

Outreach Plan for EA/RIR/IRFA on Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery

Draft 12/8/10

I. Genesis for outreach plan

As a result of one of the North Pacific Fishery Management Council's (Council) policy priorities, it is focusing on improving outreach and communications with rural communities and Alaska Native entities and developing a method for systematic documentation of Alaska Native and community participation in the development of fishery management actions.¹ Upon review of several suggestions to expand both ongoing communication and outreach specific to particular projects,² the Council initiated a small workgroup to further review potential approaches and provide recommendations. Upon review of the workgroup report in February 2009, the Council approved the workgroup's primary recommendation to initiate a standing committee (the Rural Community Outreach Committee) to provide input to the Council on ways to improve outreach to communities and Alaska Native entities. The committee has three primary tasks: 1) to advise the Council on how to provide opportunities for better understanding and participation from Native Alaska and rural communities; 2) to provide feedback on community impacts sections of specific analyses; and 3) to provide recommendations regarding which proposed Council actions need a specific outreach plan and prioritize multiple actions when necessary. The committee was initiated in June 2009.

In addition to the stated Council policy priority, the need to improve the stakeholder participation process was highlighted during development of the Chinook salmon bycatch analysis. The Council made efforts to solicit and obtain input on the proposed action from Alaska Natives, rural communities, and other affected stakeholders. This outreach effort, specific to Chinook salmon bycatch management, dovetailed with the Council's overall community and Alaska Native stakeholder participation policy.

The Council's Rural Community Outreach Committee met in August 2009 and recommended that the upcoming non-Chinook (chum)³ salmon bycatch issue be a priority for rural outreach, similar to the Chinook salmon bycatch issue. The Council agreed with this recommendation, to undertake an outreach effort with affected community and Native stakeholders prior to and during the development of the draft EA/RIR/IRFA (analysis), well prior to final Council action. The committee met again in November 2009, with the primary purpose of helping to develop an outreach plan for this issue, given that the Council was scheduled to review the chum bycatch alternatives at its December 2009 meeting. Note that in October, the Council's Salmon Bycatch Workgroup also recommended that outreach begin prior to approval of the final alternatives. Both the workgroup and November committee report are on the Council website. The Rural Community Outreach Committee met again in February 2010, in part to review and finalize the outreach plan.

The outreach plan for chum salmon bycatch management was developed by Council staff with input from NMFS, the Council, the Rural Community Outreach Committee, and affected stakeholders. It is intended to improve the Council's decision-making processes on the proposed action, as well as enable the Council to maintain ongoing and proactive relations with Alaska Native and rural communities. Another of the objectives of the plan is to coordinate with NMFS' tribal consultation activities, to prevent a duplication

¹This policy priority is identified in the Council's workplan resulting from the Programmatic SEIS.

²http://www.fakr.noaa.gov/npfmc/Tasking/community_stakeholder.pdf

³While the proposed action would regulate all non-Chinook salmon bycatch, including sockeye, coho, pink, and chum salmon, chum salmon comprises over 99.6% of the total catch in this category (average 2001 – 2007). Thus, the proposed action is commonly referred to as the chum salmon bycatch issue.

of efforts between the Council and NMFS, which includes not confusing the public with divergent processes or providing inconsistent information.

The remainder of the outreach plan outlines the analytical requirements and the tentative schedule for Council action on the chum bycatch issue, and a broad overview of the primary components of the chum salmon bycatch outreach plan. This is a ‘living’ document, and will be updated periodically. The final outreach report will be included, in part or in whole, in the analysis submitted to the Council prior to its final recommendation.

II. Analysis and tentative schedule for Council action on chum bycatch in the Bering Sea pollock fishery

An analytical document is being prepared to assist planning and will serve as the central decision-making document for management measures being developed by Council to manage chum salmon bycatch in the Bering Sea pollock fishery, in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Analyses under two laws and an executive order are required to be provided to the Council to inform its decision on this action. The National Environmental Policy Act (NEPA) requires the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The analysis will also include a regulatory impact review (RIR) as required by Executive Order 12866 and an initial regulatory flexibility analysis (IRFA), as required by the Regulatory Flexibility Act. The document will provide decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternatives for managing chum salmon bycatch in the Bering Sea pollock fisheries. The alternatives for analysis (revised as of June 2010) are attached to this outreach plan and will be updated as necessary (see [Appendix 1](#)).

Currently, the NEPA analysis of the proposed action is scheduled to be an environmental assessment, thus, the following tentative schedule is based on this premise, recognizing that it is possible to determine that an EIS is necessary during development of the analysis. This analytical schedule was approved by the Council at the December 2009 Council meeting, and the proposed outreach meetings (in italics) are incorporated into the schedule below. Multiple aspects were considered in developing the following timeline for the Council’s analysis of proposed changes to the management measures for chum salmon bycatch in the EBS pollock fishery. These include: scope of the analysis (complexity of the Council’s alternatives), staff availability due to analysts’ respective workloads and timeframe for additional responsibilities, the initial determination of the appropriate NEPA document (EA), outreach on the proposed action, and the timing of implementation of any preferred action by the Council. The determination that an EIS is necessary, addition of new alternatives, changes to the meeting schedule, and additional outreach meetings, are examples of factors that could alter the schedule.

Note that the draft schedule has preliminary review of an impact analysis in February 2011, outreach meetings primarily in winter 2011, and initial review and selection of a preliminary preferred alternative (PPA) at the June 2011 meeting in Nome. This allows several advantages with regard to rural community outreach: input provided at the community outreach meetings would be available to the Council *prior* to initial review and selection of a PPA; initial review and selection of a PPA would occur at a Council meeting in rural Alaska; both initial review and final action would occur at Council meetings in Alaska; and there would be more time between the outreach meetings and Council final action for the public to provide input. Final Council action on the proposed action is tentatively scheduled for December 2011, with implementation possible in mid-2013.

Analytical schedule (tentative)

December 2009	Council review and refine alternatives; discuss timeline; request for staff assistance/data from ADF&G; review draft outreach plan.
February 2010	SSC review of methodological approach for analysis and review of available data/discussion of methods for dealing with data limitations.
March 2010	<i>Presentation to Yukon River Panel (Anchorage)</i>
April 2010	<i>Review of outreach plan.</i>
May 4, 2010	<i>Proposed community teleconference prior to Council final review of alternatives. Staff presents analytical schedule, Council meeting dates, chum bycatch trend data to-date, current suite of alternatives, and information on how to participate in the Council process.</i>
June 2010	Council review and opportunity to revise alternatives prior to preliminary analysis; review of expanded discussion paper on area closure options; report on community teleconference.
December 2010	<i>Presentation to Yukon River Panel (Anchorage)</i>
October – Jan 2011	Preparation of preliminary review.
Mid-January 2011	Preliminary review draft available.
February 2011 (Seattle, WA)	Council preliminary review of impact analysis.
February/March 2011	<i>Rural community outreach meetings on Council preliminary review draft. Potentially eight regional meetings.</i>
February - April 2011	Preparation of revised analysis for initial review.
May 2011	Initial review draft analysis available.
June 2011 (Nome, AK)	Council initial review; review of outreach report; Council selection of preliminary preferred alternative (PPA); must be within range of alternatives analyzed.
December 2011 (tentative, Anch)	Council final action; selection of final preferred alternative.

III. Outreach components

The following sections outline the general components of the outreach plan for the proposed action on chum salmon bycatch in the Bering Sea pollock fisheries. These include: direct mailings to stakeholders; community outreach meetings; additional outreach (statewide teleconference, radio/newspaper, press releases); and documentation of rural outreach meeting results.

Note also that NMFS undertook scoping for the alternatives in late March 2009, and the scoping report was provided to the Council in June 2009. Scoping is the term used for involving the public in the NEPA process at its initial stages. Scoping is an early and open process for determining the scope of issues to be addressed in an EA or EIS and for identifying the significant issues related to the proposed action. A principal objective of scoping and public involvement process is to identify a range of reasonable of management alternatives that will delineate critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative.

Through the notice of intent, NMFS notified the public that a NEPA analysis and decision-making process for the proposed action has been initiated so that interested or affected people may participate and contribute to the final decision. Scoping is accomplished through written communications and consultations with agency officials, interested members of the public and organizations, Alaska Native representatives, and State and local governments. The formal scoping period began with the publication of a Notice of Intent in the *Federal Register* on January 8, 2009 (74 FR 798). Public comments were due to NMFS by March 23, 2009. In the Notice of Intent, NMFS requested written comments from the public on the range of alternatives to be analyzed and on the environmental, social, and economic issues to be considered in the analysis.

The scoping report summarizes the comments received during the January 8, 2009 to March 23, 2009, scoping period, and summarizes the issues associated with the proposed action and describes alternative management measures raised in public comment during the scoping process. The purpose of the report is to inform the Council and the public of the results of scoping and to assist in the development of the range alternatives and analysis. NMFS received four written comments from the public and interested parties. (Appendix 1 to the Scoping Report contains copies of the comments.) The NMFS Alaska Region web site contains the notice of intent, the scoping report, and related additional information.⁴

Direct mailings to stakeholders

On September 18, 2009, the Council provided a mailing to over 600 stakeholders, including community governments, regional and village Native corporations, regional non-profit Native corporations, tribal entities, Federal Subsistence Regional Advisory Council coordinators, Community Development Quota corporations, ADF&G Regional Coordinators, and other community or Native entities. The mailing was also sent to previous contacts or individuals that have contacted the Council on salmon bycatch issues, and State legislature and Congressional representatives.

The mailing included a two-page flyer for potential posting in communities. It provided a brief summary of the issue, including bycatch trends, and solicited input from stakeholders identified as being potentially affected by the proposed action. It also provided a summary of the Council's schedule on this issue, methods of contacting the Council, and a website reference to the current suite of alternatives and options. The flyer was intended to inform individuals and communities as to the current stage of the process that the Council was undertaking in December 2009 (i.e., refining alternatives and options and establishing a timeline for analysis). In addition, the flyer noted that pending Council direction in December, it is likely that an outreach plan will be developed for the proposed action, which would likely include regional outreach meetings in rural Alaska, in order to explain the proposed action, provide preliminary analysis, and receive feedback from rural communities.

The Council sent a letter and another mailing to the same group of stakeholders March 31, 2010, to notify the public of the May 4 Statewide teleconference and the scheduled action for the June 2010 Council meeting. The Council was scheduled to conduct a final review and possible revision of the proposed alternatives and options for analysis at the June meeting. The intent of the mailing was to ensure awareness of the current Council schedule, the suite of proposed alternatives, the statewide teleconference, and to solicit feedback on the alternatives and options to be analyzed.

Finally, the Council will send a third mailing to the same group of stakeholders prior to the Council meeting at which initial review and selection of a preliminary preferred alternative is scheduled (tentatively June 2011, in Nome). The intent of this mailing would be to ensure awareness of the suite of

⁴http://www.fakr.noaa.gov/sustainablefisheries/bycatch/salmon/non_chinook/default.htm.

alternatives, the range of impacts analyzed, the schedule for final action, and to solicit input on the selection of the preliminary preferred alternative.

Note that the draft analysis (EA/RIR/IRFA), associated documents, outreach materials, and powerpoint presentations, will all be posted on the Council website as the process occurs and prior to the Council's scheduled meeting for final action. In addition, the Council newsletter will report upon progress and relevant meetings. The public is also able to listen to all Council meetings real-time via the internet if they cannot attend in person. The Council will also consider a follow-up mailing to potentially affected entities as to the results of the Council's final recommendation for chum salmon bycatch reduction measures to the Secretary of Commerce, if, at that point, the website and Council newsletter are not considered sufficient means to reach potentially affected stakeholders.

Community outreach meetings (winter 2011)

Timing

The approach for community outreach meetings is to work with established community representatives and Native entities within the affected regions and attend annual or recurring regional meetings, in order to reach a broad group of stakeholders in the affected areas. Working with established entities which have regular in-region meetings tends to reach more stakeholders than if the Council hosted its own outreach meeting in the community. It was determined that Council staff would convene individual outreach meetings only as necessary and appropriate, if a regional meeting was not scheduled in a particular area during a timeframe in which Council staff and/or members could attend sufficiently prior to final action.

While direct mailings to solicit feedback are scheduled prior to the alternatives being finalized, and well before the initial review draft analysis is developed, staff proposes conducting outreach meetings in rural Alaska in order to correspond with regularly scheduled regional meetings and the release of a preliminary analysis, but *prior to* the Council's selection of a preliminary preferred alternative (tentatively scheduled for June 2011). This would allow the public to review and provide comments directly on the first version of the impact analysis, such that changes can be made prior to completion of the final analysis, and allow the Council to receive community input prior to its selection of a preliminary preferred alternative.

The outreach budget will likely allow for travel to regional meetings in several communities, but not two rounds of meetings in several communities (both prior to the release of the analysis and after). Thus, the plan outlines seven outreach presentations in various Alaska communities, at regularly scheduled meetings that are intended to reach a broad group of stakeholders. Most of these meetings are in February/March 2011, and a preliminary draft analysis would be available prior to the meetings, such that the public can make substantive comments on the impact analysis. The preliminary review draft analysis is tentatively scheduled for release in mid-January 2011, and the Council is scheduled to review that document at its February 2011 meeting.

List of potential rural outreach meetings

With regard to community and Native outreach meetings, Council staff has consulted with the coordinators of five of the Federal Subsistence Regional Advisory Councils (RACs), the Association of Village Council Presidents (AVCP), the Tanana Chiefs Conference (TCC), the Yukon River Drainage Fisheries Association (YRDFFA), Kawerak, Inc., and the Yukon River Panel, in order to evaluate the potential for time on the agendas of their annual regional meetings. There was a conflict between the AVCP annual meeting October 5 – 7, 2010, in Bethel, and the Council meeting October 4 – 12, in

Anchorage, so staff and Council members were unable to attend the October AVCP meeting.⁵ There is also a schedule conflict that prevents staff from attending the Seward Peninsula RAC meeting in Nome (February 15 – 16). However, the June 2011 Council meeting is scheduled in Nome, which will provide ample agenda time for this issue and public comment. In addition, staff plans to attend the Bering Strait regional conference in Nome in February. In sum, this schedule would encompass seven outreach meetings, if scheduling is amenable, and two meetings with the Yukon River Panel in Anchorage.

In sum, through coordination with the meeting sponsors, the Council has been allocated agenda time to discuss the chum salmon bycatch proposed action at each of the following regional meetings. All of these meetings are open to the public.

Yukon River Panel*	Dec 6 – 9, 2010; Anchorage
Yukon River Drainage Fisheries Assn annual meeting	Feb 14 – 17, 2011; Mountain Village
Bering Strait Regional Conference	Feb 22 – 24, 2011; Nome
Yukon-Kuskokwim Delta Regional Advisory Council	Feb 23 – 24, 2011; St. Mary’s
Eastern Interior Regional Advisory Council	March 1 – 2, 2011; Fairbanks
Western Interior Regional Advisory Council	March 1 – 2, 2011; Galena
Bristol Bay Regional Advisory Council	March 9 – 10, 2011; Naknek
Tanana Chiefs Conference annual meeting	Mar 15 – 19, 2011; Fairbanks

*Staff also presented to the Yukon River Panel in April 2010 in Anchorage.

Each of these entities represents an area that encompasses several member villages and/or tribes, and it is recognized that there is some overlap between the various entities, although the participants that attend the meetings may be very different. The Yukon-Kuskokwim Delta RAC represents 42 villages in its management area. The Eastern Interior RAC represents 13 villages along the Yukon or Tanana Rivers and an additional 17 villages within the region. The Western Interior RAC represents 27 villages along the Yukon and Kuskokwim Rivers. The Bristol Bay RAC represents 31 Bristol Bay subsistence communities. The Tanana Chiefs Conference is a tribal consortium of 42 villages in interior Alaska, along the Yukon, Tanana, and Kuskokwim Rivers. The Yukon River Drainage Fisheries Association has members along the entire Yukon River drainage. Kawerak, Inc., organizes the Bering Strait Regional Conference, and is a regional consortium of tribal governments organized as a nonprofit corporation with headquarters in Nome, Alaska. Kawerak provides services to 20 Native villages located on or near the Bering Straits. Please refer to the maps provided in [Appendix 2](#) to see the geographic representation of these entities.

In addition to the above regional/community meetings, Council staff may provide presentations at other meetings, as necessary and possible, recognizing that preparing, attending, and following up with outreach meetings requires staff time and funding. The need for outreach meetings must be balanced with the time needed for staff to complete the analysis.

Council member and staff participation

This outreach plan proposes to have two Council members attend each regional meeting, with two Council staff analysts, including the lead analyst on the project. Primary NMFS staff working on the analysis would also be invited. Council staff would provide presentations on the Council process, outreach efforts, and the proposed action on chum salmon bycatch reduction measures. Council staff and members would be available to answer questions, and staff would document the results of each meeting. In addition to input that can be incorporated into the impact analysis, the results of the outreach meetings would be provided to the Council prior to final action in the form of an outreach report (see the *Documenting Results* section below).

⁵The AVCP represents 56 tribes in the Yukon-Kuskokwim Delta.

Coordination with NMFS on tribal consultations

The primary Federal mandate for tribal consultation is Executive Order 13175, which requires executive agencies⁶ to establish regular and meaningful consultation and collaboration with Indian tribes⁷ in the development of Federal policies that have tribal implications.⁸ While it is NMFS' legal obligation to undertake formal tribal consultation with Federally-recognized tribes and Native corporations under E.O. 13175, Council staff will coordinate with NMFS, if and when a formal tribal consultation is requested. For example, Council staff could provide an overview or background presentation on the proposed action as part of Council public outreach, and NMFS could conduct the tribal consultation as a separate, private part of that meeting. Council staff/members could participate in the tribal consultation upon request of the tribe, depending upon scheduling.

Additional outreach

The outreach plan also includes: 1) conducting radio interviews for rural community radio stations; 2) providing information and/or a press release to newspapers in regional hubs; and 3) conducting a Statewide teleconference.

In order to get feedback prior to the Council's final review of the alternatives (tentatively scheduled for June 2010), this plan includes a **Statewide teleconference** on May 4, 2010. The primary purpose was an orientation for the public, such that people understand the basics of the alternatives proposed and ways to provide formal input to the Council (e.g., written and oral testimony), prior to the June 2010 Council meeting. This purpose would be accomplished by providing a short presentation on the proposed action and Council process, and using most of the time for questions and concerns from the public. A secondary purpose of the call is to document public input on the suite of alternatives, which would be provided to the Council in June. However, the primary purpose is as an informational tool, as opposed to a public hearing. Note that while the Council finalized alternatives in June 2010, there is an extremely broad suite of alternatives proposed, and the Council can modify the alternatives at any time throughout the process if the issue is scheduled for review. The June action was primarily to allow the analysts a starting point from which to base the analysis.

Other guidance pertaining to the statewide teleconference, as suggested by the Rural Community Outreach Committee included:

- Limit the call to 2 - 3 hours.
- Clearly articulate the purpose of the call.
- Provide a 2 or 3 minute time limit for questions.

⁶ Executive Order 13175 (*Consultation and Coordination with Indian Tribal Governments*) states that for the purpose of the order, 'agency' means any authority of the U.S. that is an 'agency' under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5). In 44 U.S.C. 3502(1): the term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include - (A) the General Accounting Office; (B) Federal Election Commission; (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

⁷ "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges exists as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. Note that Section 161 of the Consolidated Appropriations Act of 2004 (Public Law 108-199), as amended by Section 518 of the Consolidated Appropriations Act of 2005 (Public Law 108-447), extends the consultation requirements to Alaska Native corporations.

⁸ "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and tribes.

- Provide a mailing/flyer to the list of community and Native contacts that includes: the suite of alternatives; the schedule for action, including community outreach meetings; information on the teleconference; and notice that those who RSVP with the Council that they will attend the teleconference will have the first priority for asking questions.
- In addition to the RSVP list, attempt to take questions from a broad geographic range.
- Work with regional organizations to provide hub sites, where many community members could call in together. Examples provided: Kawerak in Nome, Northwest Arctic Borough in Kotzebue, AVCP in Bethel, Unalakleet.
- Provide a visual (powerpoint) presentation that those with web access could follow real-time.
- Make the powerpoint available on the Council website prior to the call.
- Research whether there is a limitation on the number of callers that can be on the same line.
- Close the call with a reminder of how to participate in the Council process, and the opportunity to provide formal input to the Council in late May/June.

The presentation provided by Council staff during the teleconference is posted here: http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/chumPPT410.pdf. The audio recording of the teleconference is provided here: <http://www.box.net/shared/j37fjq8il>.

Documenting results

Council staff documented input provided during the community teleconference on May 4, 2010, and provided that report to the Council at its June 2010 meeting. The Council also reviewed and refined the suite of alternatives at the June meeting (see Appendix 1). The report on the Statewide teleconference is attached as **Appendix 3**.

Council staff will also document input provided at the regional meetings, including any public testimony. An outreach report will be prepared to document the outreach process and results of the regional meetings. A short summary of each meeting will be provided in the outreach report as a brief reference. In addition, details of the regional meetings attended, a description of the participants, and the comments provided (by category) will be compiled. Resolutions or motions that result from any of these meetings will be appended to the report.

Note that as initial review of the analysis is scheduled for June 2011, the outreach report documenting community input will be presented to the Council at that meeting, which means in conjunction with the initial review draft analysis (i.e., Council selection of a preliminary preferred alternative). The outreach report will also be included in the Secretarial review draft analysis that is submitted to the Secretary of Commerce after the Council makes a final recommendation.

Appendix 1. Alternatives proposed for analysis of chum salmon bycatch measures in the EBS pollock fishery (revised as of June 2010)

Alternative 1 – Status Quo

Alternative 1 retains the current program of the Chum Salmon Savings Area (SSA) closures triggered by separate non-CDQ and CDQ caps with the fleet’s exemption to these closures per regulations for Amendment 84 and as modified by the Amendment 91 Chinook bycatch action.

Alternative 2 – Hard Cap

Component 1: Hard Cap Formulation (with CDQ allocation of 10.7%)

- a) 50,000
- b) 75,000
- c) 125,000
- d) 200,000
- e) 300,000
- f) 353,000

Component 2: Sector Allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
 - 1) Pro-rata to pollock AFA pollock sector allocation
 - 2) Historical average
 - i. 2007-2009
 - ii. 2005-2009
 - iii. 2000-2009
 - iv. 1997-2009
 - 3) Allocation based on 75% pro-rata and 25% historical
 - 4) Allocation based on 50% pro-rata and 50% historical
 - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
6.7%	63.3%	6.5%	23.6% ⁹
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors (see table above).

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%

⁹ Note the actual midpoint is CDQ = 7.05%, CV 63.14%, Mothership 6.39%, CP 23.43% . However as noted by staff during Council deliberation numbers reflected in the table are an existing option as the historical average from 2005-2009 allocated 50:50 pro-rata AFA to historical average by section.

- 2) 70%
- 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

Component 4: Cooperative Provision

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

- 1) 50%
- 2) 70%
- 3) 90%
- b) Allow NMFS to rollover unused bycatch allocation to inshore cooperatives that are still fishing.

Alternative 3 – Trigger Closure

Component 1: Trigger Cap Formulation

- Cap level
- a) 25,000
 - b) 50,000
 - c) 75,000
 - d) 125,000
 - e) 200,000

Application of Trigger Caps

- a) Apply trigger to all chum bycatch
- b) Apply trigger to all chum bycatch between specific dates

Trigger limit application:

Two options for application of trigger caps for area closure options (applied to caps under consideration)

- 1- Cumulative monthly proportion of cap (left-side of table below)
- 2- Cumulative monthly proportion AND monthly limit (left and right sides of table together. Note monthly limit should evaluate +/- 25% of distribution below)

Option of cumulative versus monthly limit for trigger area closures (assuming a trigger cap of 100,000 fish). Monthly limit based on minimum of monthly cumulative value and 150% of monthly historical proportion.

Month	Cumulative		Monthly limit	
	Cumulative Proportion	Monthly Cumulative	Monthly proportion	Monthly limit
June	10.8%	10,800	10.8%	10,800
July	31.5%	31,500	20.7%	31,050
August	63.6%	63,600	32.1%	48,150
September	92.3%	92,300	28.6%	42,900
October	100.0%	100,000	7.7%	11,550

Component 2: Sector allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
 - 1) Pro-rata to pollock AFA pollock sector allocation
 - 2) Historical average
 - i. 2007-2009
 - ii. 2005-2009
 - iii. 2000-2009
 - iv. 1997-2009
 - 3) Allocation based on 75% pro-rata and 25% historical
 - 4) Allocation based on 50% pro-rata and 50% historical
 - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
6.7%	63.3%	6.5%	23.6% ¹⁰
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

Component 3: Cooperative Provisions

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.
 - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
 - 1) 50%
 - 2) 70%
 - 3) 90%
- b) Allow NMFS to roll-over unused bycatch allocation to cooperatives that are still fishing

Component 4: Area and Timing Options

Groupings of ADFG area closures by month that represent 40%, 50%, 60% of historical bycatch. The analysis should include quantitative analysis of the 50% closure options and qualitative analysis of the 40% and 60% closure options.

Component 5: Timing Option – Dates of Area Closure

- a) Trigger closure when the overall cap level specified under Component 1(a) was attained
- b) Discrete small closures would close when a cap was attained and would close for the time period corresponding to periods of high historical bycatch

Component 6: Rolling Hot Spot (RHS) system – Similar to status quo (with RHS system in regulation), participants in a vessel-level (platform level for Mothership fleet) RHS would be exempt from regulatory triggered closure below.

- 1. A large area trigger closure (encompassing 80% of historical bycatch).

¹⁰ Note the actual midpoint is CDQ = 7.05%, CV 63.14%, Mothership 6.39%, CP 23.43% . However as noted by staff during Council deliberation numbers reflected in the table are an existing option as the historical average from 2005-2009 allocated 50:50 pro-rata AFA to historical average by section.

Sub-option: RHS regulations would contain an ICA provision that the regulatory trigger closure (as adopted in Component 4 apply to participants with a rate in excess of 200% of the Base Rate

In constructing an ICA under this component, the following aspects should be considered:

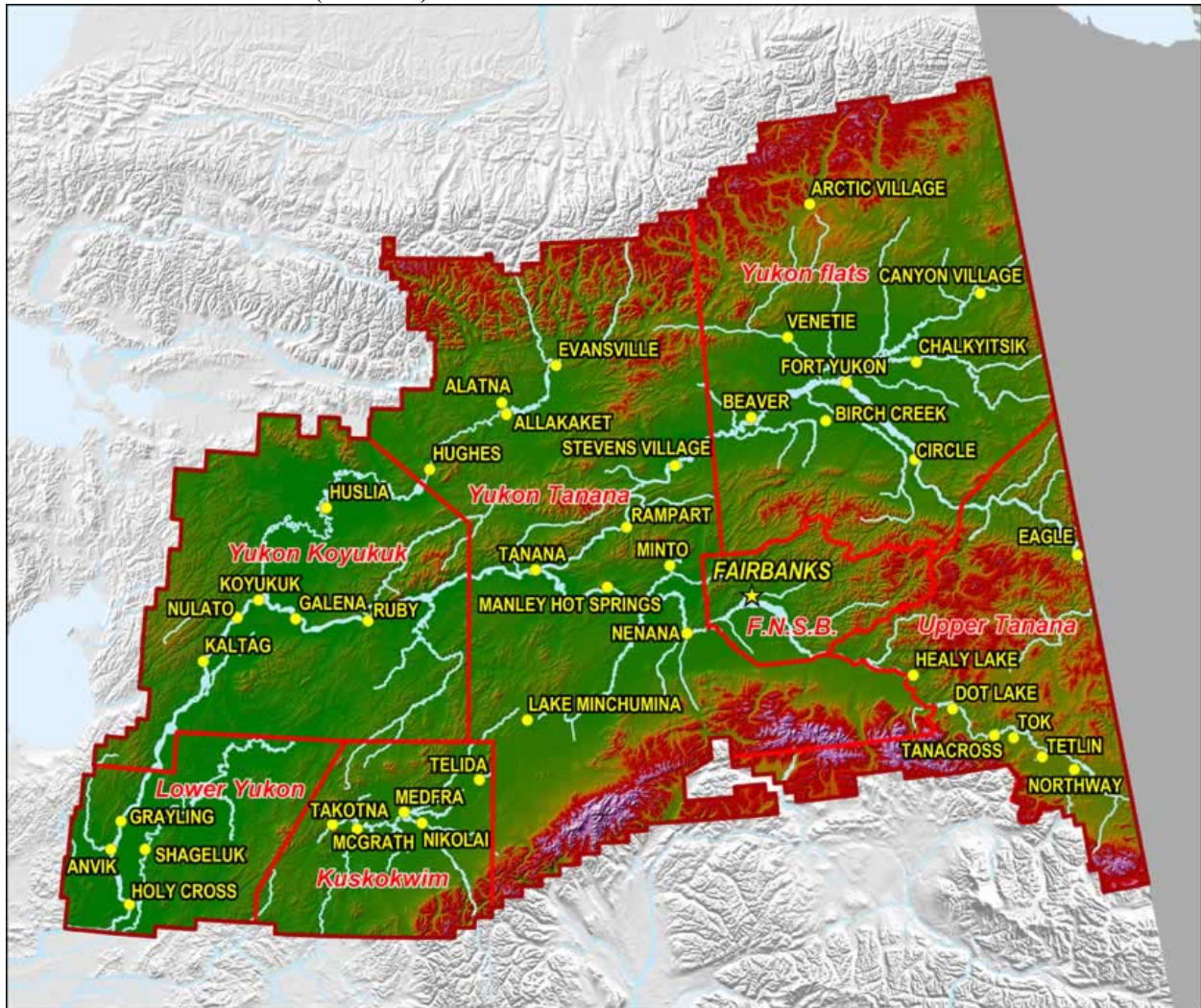
- Closures that would address timing & location of bycatch of Western AK chum stocks.

In addition, include the following items in the initial review analysis:

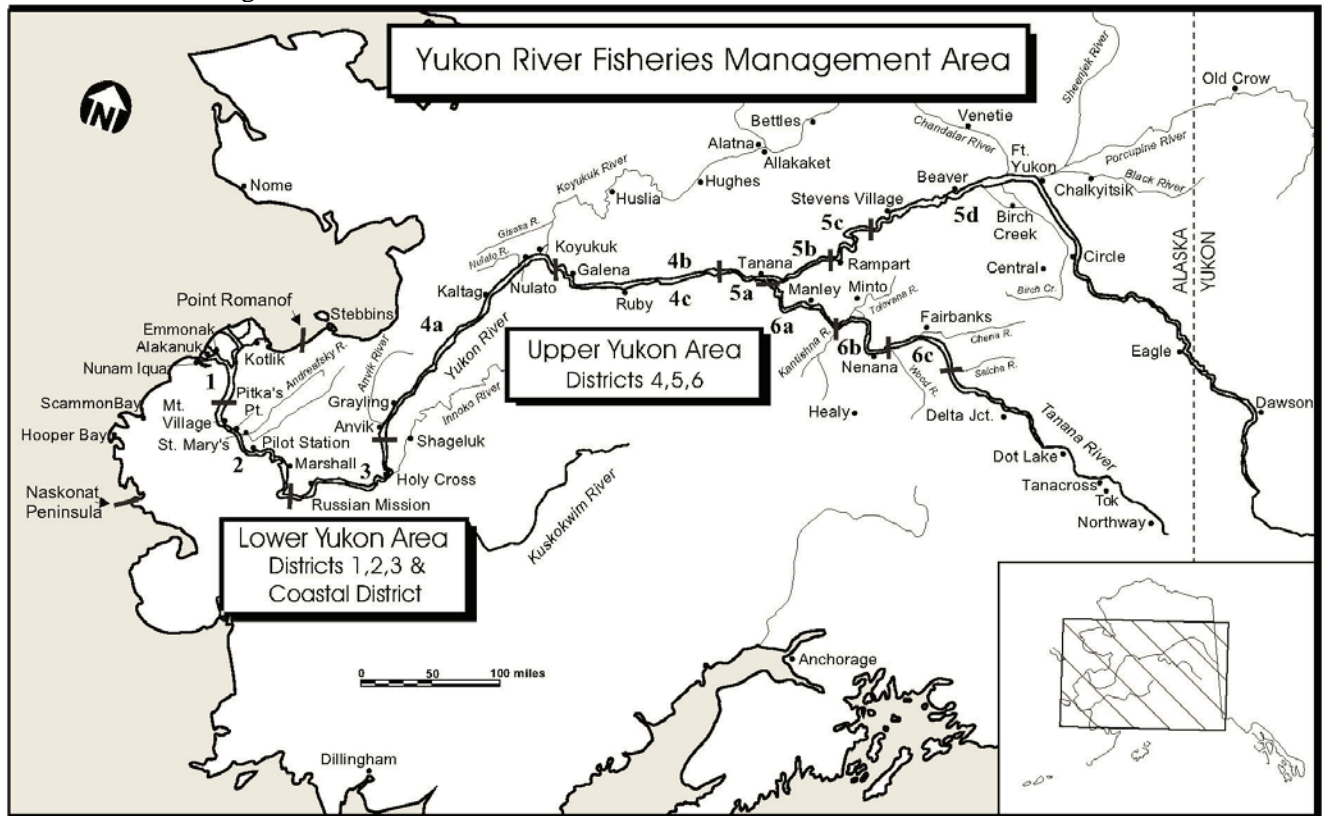
1. Analyze discrete area approach normalized across years (i.e. proportion of salmon caught in an area in a year rather than numbers of salmon);
2. Discuss how Component 6 would be applied;
3. In depth description of the rolling hot spot regulations (Amendment 84), focusing on parameters that could be adjusted if the Council found a need to refine the program to meet objectives under Component 7. Specifically analyze:
 - a. the base rate within the RHS program;
 - b. the options for revising the tier system within the RHS program;
 - c. the Council's options for revising the fine structure within the RHS program. Analysis should include a discussion of the meaningfulness of fines, including histograms of number and magnitude of fines over time as well as a comparison of penalties under the RHS program to agency penalties and enforcement actions for violating area closures.
4. Discussion from NMFS of catch accounting for specific caps for discrete areas, and area aggregations described in Component 5 and for areas within those footprints that may have other shapes that could be defined by geographic coordinates [Component 6(c)] Discussion from NMFS on the ability to trigger a regulatory closure based on relative bycatch within a season (with respect to catch accounting system and enforcement limitations) considering changes in bycatch monitoring under Amendment 91.
5. Contrast 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).
6. Examine differences between high bycatch years (i.e. 2005) and other years to see what contributes to high rates (i.e. timing/location, including fleet behavior and environmental conditions).
7. Examine past area closures and potential impacts of those closures on historical distribution of bycatch and on bycatch rates (qualitative); include 2008 and 2009 data and contrast bycatch distribution under VRHS versus the Chum Salmon Savings Area.

Appendix 2. Maps of villages represented by the entities holding regional meetings at which outreach is proposed to be scheduled

Tanana Chiefs Conference (42 tribes)

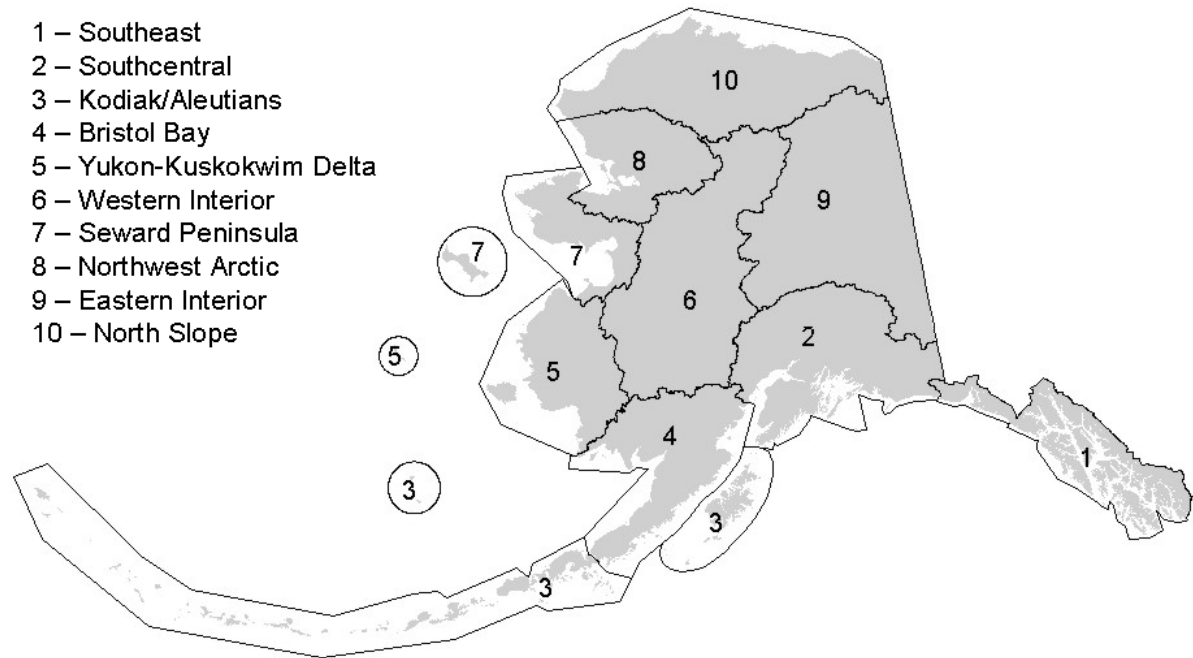


Yukon River Drainage Fisheries Association



Federal Subsistence Regional Advisory Council meetings scheduled to attend in February/March 2011: Eastern Interior, Western Interior, Yukon-Kuskokwim Delta, and Bristol Bay. There is a schedule conflict with the Seward Peninsula RAC meeting.

Regional Advisory Council Areas



Kawerak, Inc. (20 villages)



Image (c)2006 TerraMetrics & (c)2005 Google