Vessels participating in GHL groundfish fisheries and other state managed non-groundfish fisheries (e.g., lingcod) would be excluded from Federal observer coverage requirements, but non-GHL groundfish incidentally caught in the State GHL and other non groundfish managed fisheries that are landed by vessels with FFPs would be subject to the fee assessment.

Vessels with an FFP fishing in the State of Alaska parallel groundfish fisheries would be subject to the Federal observer coverage requirements and the ex-vessel fee assessment.

Catcher vessels delivering unsorted cod ends to a mothership: As is the case under status quo, observers would not be required on catcher vessels delivering groundfish in unsorted codends to a mothership. Because all motherships are in the $\geq 100\%$ observer coverage category, no fee would be assessed on these groundfish landings, and observer coverage of the catch would occur on the mothership under the status quo system of observer coverage requirements.

Landings from catcher vessels in the $< 100\%$ coverage category that deliver groundfish or halibut catch that is retrieved onboard the catcher vessel before delivery to the mothership ("sorted catch") would be subject to the fee assessment and observer coverage under the restructured program.

Start-up funding: Funds must be collected prior to deployment of observers under the restructured portion of the program to initiate contracts for observer deployment. Alternative 3 is expected to provide start-up funding in one year. During the start-up period ("year-0"), vessels and processors subject to the 1.6% fee assessment would continue to pay for current observer coverage requirements. Processors would be billed at the end of the year. Vessels and processors will only be required to pay the difference between the fee assessment and the actual year-0 observer costs under the status quo deployment model.

Federal funding for start-up costs: The Alaska Region NMFS will continue to seek federal funding for start-up costs of implementation of the restructured observer program. If federal funding is available, it would be used towards the initial deployment of observers under a restructured program.

Modified Option 2: Annual Report and Review of the Sampling and Deployment Plan and the 2% fee assessment:

The following statement replaces the existing language for Option 2:

NMFS will release an observer report by September 1 of each year. The report will contain the proposed stratum and coverage rates for the deployment of observers in the following calendar year, as well as information on the financial aspects of the program. The Council may request its Observer Advisory Committee, Groundfish Plan Teams and/or the SSC to review and comment on this draft plan. NMFS will consult with the Council each year on the draft plan for the upcoming year, at a meeting of the Council's choosing that provides sufficient time for Council review and input to NMFS.

NMFS also would prepare an annual report on the observer program for presentation to the Council each year, including information on how industry participants have adapted to and been able to accommodate the new program. As part of this annual report, the 1.6% fee percentage would be reviewed by the Council after completion of the second year of observer deployment in the restructured program. The Council could revise the fee assessment percentage in the future through rulemaking after it had an opportunity to evaluate program revenues and costs, observer coverage levels, fishery management objectives, and future sampling and observer deployment plans. This report would be provided to the Council at the same time the annual deployment plan is being provided.

Dr. Balsiger spoke to his motion, noting that it best addresses the problem statement and meets the needs of both the fishing industry and NMFS. He also noted that Alternative 3 allows NMFS to regulate where observers are deployed, and allows flexibility to change the deployment plan between years. The fee was established at 1.6% and allows P2 coverage with a minimal buffer, and the three year rolling average would smooth out price variability year to year.

Mr. Cotton wanted to ensure that the funds collected would be retained exclusively for the observer/electronic monitoring program, and Dr. Balsiger clarified that it was NMFS' intention to retain those funds for specifically that purpose, and that there is a legal requirement for them to do so.

Craig Faunce presented a chart with the observer coverage/revenues and costs and discussed the ranges of values, coverage rates possible, and buffer for the entire program under a 1.6% fee. There was discussion regarding the charts and numbers presented, and Ms. Campbell distributed a chart outlining new proposed fee levels for a motion.

Ms. Campbell moved to amend the motion to adjust the 1.6% ex-vessel fee to 1.25%, which was seconded by Mr. Fields. She spoke to her motion noting that the intent is to make the buffer smaller and assess a lower cost on industry. The Magnuson Stevens act gives authority to recover costs, but costs to fleet need to be as close as possible to program costs, and the fee level can be adjusted through rulemaking if the fee level is not sufficient.

There was lengthy discussion regarding the buffer and the various calculations. Additionally there was discussion regarding following actions; the electronic monitoring component and whether coverage is necessary on the under 40' fleet. Mr. Tweit noted that with a smaller buffer either NMFS or the industry will have to monitor the program fees closely, but the benefit is that a smaller rate can be applied across all sectors.

Mr. Hull noted that the under 40' fleet is not exempt. They will still be required to pay the fee, but coverage no coverage is planned at this time. The focus is on the other sectors. When funds become available, the Council will re-assess the inclusion of the smaller vessels in the deployment plan.

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Mr. Fields noted that 1.6% would provide a little more elasticity to the program during times when fish prices or TACs are down, but after discussion and staff input, noted that the 1.25% is sensitive to the economic needs of the fleet while still giving a slight buffer for the program, and noted that the fee can be re-assessed when the electronic monitoring portion is factored in.

Mr. Henderschedt noted his concern while he is in agreement with the intent of the motion; he is concerned with the real revenues during the first few years of the program, and is uncomfortable with the smaller margin.

Mr. Cotten noted his favor of the motion, and while he has concerns with the smaller buffer, he noted the opportunity to expand the program with electronic monitoring.

Amendment to the main motion passed 9/2, Mr. Henderschedt and Dr. Balsiger objecting.

Mr. Hull moved to amend the motion, which was seconded by Mr. Benson, to include a review of the observer program to begin 5 years after implementation, (the first year of deployment) to assess whether the goals and objectives of the problem statement of the restructured program been achieved. Mr. Hull spoke to his motion noting that while the main motion allows for annual reviews of the deployment plan, it would be appropriate to reassess the entire program after 5 years. There was discussion regarding annual reviews vs. a review at the 5 year mark. **The amendment to the motion passed without objection.**

Mr. Fields moved to require NMFS, at the time the annual LAPP cost recovery fee assessment is mailed to halibut/sablefish IFQ holders, to also assess the 1.25% observer fee based upon estimated ex-vessel values for the previous season. The Agency would use actual prices, if possible, assessed against current year's landings, and bill the IFQ holder at the same time the cost recovery is assessed. Mr. Fields spoke to his motion noting that he would like the fees to be assessed and billed the same way the current IFQ fees are, using estimated prices from the previous year. Staff noted that the Agency is working toward a more streamlined assessment and collection process, and is willing to explore this further. There was discussion regarding differences and the **motion was withdrawn with the concurrence of the second.**

Mr. Fields moved to amend the motion by deleting, "Processors would collect the vessel operators' share of the fee liability at the time of landing. NMFS would collect the fee assessment through annual billings of the processors. There was brief discussion noting that it would be the default assumption unless other options or fee structures are in place, understanding that Mr. Fields would like NMFS to assess the viability of his withdrawn motion above. The removal of this language allows for that possibility within the main motion. **Motion passed without objection.**

Mr. Fields moved to amend the motion by noting he would like an addition to the following language: **NMFS will release an observer report by September 1 of each year. The report will contain the proposed stratum and coverage rates for the deployment of observers in the following calendar year, ~~as well as information on the financial aspects of the program.as well as a detailed spreadsheet by budget category in the financial aspects of the program.~~** Mr. Fields noted that the categories are similar you would use to develop a budget analysis, and similar to tables already in the analysis. **The motion passed without objection.**

Ms. Campbell moved to amend, with a second by Mr. Henderschedt: 100% coverage would not be mandated for all vessels < than 60' with a history of CP and CV activity in a single year or any vessel with an average daily production less than 5000 lbs (round weight equivalent) in the most

recent full calendar year of operation prior to January 1, 2010. These vessels would make a one-time election as to whether they will be in the <100% coverage and ex-vessel based fee structure or the $\geq 100\%$ coverage and (status quo) fee structure category. Ms. Campbell spoke to her motion noting that this motion is not exempting vessels from the program, but to allow the few catcher processor operations that may not merit 100% coverage, and for whom the coverage would be excessively burdensome, to decide whether to be considered as part of the restructured program, or be in the $\geq 100\%$ coverage category. There was discussion regarding the universe of vessels affected, and that the lbs considered would be round weight equivalent. **Motion passed 8 -3, with Benson, Dersham, and Hyder objecting.**

Mr. Fields made an amendment to the main motion: There are a number of implementation issues that need resolution in an iterative process between stakeholders in a committee format, and Council and Agency staff should continue to assist the Agency in refining the language in the development of an annual observer deployment plan. Discussions should include, but are not limited to the following: 1. Appropriate methodology for cv or cp designation for vessels included in the program but not required in the FFP; 2. The selection and deployment model; 3. The fee calculation and collection logistics; 4. Adaptive management and feedback loop that evaluates sociological and economic impacts; 5. Electronic monitoring, testing, and development; 6. A discussion relative to the 72 hour check in rule; 7. A discussion on outreach and education relative to this amendment.

Mr. Fields spoke to his motion noting that this is a checklist of items he would like addressed. There was brief discussion, and **Mr. Fields withdrew his motion** noting he would address the items at staff tasking.

Mr. Tweit moved to amend, which was seconded, the motion to add a line that states: The Council request to review the draft regulations developed prior to their submittal to the Secretary. He noted that it is not his intention to delay deeming and the Observer Advisory Committee may also be available to review the regulations and make recommendations to the Council. There was brief discussion and it was generally agreed that this process would not delay implementation, and the **amendment passed without objection.**

Mr. Balsiger noted that Alternative 3 would allow NMFS to control when and where observers are deployed and to take statistically viable samples; it would provide control and flexibility to remove bias by removing discretion from the vessel owners regarding deployment; it would provide flexibility to collect data when and where needed for scientific fishery management needs; would provide flexibility to provide observers in areas or vessels not currently observed; and provide flexibility in future rationalization programs. These features improve the ability to collect statically correct data. Additionally, it will fulfill a 2004 recommendation to establish an observer program that establishes a vessel selection process that is scientifically unbiased.

Mr. Fields spoke to the motion noting that the problem statement states that the observer program needs to have the flexibility to respond to changes in fishery management. He noted that his support on this motion is based on the general apportionment, the sharing of costs and responsibilities between the agency and the fleet. He notes that this motion is very responsive to the National Standards.

Mr. Benson noted this agreement with the motion and is optimistic regarding the use of VMS in the future. He notes that the observer program is something the Council should be proud of, and is a factor in Alaska's fisheries being some of the best managed fisheries in the U.S.

Mr. Henderschedt acknowledged the staff and stakeholders for their hard work in crafting this program. Mr. Cotten noted his agreement with prior comments, and commented that there should be some appeals process for participants as they adjust to changes. Mr. Tweit congratulated staff and stakeholders on the development of the program, as did Mr. Hull. Mr. Cerne commented on enforcement and that the USCG will work to protect the integrity of the program, and urges the industry to continue to communicate with the fleet regarding the restructured observer program.

Mr. Olson thanked the staffs of the agencies, specifically Commissioner Lloyd.

The motion passed unanimously by roll call vote.

C-2 BSAI Crab Issues

Review and approve BSAI Crab SAFE report and annual catch specifications

BACKGROUND

The Crab Plan Team met at the Alaska Fisheries Science Center in Seattle, WA from September 13-16, 2010 to review the status of stocks and to compile the annual Stock Assessment and Fishery Evaluation (SAFE) report. The Crab SAFE report was mailed to you September 20th. This is the third year of the new process for annual determination of Crab OFLs and the Crab Plan Team is part of the newly established review process for BSAI crab assessments. There are 10 crab stocks in the BSAI Crab FMP and all 10 must have annually established OFLs. Six of the ten stocks have OFLs established following the summer survey information availability. Two of the ten stocks (Norton Sound red king crab and AI golden king crab) have OFLs which were established following review and recommendations by the CPT and SSC in June of 2010 in order to allow for the summer fisheries for these stocks while the remaining two stocks (Adak red king crab and Pribilof Islands golden king crab) have OFLs recommended in June 2010 based on Tier 5 formulation (average catch). The CPT compiles the introduction to the SAFE Report and provides stock assessment and OFL recommendations within it with additional recommendations and discussions included in the CPT Report.

Diana Stram and Forrest Bowers gave the staff report on this agenda item. The AP report was reviewed in its written form, and there was no public comment. The SSC had previously given its report.

COUNCIL DISCUSSION/ACTION

Stefanie Moreland moved, which was seconded, to adopt the crab SAFE with including the comments of the SSC. There was brief discussion, and the **motion passed without objection.**

C-3 BSAI Crab ACLs and Snow Crab Rebuilding Plan

BACKGROUND

At this meeting, the Council will take final action on an analysis of amendments to address BSAI Crab ACLs and the snow crab rebuilding plan. The Council took preliminary review of this analysis in April 2010 and all recommendations from the SSC and Council were then included in the initial review draft. The Council subsequently took initial review on this analysis in June 2010. Further information on the Council's action and subsequent revisions to the analysis are highlighted below. The revised analysis was mailed to you on September 14th. Several additional documents are included here that either revise

sections of the draft or provide additional information to assist the Council in their decision-making at this meeting.

The environmental assessment evaluates two actions to amend the BSAI Crab FMP.

Diana Stram gave the staff report on this agenda item. Doug Pengilly and Karla Bush from the State of Alaska Department of Fish and Game also gave a report. Lori Swanson gave the AP report.

COUNCIL DISCUSSION/ACTION

Ms. Campbell moved, which was seconded by Mr. Dersham, to adopt the purpose and needs statement as amended, and the following preferred alternatives for final action:

Action 1: Establish Annual Catch Limits (ACLs) for 10 Crab stocks

On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They provide guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. Annual catch limits are amounts of fish allowed to be caught in a year. A legal review of the BSAI King and Tanner Crab FMP found there were inadequacies in the FMP texts that need to be addressed. Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the NS 1 guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries ~~although these reports have not been finalized.~~

This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield. This action also recognizes and maintains the unique joint state-federal cooperative management structure of the BSAI King and Tanner FMP.

Alternative 2- Establish ABC control rule using constant buffer approach

Option 2: ABC = 90% of OFL (10% buffer) for all Tier 5 stocks.

Alternative 3- Establish ABC control rule using variable buffer (P*) approach

Option 1: P* = ~~0.5~~0.49 for all Tier 1, 2, 3, and 4 stocks.

Under Alternative 3 buffers between the OFL and ABC for individual stocks will be based on a P* of 0.49 and the within-model scientific uncertainty in the OFL point estimate (σ_w) for each stock. Additional buffering to account for outside-of-model scientific uncertainty in the OFL point estimate will be accomplished by the State of Alaska as a Category 2 measure, which provides for federal oversight under the FMP, during the annual TAC/GHL specification process.

Factors that influence estimates of scientific uncertainty are currently considered by the State in TAC setting and are time-sensitive. It will not be possible for the CPT and SSC to make recommendations that incorporate all scientific uncertainty based on the best and most timely information available, as is recognized in defining the State's role under the FMP.

The Council encourages the CPT and SSC to identify factors influencing scientific uncertainty that could be incorporated in the ABC control rule, and which are best reserved for State consideration on an annual basis in TAC setting. Less time-sensitive factors could be reviewed during the normal crab assessment cycle (i.e., May CPT and June SSC).

In adopting this preferred alternative the Council requests the CPT and SSC continue work to improve understanding of scientific uncertainty in the estimation of crab OFLs and to ensure that crab stock assessment models and OFLs are risk-neutral. The Council requests that crab assessment and management staff work to evaluate all sources of uncertainty in assessments, develop methods to accurately quantify uncertainty, and to provide for SSC review.

Accountability Measures

The annual TAC for each crab stock will be established by the State of Alaska at a level sufficiently below the ACL so that the sum of State considerations of scientific and management uncertainty in the OFL estimate; the estimated discard mortality in directed crab, groundfish, and scallop fisheries as well as the directed crab fishery removals; and management uncertainty in bycatch estimates does not exceed the ACL. Anytime an ACL is exceeded the overage will be accounted for through a downward adjustment to the TAC for that species during the fishing season following the overage.

Options for modifying the NPFMC review process

Option 1: SSC recommends ABC levels annually at October Council meeting (delayed TAC-setting).

Optimum Yield specification: FMP will be amended to read “OY range 0 to < OFL catch”.

Action 2: Rebuilding plan for EBS snow crab stock

Alternative 1: No Action

Option for defining ‘rebuild’ as one-year above B_{MSY}

Ms. Campbell spoke to her motion. A copy of the transcription is included in these minutes as ATTACHMENT 6. She noted that at a P^* of .49 meets the requirements of the MSA, because the probability of overfishing is less than 50%, and the Council is recognizing another method to calculate uncertainty.

She cautioned the Council against assuming the current OFLs are risk neutral. She noted that this motion makes use of existing State resources to achieve NS 1 goals, rather than implementing an entirely new program. Additionally she noted that sigma b and the ABC control rule need to be better defined.

She noted that the delayed TAC setting is least disruptive and can provide the most current data, incorporating summer surveys into the TAC setting process.

Ms. Campbell answered questions from the Council members.

Ms. Campbell made final record building comments, noting that it meets National Standard 1, conservation management and provides balance without being over cautionary and avoids duplicating a successful process with one that achieves the same goals. Mr. Fields noted that the State of Alaska has had a successful partnership managing crab, and that it clearly falls in the direction of MSA. Mr. Tweit

noted his agreement, and that time needs to be allocated to clearly delineate the sources of uncertainty and accountability measures.

Mr. Balsiger noted that the Council is able to take this action because of the progress the Crab Plan Team has made working with NOAA GC on rebuilding stocks, and congratulated the Plan Teams.

Mr. Henderschedt stated that the underlying issue is not a question of state role, rather the issue is how the process can best be described or refined and its adaptability to insure the Council's ability to comply with NS1 guidelines. He noted it needs to reflect the Council's risk strategy.

The motion passed unanimously by roll call vote.

Mr. Henderschedt acknowledged efforts that have gone into the analysis and in developing alternatives, and commended the staff, specifically Dr. Stram.

C-4 Scallop ACL

BACKGROUND

In June 2009 the Council tasked staff to begin analyses necessary to bring FMPs into compliance with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of federal fisheries under the revised guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Compliance with ACL requirements for the Alaska Scallop FMP requires substantive changes to that FMPs primarily in order to incorporate an ABC control rule into the annual specifications process as well as to address the necessary approach to manage non-weathervane scallop stocks.

The Council reviewed the initial review draft of this analysis in June 2010. The analysis has been revised to address SSC recommendations as well as the Council direction to include additional information on where Status Quo addresses MSA and NS1 guideline provisions.

Diana Stram gave the staff report on this issue. Lori Swanson from the AP gave its report; the SSC had given its report earlier, and public comment was taken.

COUNCIL DISCUSSION/ACTION

Ms. Campbell moved, which was seconded by Mr. Cotten, to adopt the purpose and need statement as amended, and adopt the following preferred alternatives for final action:

Action 1: Establish Annual Catch Limits (ACLs) for Scallops

On January 16, 2009, NMFS issued final guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They provide guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. Annual catch limits are amounts of fish allowed to be caught in a year. A legal review of the Alaskan Scallop FMP found there were inadequacies in the FMP texts that need to be addressed. Several work groups (e.g., ABC/ACT Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the NS 1 guidelines. Statutory deadlines require compliance with the MSA by the start of the 2011 fisheries ~~although these reports have not been finalized.~~

This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield.

Alternative 3: ABC control rule = 90% of OFL

Alternative 3a: Statewide ACL with the OFL redefined to include all estimated sources of fishing mortality (OFL = 1.29 million pounds).

Accountability Measures

The annual GHL for each scallop management area will be established by the State of Alaska at a level sufficiently below the ACL so that the sum of the estimated discard mortality in directed scallop and groundfish fisheries as well as the directed scallop fishery removals does not exceed the ACL. Anytime an ACL is exceeded the overage will be accounted for through a downward adjustment to the GHL during the fishing season following the overage.

Options for non-target stocks

Option 2: Move to the Ecosystem component

Ms. Campbell spoke to her motion, noting the Council will be selecting 3A, setting the ABC control rule at 90% of the OFL, realizing that historically the State management of scallops is very conservative. Additionally, adjusting the ACL to be state-wide, rather than regional, and OFL will also be defined to include all estimated sources of mortality.

Mr. Tweit noted that it appropriately balances the role of the Council and of the State, and recognizes the responsiveness of the revised Magnuson-Stevens act.

The motion passed unanimously by a roll call vote.

C-5 GOA Tanner Crab Bycatch

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 western side of Kodiak Island. Included in the alternatives are options to apply the closures year round or seasonally, and to trawl or pot gears. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or an increased observer coverage requirement.

Diana Evans gave the staff report, along with Jon McCracken, and Nick Sagalkin (ADF&G). The AP gave their report and the SSC had given their report earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Duncan Fields handed out a written motion included below, which was seconded by Sam Cotten:

The Council adopts the following amended problem statement and preferred alternative for final action:

Problem Statement:

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 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, and a greater level of observer coverage in the appropriate areas may provide the Council with a higher level of confidence in the assessment of any bycatch occurring in the designated areas as a basis for future management actions as necessary. Trawl sweep modifications have been effective in reducing unobserved bycatch mortality of Tanner crab in the Bering Sea, and similar effects may be realized in the Gulf of Alaska if modified trawl sweeps are employed in those groundfish 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.~~

Alternative 2: Close the areas specified below to ~~pot and~~ trawl groundfish fisheries.

Component 1: Area definition

ADF&G Northeast Section

Option 1: Statistical Area 525807 and the area east of Statistical Area 525807 north of 58 degrees latitude, south of 58 degrees 15 min. latitude and west of 151 degrees 30 min. longitude.

Component 2: Closure timing

Option 1: Year round

Suboption 1: trawl gear

Suboption 5: Vessels using pelagic trawl gear to directed fish for pollock would be exempt from the closures

Alternative 3: In order to fish in the areas specified below, require 100% observer coverage on all non-pelagic trawl groundfish 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. The Council encourages the agency to incorporate, to the extent possible, the 100% observer program so that 3 years of data at the 100% coverage level are obtained.

Area definition

ADF&G Northeast Section

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

In order to fish in the areas specified below, require trawl vessels to use approved modified gear (e.g., trawl sweep modifications).

Area definition

ADF&G Northeast Section

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

It is expected that NMFS initiate an iterative process similar to that used to develop trawl sweep specifications in the BSAI in order to implement the trawl sweep requirement and reduce the footprint in the GOA by bottom trawls.

Mr. Fields spoke to his motion noting that the health of the tanner crab stock is a major concern. He specifically noted National Standard 8, and has to take into account the historical fishing patters of the fleet. He noted that along with conservation, requiring modified sweeps on the fleet and refined observer deployment, this motion would have a positive impact on the stocks while allowing the fishing to continue. He continued, noting that there may be other preferred tools, but the Council does not have those tools today, and waiting should not be an option: the crab stocks need protection now, and for that reason, he is advocating closures now.

Mr. Fields answered questions of clarification from the Council, and there was brief discussion regarding the ability for the Council to draft trailing amendments on related issues.

Mr. Henderschedt moved to amend the motion by striking the words, “in order to fish in the areas specified below” in the paragraph following Alternative 3, and insert: “develop a trailing amendment to” and insert, “in the CGOA trawl flatfish fishery,” at the end of the sentence. Strike the “area definition” section. Additionally, strike under ‘area definition’ “it is expected that...” Mr. Henderschedt spoke to his motion noting that it limits the area to the CGOA, but it benefits the fleet from a logistical standpoint. Mr. Cerne noted his concern with enforceability.

Mr. Fields moved to amend the amendment, which was seconded by Mr. Cotten, by stating “non-pelagic trawl fishery” to substitute for the “trawl flatfish fishery.” Motion passed with Mr. Dersham objecting.

The amendment passed without objection.

Mr. Henderschedt moved to amend, which was seconded by Mr. Benson, to change the language in Alternative 3, with new additional language: the Council encourages the agency to incorporate, to the extent possible, the 100% observer program so that 3 years of data at the 100% coverage level are obtained. in the new fee-based observer program, an observer deployment strategy that ensures adequate coverage to establish statistically robust observations in the areas described below.

Mr. Henderschedt spoke to his motion noting that it is his intent to not micromanage the fee-based program, but allowing specific areas to get more focus. He commented that the program will still receive adequate coverage without this emphasis. There was brief discussion, and the **motion passed without objection.**

Mr. Tweit moved to amend, which was seconded by Mr. Henderschedt, to reinsert stricken comments: 30% coverage on all pot groundfish vessels less than 125 feet. There was brief discussion and the **motion passed 8/3 with Cotten, Fields, and Campbell opposing.**

Mr. Tweit moved to amend the motion, which was seconded by Mr. Henderschedt, in Alternative 2, to re-insert “pot and” and insert “and crab” following the word “groundfish.” Mr. Tweit spoke to his motion saying that if the Council is going to close an area, because of concern about gear that is coming into contact with the floor, then the Council should close to ALL gear that contact the floor. If it is a habitat protection, then let’s protect the habitat.

Mr. Balsiger moved to amend, which was seconded, by recommending the state consider closures to directed crab pot fisheries. There was brief discussion, and the **motion failed 5/6 with Tweit, Campbell, Dersham, Henderschedt and Hyder voting in favor.**

Mr. Henderschedt proposed a substitute motion, which was seconded by Mr. Tweit: strike Alternative 2 in its entirety. Mr. Henderschedt spoke to his motion, stating that because there seems to not be a conservation concern relative to bycatch in the ADF&G NE section; there should be no closures for any sectors. There was brief discussion, and the **motion failed 5/6, with Tweit, Benson, Dersham, Henderschedt and Hyder voting in favor.**

Mr. Balsiger moved to amend, which was seconded, to remove “and crab.” Motion passed without objection.

Mr. Tweit’s amendment passed 6/5, with Tweit, Balsiger, Benson, Dersham, Henderschedt and Hyder voting in favor.

Ms. Smoker noted the Council may need rationale for providing observer coverage on vessels that may not have previously carried an observer.

Mr. Tweit noted that the analysis makes it clear that there is some data, but not enough, to begin to give us an understanding of impacts of indirect mortalities arising from both trawl and pot gear on tanner crabs in this area. By focusing on these areas observers give us additional information, while achieving tanner crab recovery objectives.

Ms. Campbell moved to amend, which was seconded by Mr. Hull, the motion by changing the closure area, with a line drawn longitudinally through the area at the existing longitude of the type 1 year round king crab closure, directly to the south, North until it intersected the existing state bottom trawl closure. The area E would remain open to fishing. (Map is included as ATTACHMENT 7) Ms. Campbell noted that the analysis and public comment point out areas where fishing effort is important to a small number of vessels, and this motion would preserve their ability to fish. There was brief discussion.

Mr. Tweit moved to amend the amendment, including one additional area: include statistical area 52807 east of king crab area 1 type 1 extending east to 151’31 long not changing north or southern boundary. Mr. Henderschedt noted that it is a small area, and places an undue burden to fishermen to carry an observer for just portions of the trip. **Mr. Tweit withdrew his motion, and Ms. Campbell’s amendment passed without objection.**

Mr. Tweit moved to amend, which was seconded, that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. There was brief discussion, and it was agreed that the Executive Director and Chairman would review the regulations, and the **motion passed without objection.**

There was brief discussion regarding geographic points of the closure area in the motion, and Mr. Fields noted concern with the motion excluding the pot fishery in Marmot Bay.

The main motion passed 9/2 with Mr. Fields and Mr. Dersham voting against.

Mr. Cotten moved to reconsider the previous vote, which was seconded by Mr. Fields. Motion passed 7/4, with Tweit, Benson Dersham and Hyder in opposition.

A copy of the reconsidered motion was distributed.

Mr. Fields moved to strike the words “pot and” in Alternative 2, and add in component 3 to read the following: In order to fish in the area (Marmot bay), require 30% observer coverage on all pot groundfish vessels less than 125 feet. Note, fishing days and observer coverage in this areas would be separate from and not count towards meeting a vessel’s overall 30% groundfish observer coverage requirement. The Council encourages the agency to incorporate, to the extent possible, in the new fee-based observer program, an observer deployment strategy that ensures adequate coverage to establish statistically robust observations in the area described herein. Mr. Fields spoke to his motion noting that the analysis makes it difficult to assess if there is a significant impact on the tanner crab in the pot fishery. However, this would allow the pot fishery to continue, but with an observer to assess impacts. There were general discussions of clarification of the boundary line.

Mr. Henderschedt made a substitute motion, which was seconded by Mr. Hyder, to strike Alternative 2, and add the ADF&G NE section as defined under component 1, to the list of closures under Alternative 3. Mr. Henderschedt spoke to his motion noting that in balancing fairness to the two gear types that share this fishery. It would ensure 30% observer coverage on all pot groundfish vessels, and 100% coverage on all trawl vessels in 3 of the 4 areas identified in the analysis. There was brief discussion and the **motion failed 5/6, with Tweit, Benson, Dersham, Henderschedt, and Hyder voting in favor.**

There was discussion regarding the wording for pot cod, and it was noted that it was pot groundfish. **Mr. Fields’ amendment passed 7/4 with Tweit, Benson, Dersham and Henderschedt objecting.**

Amended main motion passed 10/1 with Mr. Benson objecting.

Mr. Hull noted that it was an oversight not to comment on quality of testimony and acknowledge discussions between fixed gear and trawl sectors, and that the Council encourages them as we move forward.

Mr. Henderschedt noted that the trawl sweep modifications trailing amendment would be discussed in staff tasking.

C-6 Arrowtooth Flounder MRA

BACKGROUND

In 1994, the Council set most of the groundfish MRAs at zero, relative to retained amounts of arrowtooth flounder, to prevent vessels from using arrowtooth flounder (a species for which no market existed) as a basis species for retention of more readily marketable species. At that time, there were concerns that fishing vessel operators would target arrowtooth flounder to increase the retainable amounts of valuable species, closed to directed fishing, resulting in increased bycatch amounts of Pacific halibut, salmon, and crab. Increased halibut bycatch rates could have resulted in reaching halibut bycatch limits before the total allowable catches (TACs) established for other trawl target fisheries were harvested. However, since 1997, markets for arrowtooth flounder have developed and this species now supports a viable target

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fishery. To take advantage of the growing arrowtooth flounder market, the Council, in December 2009, initiated an analysis to consider changes to the MRAs of groundfish in the arrowtooth flounder fishery in the BSAI.

Jon McCracken (NPFMC) gave the staff report. The AP gave its report and the SSC did not address this issue. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt made a motion, which was seconded by Mr. Benson, to adopt Alternative 2, with the following changes as its preferred alternative: Greenland turbot MRA would be set at 7% and all other species be set at 3%. All the other MRAs would be as listed in Alternative 2. Further, for purposes of MRA calculations, seasons, and PSC fishery categories, Kamchatka flounder will be managed with ATF. Mr. Henderschedt spoke to his motion noting that MRA's are not likely to affect the fisheries that are in the AM80 fleet, however Greenland turbot is an issue, and likely to continue. The higher the MRA, the sooner the directed fishery will have to close. There was brief discussion on the percentages, consequences of Amendment 80, and focusing on regulatory discards and reducing potential waste. There was a general agreement to keep a watch on the co-ops, sectors, and future actions.

Mr. Tweit made an amendment to the motion, which was seconded, that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c), and therefore the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. Mr. Tweit noted that this action provides a great deal of specificity in what should be in the regulations, however should there be questions, the Council will rely on the Chairman and the Executive Director to address them. **Amendment passed without objection.**

Main motion passed 10/1 by roll call vote, with Mr. Cotten objecting.

C-7 Research Priorities

BACKGROUND

The Magnuson-Stevens Act requires the Council to adopt a five-year research plan each year. The Council adopted its most recent five-year research plan in October 2009, based on recommendations from its four Plan Teams, the Scientific and Statistical Committee, and the Advisory Panel. At this meeting, the Council will update its five-year research plan. Recommendations from the Joint BSAI and GOA Groundfish Plan Teams, Crab Plan Team, and Scallop Plan Team have also been drafted. Research priorities for essential fish habitat (EFH) research identified in the Council's EFH 5-year review in April 2010 were also drafted. Recommendations from the SSC and AP were provided during the meeting.

Jane DiCosimo gave the staff report on this issue, and Doug Demaster (AFSC) gave a brief update. The AP did not address this agenda item, and the SSC had given its' report earlier. Public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded, a complete list of research priorities which was compiled from three different sources. The complete Council Research Priorities, as voted on, is available as ATTACHMENT 8.

Mr. Tweit reviewed changed and made additions to the SSC's comments from their minutes.

- "Marine Mammals" is changed to "Protected Species"
- Changing 1, 4, 7, and 8 into immediate need, others into ongoing need
- Add a #9 bullet "Increased frequency of pup and non-pup surveys
- Add text to #4 under "Protected Species" "...and natality including comparative surveys throughout the WesternDPS."
- Under Section C "Fishery Management" add a #2, Improve estimation of fishery interactions (including catch) with marine mammals (e.g., statemanaged gillnet fisheries), seabirds, non-target crab and groundfish (e.g., sharks, skates), and protected species. Further development of methods should include direct and alternative monitoring options (e.g., electronic logbooks, video monitoring), particularly on smaller groundfish, halibut, and commercially guided recreational fishing vessels.
- Add a #3 under the same section: Salmon genetics and stock identification work to better understand stock of origin of Chinook bycatch in GOA trawl fisheries.

There was brief discussion and questions of clarifications throughout the three documents, and **the motion passed without objection.**

D-1 (a) Pribilof Blue King Crab Rebuilding

BACKGROUND

This preliminary draft EA/RIR/IRFA evaluates six 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 six alternatives. Four of the alternatives are different closure configurations to restrict groundfish fisheries in the areas of the crab stock distribution. The fifth alternative considers a prohibited species bycatch cap on the groundfish fisheries. The sixth alternative considers trigger caps and associated area closures in all groundfish fisheries. The Council previously reviewed this analysis in April 2010 and requested that staff add the sixth alternative to the analysis. The Council may wish to further refine alternatives at this meeting given the additional fishery-specific information in the document as well as clarify some aspects of the alternatives (to be noted in staff presentation) to facilitate revisions to the analysis for initial review. The 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. The Crab Plan Team comments on this analysis are contained in the CPT report. Analysis of the impacts of these closure configurations on the rebuilding potential for the PIBKC stock shows limited effect on rebuilding between the ranges of alternative closures. Preliminary review is scheduled for October 2010, with initial review in December 2010.

Diana Stram gave the staff report on this agenda item; Lori Swanson gave the AP report, and public comment was taken. The SSC had given their report earlier in the meeting.

COUNCIL DISCUSSION/ACTION

Ms. Cora Campbell distributed a written motion, which was seconded: The Council adopts the following problem statement and moves the following recommendations to be incorporated into the initial review draft of the analysis, as specified below.

Problem Statement

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. In order to comply with provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) an amended rebuilding plan must be implemented prior to the start of the 2011/2012 fishing season.

The directed blue king crab fishery has been closed since 1999 and action has been taken to limit bycatch mortality in other crab fisheries occurring near the Pribilof Islands; however no similar action has been taken for groundfish fisheries. Recent trends in crab bycatch suggest that groundfish fisheries occurring near the Pribilof Islands have the potential to exceed the annual overfishing level and acceptable biological catch for this stock. This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield.

Recommendations for the initial review draft

Remove Alternative 5

Remove from consideration of closuresince 2003.

Add additional language:

Evaluate the current B_{MSY} estimate to determine if it is a reasonable benchmark for rebuilding under current environmental conditions. The rebuilding plan should be flexible enough to accommodate an improved estimate of B_{MSY} that may be available from the developing blue king crab assessment model without requiring a plan amendment.

Ms. Campbell spoke to her motion noting the removal of the broad Alternative 5; fisheries that do not contribute to the bycatch; giving general direction to the staff that those fisheries should not be included, and studying the current environmental effects on the stock.

Mr. Henderschedt moved to amend, which was seconded by Mr. Fields, which would add a suboption under Alternative 2.7 that says, "This requirement would sunset upon implementation of the restructured observer program." Mr. Henderschedt noted that this would prevent micromanaging of the observer program. There was brief discussion regarding the impacts and the possibility of increased coverage under the restructured program. The amendment passed without objection.

Mr. Henderschedt moved to add and amendment : Refine the description to be the cap to be the bycatch component in alternative 6, and to also include paragraphs 2 and 3 of the AP motion. It was noted to that the current OFL is based on average catch in all fisheries, and that the intent is to establish those caps as a bycatch component of OFL, based on the Tier 4 control rule. Amendment passed without objection.

Amended main motion passes without objection.

D-1 (b) Economic Data Collection

BACKGROUND

At its February 2010 meeting, the Council received a report from staff suggesting a process to review the crab Economic Data Reports (EDR) to improve the accuracy and efficiency of data reported in that program. Based on this recommendation, public testimony, and its experience with the data collection initiative for Chinook prohibited species catch (PSC) measures, the Council requested staff to prepare a discussion paper that it could use to develop an amendment package to revise the crab EDR. The Council requested staff to discuss the original purposes for the data collection, the accuracy, cost, and utility of the data collection, and to develop a suite of alternatives for the data collection program revision.

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

COUNCIL DISCUSSION/ACTION

Mr. Henderschedt moved to adopt the AP motion, which was seconded, and additionally, to request a discussion paper considering the following alternatives that should be developed:

- **Critical operational components in the crab fisheries by individual fishery**
- **Critical operational components in the crab fisheries**
- **Critical operational components in the crab fisheries pertinent to all activities in all fisheries**
- **All operating components in the crab fisheries by individual fishery**

Mr. Henderschedt spoke to his motion, briefly reviewing the problem statement, and noting that these critical elements are best measured at different levels of the fisheries.

Mr. Fields moved to amend, which was seconded, by adding additional language, after the sentence in the AP motion on the top of page 5: "...substantial portions are inaccurate, some portions are redundant," add: "and some components may not further the Council's objectives." Mr. Fields spoke to his motion noting it is adding a third category. Amendment passed without objection.

Ms Moreland moved, which was seconded by Mr. Cotten, to change the word "FULLY" to "SUFFICIENTLY" in the second to last paragraph of the AP motion. There was brief discussion regarding the ability to be fully accurate, and the amendment passed without objection.

Main motion passes without objection.

D-2 Groundfish Specifications

BACKGROUND

Plan Team reports

During their meetings on September 20-23, 2010, the BSAI and GOA Groundfish Plan Teams recommended proposed groundfish specifications for 2011 and 2012 (Item D-2(b)) and took numerous informational reports. The teams recommended: 1) models for the stock assessments for BSAI and GOA Pacific cod and GOA flatfish; 2) approaches for estimating non-target groundfish harvests in halibut

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setline fisheries; 3) alternative Tier 6 methods for determining OFL and ABC; 4) a stock structure policy for spatial and species management; 5) a working group to develop methods for total catch accounting; and 6) a HAPC proposal for protecting skate nurseries. The teams also received reports on EBS pollock and BSAI/GOA sablefish CIE reviews; draft Ecosystem SAFE Report; and draft Economic SAFE Report. The reports from the meetings of the Joint BSAI/GOA Groundfish Plan Team, GOA Groundfish Plan Team, and BSAI Groundfish Plan Team are attached under Item D-2(a).

Proposed Groundfish Specifications

The Council is scheduled to recommend proposed BSAI and GOA groundfish specifications for a two-year period each October for the sole purpose of notifying the public of likely outcomes for Council action to set final specifications each December. The teams' recommendations are based on rollovers of the established 2011 final specifications for both fishing years, with some exceptions. The rollover approach was adopted by the Council in 2007. Following this practice, 2011 specifications, which were adopted in December 2009, were published in the Federal Register in March 2010 and will start the groundfish fisheries in January 2011. Proposed specifications for 2012 will be adopted at this meeting. Any proposed specifications for 2011/2012, including Prohibited Species Catch (PSC) limits for halibut, red king crab, Tanner crab, opilio crab, and herring and their gear type and target fishery apportionments, should be adopted by the Council at this meeting so that the final rule, based on final specifications from December 2010, are a logical outgrowth of the proposed rule.

Jane DiCosimo gave the staff report. The AP gave its report, the SSC had given its report earlier, and public comment was heard.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved for BSAI groundfish, that the Council adopts the specifications as attached to the AP minutes (ATTACHMENT 4), and that PSC bycatch allowances and seasonal apportionments for halibut, crab, and herring for AM80 and BSAI limited access sectors as noted in tables 8A – C, with the following changes: Change all table titles to Preliminary 2011-2012; Change halibut mortality amounts for the AM 80 sector to 2375MT in 2011 and 2325MT in 2012, and change the apportionment of halibut mortality for non-trawl pcod catcher processors to the 380 MT Jan 1-June 10; 190 MT from June 10 – Aug 15, 190 MT Aug 15-Dec 31. Additionally, in the BSAI, include a statement of intent that conditional for the Council in December, but informative to the public, that says, the Council MAY adopt an area specific cap for Pcod in area 541 to address potential shifts in effort if further restrictions are implemented by NMFS for SSL protection in 542 and 543.

GOA: the Council adopts the GOA groundfish specifications as shown in the attachment to the AP minutes (ATTACHMENT 4). Additionally, the Council should adopt the halibut apportionments as shown in the Federal Register.

Mr. Tweit spoke to his motion, noting that it is the Council's current method to recommend proposed specifications in October, to notify public of likely outcomes to set recommendations for December.

Mr. Tweit also noted that it is important to notify the public of the possibility of NMFS to set area specific caps.

Mr. Henderschedt moved to amend, which was seconded by Mr. Benson, that for the purposes of the TAC setting process, Kamchata flounder shall be treated as Arrowtooth flounder. Mr.

Henderschedt spoke to his motion, noting that it is in the MRA from earlier discussion, and it should be part of the specification process for 2011. **Motion passed without objection.**

Mr. Henderschedt moved to amend, with a second by Mr. Fields, to change BSAI Pollock in 2011 would change to 1,107,500 Tons, and in 2012 1,105,000 tons. Mr. Henderschedt spoke to his motion noting it is in response to testimony concerning salmon excluder EFPs planned for 2011 and 2012, and all removals must be below the ACL, and the best way to do that is to create a difference between ABC and TAC. Allocation of harvest Pollock would not be affected in the experimental fishery. There was discussion regarding the need to provide a notice to the public that Council is considering funding EFPs through the TAC setting process. **Motion passed without objection.**

Ms. Smoker had concerns with the notice of intent to adopt a Pcod cap; in the event that the Council does that, it will have to be more specific as to intent, for notice to the public. There was discussion regarding what is available in the TAC setting process.

Mr. Balsiger moved, which was seconded by Mr. Cotten, to remove reference to the Pcod cap in area 541. Motion passed without objection.

Mr. Henderschedt clarified that if more than 60,000 Chinook are taken in a fishery, that triggers an ESA consultation with the NW region.

The main motion passed without objection.

Mr. Tweit noted that he would prefer to work with staff regarding the tier 6 species. It was generally agreed that it would be discussed in staff tasking.

D-3 (b) (1) Chinook Bycatch Economic Data Reporting

BACKGROUND

In December of 2009, the Council took action to establish a data collection program intended to provide information to discern the effectiveness of measures included in Amendment 91 in reducing Chinook salmon prohibited species catch (PSC). The program establishes the following data collection requirements:

- 1) Annual reports of Incentive Plan Agreements and cooperatives include a summary of the initial distribution of Chinook salmon PSC and pollock harvest privileges and inseason transfers of those privileges.*
- 2) Any parties to transactions for Chinook Salmon PSC that include the payment of money report the amount of PSC and monetary compensation.*
- 3) Vessel operators report via logbook any time a vessel is moved primarily to avoid Chinook PSC.*
- 4) Annual reporting of hourly fuel burned fishing and transiting and annual fuel purchases in cost and gallons for each vessel in the fishery.*

As a part of its motion, the Council requested to review the implementing regulations.

In addition, the Council requested to review any forms used to collect information under the action.

Mark Fina and Jeff Hartman gave the staff report on this agenda item. The AP gave their report, and the SSC had given their report earlier. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Ms. Moreland moved, which was seconded, to adopt the AP motion which recommended changes as written. (See ATTACHMENT 4) She spoke to her motion noting that the Council heard testimony - source of recommendations – that these changes would result in improvement, that they are consistent with the purpose and needs statement, and that it balances the information that the Council needs to gather and the set timeline. There was brief discussion, and the **motion passed without objection.**

D-3 (c) Annual review of Groundfish Workplan

BACKGROUND

Consistent with the goals of adaptive management, the Council annually reviews its groundfish management policy. The Council's groundfish policy, including the approach statement and objectives, is included in the books. It was adopted by the Council in 2004 following a comprehensive programmatic review of the fisheries.

The Council has developed a workplan to guide the full implementation of that policy in the management of the fisheries. This workplan was last revised by the Council in February 2007. The Council reviews the status of this workplan at each meeting.

At this meeting, the Council is scheduled to review the objectives and workplan, and if appropriate, make any changes. While changes to the workplan can be made at any time, changes to the objectives require an FMP amendment. It has now been six years since completion of the programmatic groundfish FMP SEIS, which contained the analysis supporting the Council's adoption of the current groundfish management policy. Last year, the Council concluded that the current approach to groundfish fishery management is still adequately captured in the 2004 programmatic evaluation. At some point, however, the programmatic review of groundfish fishery management is likely to need supplementing. The factors that influence whether and when this update needs to occur include consideration of how much management of the fisheries has changed from when the document was prepared, and how environmental conditions affecting the fisheries have changed. During the development of the PSEIS, it was suggested that an average lifespan for this type of programmatic review was five to ten years.

At the annual review in 2009, the Council encouraged Council and NMFS staff to begin internal planning to develop options for updating the programmatic review. The Council also indicated that it may be appropriate to defer supplementing the PSEIS until imminent changes planned to groundfish management have been acted upon. Given the delayed timing of the Steller sea lion biological opinion and related actions, as well as the timing of discussion papers and amendments resulting from the EFH 5-year review, staff determined that it would be premature to convene a workshop to prepare for updating the programmatic review for this year. Instead, staff will begin internal planning for discussions with the Council at the 2011 annual review.

Finally, in the past the Council has discussed the possibility of issuing a call for proposals focusing on the groundfish workplan; that option is available should the Council wish to consider such a call.

Diana Evans gave the staff report on this agenda item. Lori Swanson gave the AP report, and the SSC report was heard earlier. There was no public comment.

COUNCIL DISCUSSION/ACTION

The Council did not take any action.

Chris Oliver noted that at some time the Council will have to re-evaluate the programmatic SEIS, and may issue a call for proposals or a workshop to re-evaluate a review in the future.

D3 (d) Preliminary review of HAPC proposals

BACKGROUND

Habitat Areas of Particular Concern (HAPC) are geographic sites that fall within the distribution of EFH for the Council's managed species. The Council has a formalized process, identified in its fishery management plans (FMP), for selecting HAPCs. Under this process, the Council periodically considers whether to set priority habitat types and initiates a call for proposals for HAPC candidate areas that meet the specific priority habitat type(s). Members of the public, organizations, Federal, and other agencies may submit proposals. Sites proposed under this process are then sent to the Council's Plan Teams for scientific review to determine ecological merit. Council and agency staff also review HAPC proposals for socioeconomic and management and enforcement impacts. This combined information is then presented to the SSC, AP, and Council, which may choose to select HAPC proposals for full analysis and implementation.

At the April 2010 meeting, the Council set a habitat priority type—skate nurseries—and issued a call of proposals in conjunction with the completion of the EFH 5-year review process. The Request for Proposals (RFP), which included the Council's evaluation priorities, was announced in the Federal Register (75 FR 21600) and Council newsletter.

Sarah Melton gave the staff report on this issue. There was no AP report, and the SSC did not take up this issue. Public comment was taken.

COUNCIL DISCUSSION/ACTION

Mr. Tweit moved, which was seconded by Mr. Henderschedt, that the HAPC proposal from AFSC be moved forward for further consideration in the HAPC process. Mr. Tweit spoke to his motion, noting that the Council received two proposals and that both of them met the screening criteria, but the second was subsumed within the AFSC proposal, which is more extensive. **Motion passed without objection.**

D-4 Staff Tasking

BACKGROUND

Committees and Tasking

The list of Council committees is included in your books, as is the three meeting with a summary of current projects and tasking. The Council may wish to discuss priorities for completing ongoing projects, as well as any new tasks assigned during the course of this meeting.

Two letters from the Alaska Charter Association are attached requesting analyses to revise the charter halibut permit program and the halibut catch share program.

Chris Oliver went through a list of tasking issues. The AP provided a report, and public comment was taken.

Mr. Oliver listed items that had been marked for discussion during staff tasking, and there was brief discussion and staff comments and clarifications.

COUNCIL DISCUSSION/ACTION

Ms. Campbell made a motion to appoint Kristin Greene to the GOA Groundfish Plan Team. Mr. Hull seconded the motion. Ms. Campbell noted that Ms. Greene will replace Cleo Brylinski, and has taken over the groundfish project duties in the Sitka office. **Motion passed without objection.**

Mr. Olson noted that the Council had met earlier and appointed Susan Hillberg, of the Oregon Department of Fish and Wildlife, to the SSC.

Trawl Sweeps:

Mr. Henderschedt moved, which was seconded by Mr. Benson, to proceed with the trailing amendment for trawl sweep modification in GOA, noting that research work should focus on flatfish specifically, and CGOA, or C and W GOA in its entirety. He spoke to his motion noting that it is important to not extend beyond the extent of the Council's research capabilities at this point, but at the same time, including W and C GOA, could examine conservation benefits. There was general discussion and concern expressed of limiting areas and fisheries, and the necessity for a workplan.

Ms. Campbell moved to amend the motion, which was seconded, to apply to "non-pelagic trawl" instead of flatfish, specifically. There was brief discussion, **and the motion passed 9/1 with Mr. Benson objecting.**

Ms. Campbell moved to amend, which was seconded, to exclude the WGOA from this action. Motion passed without objection.

Motion passes 9/1 with Mr. Benson objecting.

Regional Ocean Partnerships

Mr. Oliver noted that the Council may want to draft a letter to NOAA and National Oceans Council to pursue clarification regarding how the partnerships work: how the Council's fit in the composition of the partnerships, and how consultations would be addressed.

Avoid Harm Guidance

Mr. Oliver noted that a letter has already been drafted, and the Council will have to address this issue again, once guidance is give as to what areas to nominate for the National Inventory for MPAs. Mr. Oliver noted that many Councils have voiced the same points.

USCG bill

Mr. Oliver can come back to Council in December with highlights that affect Council.

TIER 6

Ms. Campbell made a motion, which was seconded by Mr. Cotten that would initiate analysis of management options for octopus, with the following suggested alternatives:

1. **Status quo;**

2. **Move to ecosystem component;**
3. **Develop a DMR for octopus.**

She spoke to her motion noting that her intent is to move ahead parallel with the ongoing process of how to deal with tier 6 stocks and ACL management. There was brief discussion, and the motion passed without objection.

Observer Implementation

Mr. Olson outlined his intention to restructure the Observer Committee, and continue with an implementation focus. He thanked the current committee chairs, and noted that Mr. Hull will be the Chair of the new committee, and call for nominations for new membership.

Mr. Fields moved, which was seconded, to draft letter to NMFS, and copy the Alaska delegation, to request federal funding for a new observer program, emphasizing importance of many issues, as well as emphasizing need for speed in implementation. There was brief discussion, noting the need to be specific as to funding request and to include the congressional delegations of WA and OR. **The motion passed without objection.**

Enforcement Policy and Asset Forfeiture Funds

It was generally agreed that the Council would not send a policy letter

SSL BiOp Review and Next Steps

There was lengthy discussion regarding the CIE review and process. **Mr. Tweit moved, which was seconded, to recommend that a high level scientific institution conduct a programmatic review of NMFS' SSL research program and make recommendations. This programmatic review should be conducted by an independent scientific organization such as the NRC or similar high level scientific institution, which should be asked to make findings on past research programs, evaluate the effectiveness of this research program, identify remaining data gaps, and make recommendations for a re-focused SSL research program to address pressing scientific and management needs.**

Further, the Council directed the ED, working with the Council Chair, to explore options for securing such a comprehensive programmatic review of the SSL research program.

Mr. Tweit spoke to his motion noted that in addition to more research funding, it's time for a thorough, independent review of the SSL research program. He noted that the ED and the Chairman would be able to pursue funding sources for a review. There was general discussion, and **the motion passed without objection.**

Mr. Olson noted the Council will request a new CIE Terms of Reference from NMFS before December, hear the report Mr. Tweit requested in the previous motion, and hear the report from NMFS on the final BiOp in December.

IPHC Communication

Mr. Hull requested to incorporate a discussion in the letter that the Council sends the IPHC on actions that may affect halibut management and make recommendations on the draft CSP, the final rule, when it would be implemented, and highlights of the plan that are superior to the GHF in regard to conservation issues.

Programmatic Workplan

Mr. Fields noted that important points were made in public testimony, but defers to the Executive Director when the workplan can be brought again to the Council. Mr. Henderschedt noted that it should be directed to the Ecosystem Committee or another workgroup, to provide recommendations to the Council. It was generally agreed it would be reviewed again in December.

Committee Membership

Mr. Olson noted that the Council will be soliciting AP, SSC, and PNCIAC membership in the October newsletter, and will be making appointments in December.

Observer Program Appointment on Plan Team

Mr. Tweit noted that the Council consider adding a staff person from the Observer Program to the Plan Teams. It was generally agreed that the Chairman and ED would review the SOPS, and if appropriate, would add a new position.

Catch Accounting Plan

Mr. Henderschedt recommended the Council not take any action on the catch accounting analysis, but have NMFS include in their B report in December a brief description on the workplan and schedule on making revisions in the catch accounting plan.

Charter Leasing

Mr. Fields and Ms. DiCosimo briefly discussed the charter leasing program and related implementation issues with leasing prohibition. Mr. Fields noted his concern with the business decisions made under the no-leasing provision, and that not being the Council intent. Ms. DiCosimo noted that the discussion can be brought up under staff tasking in the December agenda.

Mr. Henderschedt noted that the discussion paper about effects of WGOA fisheries is of concern. Mr. Oliver noted that it was tentatively scheduled for February.

Chairman Olson noted he would be reviewing the Council Committees.

Mr. Olson thanked the staff, and the meeting adjourned 1:30 pm on October 12th, 2010.