

Bering Sea and Aleutian Islands crab fisheries – C-6(a)-(f)
Council motion – October 2012
North Pacific Fishery Management Council

C-6(a) – Modification of community provisions

The Council amended its purpose and need statement replacing the phrase “owning between 20 percent and 50 percent of the PQS” with the phrase “holding substantial portions of the PQS” in each rationalized fishery.

The Council also directed staff to modify the purpose and need statement to identify the need to improve notices of transfers.

The Council removed Options 1 and 2 from Action 2, Alternative 2.

The Council modified Action 5, Alternative 2 by adding the following additional notice:

To NMFS, as part of the annual application for IPQ, certification of a current ROFR agreement in place with the community entity.

The Council also passed the following addition to the purpose and need statement and additional action:

Purpose and need statement

At least one PQS transfer is believed to have occurred without the right holder (Aleutia Corporation) being informed of the transaction, denying that right holder of the ability to exercise its right of first refusal to acquire PQS as intended by the program. This lack of notice allowed the transfer of PQS to a party other than the right holder and the movement of the processing to another community. Providing that right holder with a direct allocation of PQS could mitigate the negative impacts arising from that transaction. In addition, providing for notice of the location of use of IPQ and transfers of PQS to right holders could prevent similar circumstances from arising in the future and make the right more effective in protecting communities’ historical interests in processing and ensure that community entities are better able to assert their interests as provided for by the right.

Alternatives

The Council requests staff to analyze the following alternatives:

- 1) Status quo
- 2) Bristol Bay red king crab PQS shall be allocated to Aleutia Corporation in an amount that would result in that corporation receiving 0.55 percent of the PQS in that fishery. This allocation would be made exclusively from newly issued PQS.

C-6(b) – Active participation requirements

The Council did not take up this agenda item, but stated the intention to take it up at a future meeting.

C-6(c) – Discussion paper on cooperative provisions for crew

The Council did not take up this agenda item, but stated the intention to take it up at a future meeting.

C-6(d) – Golden king crab binding arbitration workgroup

The Council took no action on this matter, but did request that industry report back to the Council in the future. The Council noted that the parties did not appear to have a large difference in positions, which suggests that any dispute should be resolved without further action from the Council.

C-6(e) – Modifications to the arbitration system (IPQ holder initiation of arbitration, lengthy season agreements, and release of decisions)

The Council took no action.

C-6(f) – Crab Economic Data Reporting (EDR)

The Council approved the regulatory package and forms for implementation.