

**DRAFT**  
**Non-Target Species Committee**  
**Anchorage Hilton Hotel**  
**December 06, 2009**

Members in attendance: Dave Benson, Julie Bonney, Lori Swanson

Members by phone: John Gauvin, Janet Smoker, Jon Warrenchuk, Karl Haflinger

Members absent: Dr Paul Spencer, Dr Ken Goldman, Michelle Ridgway, Simon Kineen

Committee staff: Jane DiCosimo, Dr Olav Ormseth (phone).

Agency staff: Sue Salvesson, Melanie Brown, Mary Furuness, Tom Pearson, Clayton Jernigan (phone)

**Agenda** The Non-Target Species Committee convened at 2 pm on Sunday, December 6, 2009. The main agenda topic was to adopt alternatives for the analysis to amend the groundfish FMPs to conform to annual catch limit (ACLs) requirements under the Magnuson-Stevens Act.

**Review status of proposed ACL action.** Jane DiCosimo briefly reviewed the proposed timeline for action. Final action is needed by April 2010 so that implementation can occur by the statutory deadline of January 2011; this timeline requires initial review of the environmental assessment in February 2010. Jane distributed a schematic of the action(s) that *must be* taken by the Council in 2010 and additional action(s) that *can be* scheduled for a trailing plan/regulatory amendment. Her handout noted the likely need for a technical amendment to the regulations to remove references to the “other species” category for the purposes of setting specifications; however, the “other species” assemblage would be retained for the purposes of setting maximum retainable amounts (MRAs) and prohibited species catch (PSC) limits.

Jon Warrenchuk inquired how species would be managed under the proposed ecosystem component (EC) category compared to being managed under ACLs “in the fishery.” Melanie Brown responded that EFH descriptions are required for species managed under catch limits, but would not be required for species managed under the EC category. The Council could choose to include EFH or habitat text voluntarily in the FMP. Currently, other federal agencies whose activities affect EFH are required to consult with NMFS about the impacts of their activities on EFH before the action is regulated. Such consultation requirements would not be triggered for species in the EC category, even if EFH is identified for these species by the Council on a voluntary basis. Sue Salvesson commented that it would be helpful for the Council to build its record on whether to retain the EFH descriptions for forage fish in the FMPs if the group is moved to the EC category. Jon voiced his concerns about removing species from EFH requirements. He asked if forage fish could be managed in the fishery but with sufficient flexibility so that it is not overly constraining to the industry. Olav responded that it would not be appropriate to move species into the fishery just for the purposes of establishing EFH. Clayton Jernigan stated that it was not anticipated under the Arctic FMP that EC species would not be under EFH requirements, so HQ staff is aware of this issue. EFH regulations state that FMPs can take measures to protect species not in an FMU, but the requirement for other federal agencies to consult with NMFS about impacts on EFH would be lost. Jon recommended that a list of effects of moving species in and out of the FMU be developed and Jane responded that it would be provided in the analysis.

Alternative 1 would be the no action alternative. Target species, BSAI squids, and GOA and BSAI skates currently are managed under catch limits (status quo). Julie Bonney identified the issues that are different from the status quo that are necessary to include under Alternative 2. The remaining elements of Alternative 2 are 1) managing GOA squids, GOA and BSAI sculpins, GOA and BSAI sharks, and GOA and BSAI octopuses under catch limits; 2) managing prohibited species and forage fishes (with no change to their regulations) under the EC category, and 3) moving non-specified species out of the FMP.

Dave Benson noted that the time constraint for meeting the statutory deadline is driving the range of alternatives for this (first) ACL analysis. A separate, trailing amendment would address management of grenadiers and other regulatory measures for those groups proposed to be separated from the “other species” assemblage, and any other management changes in response to ACLs and AMs. The schedule for action would be based on the Council’s priorities.

Committee members discussed how best to manage non-specified species. Jane identified a that this category is named in the groundfish FMPs while it functionally is treated as being outside the FMP. Lori Swanson asked what having non-specified species under the EC category does to the Council's "report card" for overfishing and overfished stocks. Jane reviewed how it took years for Council and NMFS Regional Office staff to convince NMFS HQ staff to remove hundreds of non-specified species from the annual Report to Congress on the status of stocks (all of which would be listed as "unknown") because they were not managed by the Council. Julie spoke to her concerns about placing the non-specified category under the EC category and the resultant effect of having to account for poorly understood stocks. She identified that the committee could recommend that non-specified species *not* be moved into the EC category or in the fishery because of the previously described concerns and to expedite the analysis.

Lori asked how non-specified species would be managed with regard to groundfish retention standards (GRS) for Amendment 80 stocks. Sue Salveson responded that the non-specified species and forage fish are not part of the GRS because they are not defined as groundfish. Movement of species into and out of "the fishery," including grenadiers, would need to be assessed with respect to impact on the GRS program and potential adjustments to the GRS standards in the trailing ACL analysis. Sue responded to a question that sculpins are accounted under GRS now because they are defined as groundfish.

Julie recommended the following for Council consideration for inclusion in the groundfish ACL analysis, which was adopted by the committee by consensus: *Eliminate the other species assemblage and manage (GOA) squids, (BSAI and GOA) sculpins, (BSAI and GOA) sharks, and (BSAI and GOA) octopus separately, move prohibited species and forage fish into the EC category, and move non-specified species out of the FMPs. This recommendation is closest to Alternative 2 option 2 in the Council's June 2009 action plan. The other possible alternatives could be identified as other alternatives considered but not moved forward.*

In response to questions, staff clarified that current "other species" MRAs and PSC limits could be maintained for cumulative catches of sharks, skates, sculpins, squids, and octopuses (i.e., the other species assemblage would be retained for the purposes of MRAs and PSCs). Sue and Mary Furuness responded to committee questions that current approaches for fishery closures (both by species and spatially) would be maintained rather even if managed under an assemblage PSC or MRA.

The committee discussed issues that previously have been identified for the trailing ACL analysis. These included whether grenadiers, squids, and octopuses should be managed in the fishery or under the EC category. The EC criteria of "not generally" allowed for retention (at *de minimus* levels) will be the focus of additional committee attention. The committee briefly discussed enforcement of retention and disposition of forage fish catch. It did not address these issues in more detail, preferring to wait for to review the ACL analysis before developing analytical alternatives for the trailing ACL analysis.

**New Business** John Gauvin raised an issue previously addressed by the committee in September 2009 regarding modifying arrowtooth MRAs to allow industry to meet the GRS. Mary replied that her December 2009 NMFS agency report will respond to an October 2009 Council request for more information. John asked what the process would be to initiate Council action. Jane replied that after the agency report was received, the Council could request a discussion paper or identify the problem in the fishery and initiate a regulatory amendment under the staff tasking agenda item. Dave stated that Council action could be recommended just for BSAI skates or for all groundfish species against arrowtooth flounder target. John recommended that the committee reiterate its September 2009 recommendations to recommend that the Council initiate action in December 2009 to modify all arrowtooth MRAs to allow industry to meet the GRS. Lori noted that the committee's previous recommendation was limited to BSAI skates because the issue was raised in the context of the BSAI skate FMP amendment but that the committee's current recommendation was to address all arrowtooth MRAs. The committee agreed.

**Next meeting** The committee requested that Council task development of the second ACL analysis to occur after initial review of the first ACL analysis that is scheduled for February 2010 (perhaps April 2010), in the interest of expediting action to meet the timeline and acknowledging that additional action will follow in the near term. The committee noted that it did not need to meet to review the initial review draft of the February 2010 ACL analysis.

**Adjourn** The committee adjourned at 4 pm.