

FINAL MINUTES
190th Plenary Session
North Pacific Fishery Management Council
December 10-16, 2008
Hilton Hotel
Anchorage, Alaska

TABLE OF CONTENTS

| | | |
|-----------|---|----|
| A. | CALL TO ORDER | 2 |
| B. | REPORTS | 2 |
| C. | MAJOR ISSUES/FINAL ACTION ITEMS | 4 |
| C-1 | Marine Protected Areas Nomination Process | 4 |
| C-2 | GOA Groundfish Management..... | 5 |
| C-3 | Groundfish Catch Specifications | 18 |
| C-4 | BSAI Crab Issues..... | 30 |
| C-5 | Observer Program | 37 |
| D. | OTHER ISSUES | 41 |
| D-1 | Aleutian Island Sideboards | 41 |
| D-2 | Miscellaneous Groundfish Management | 44 |
| D-3 | Arctic FMP | 47 |
| D-4 | Staff Tasking | 48 |

APPENDICES

- I. Tape Log and Public Attendance Register
- II. Advisory Panel Minutes
- III. Report of the Enforcement Committee
- IV. Final Motion, GOA Fixed Gear LLP Recency
- V. Final Motion, GOA Pacific Cod Sector Split
- VI. Minutes of the Scientific and Statistical Committee
- VII. 2009/10 BSAI/GOA Groundfish Specifications
- VIII. Initial Motion, C-4(c), BSAI Crab 90/10 Amendment
- IX. Final Motion, C-4(c), BSAI Crab 90/10 Amendment

North Pacific Fishery Management Council

Eric A. Olson, Chair
Chris Oliver, Executive Director



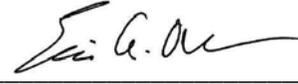
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

APPROVED: _____



DATE: February 4, 2009

FINAL MINUTES

190th Plenary Session
North Pacific Fishery Management Council
December 10-16, 2008
Hilton Hotel
Anchorage, Alaska

The North Pacific Fishery Management Council met December 10-16, 2008 at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met December 8-10, and the Advisory Panel met December 8-12 at the same location. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair
Greg Balogh
Dave Benson, Vice Chair
Sam Cotten
Ed Dersham
Duncan Fields
Dave Hanson
John Henderschedt

Roy Hyder
Denby Lloyd/Dave Bedford
Doug Mecum
Gerry Merrigan
Bill Tweit for Jeff Koenings
RADM Brooks/LCDR Lisa Ragone
[Nicole Ricci did not attend]

NPFMC Staff

Gail Bendixen
Jane DiCosimo
Diana Evans
Mark Fina
Jeannie Heltzel
Nicole Kimball
Peggy Kircher

Jon McCracken
Chris Oliver
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

Scientific and Statistical Committee

Pat Livingston, Chair
Troy Buell
Bill Clark
Robert Clark
Keith Criddle, Vice Chair
Sue Hills
Anne Hollowed
George Hunt

Kathy Kuletz
Seth Macinko
Franz Mueter
Lew Queirolo
Terry Quinn II
Farron Wallace
Doug Woodby

Advisory Panel

Joe Childers
Mark Cooper
Craig Cross
John Crowley
Julianne Curry
Jerry Downing
Tom Enlow
Tim Evers
Bob Gunderson
Jan Jacobs
Bob Jacobson

Simon Kinneen
Chuck McCallum
Mike Martin
Matt Moir
John Moller
Rex Murphy
Ed Poulsen
Michelle Ridgway
Beth Stewart
Lori Swanson

Appendix I contains the public sign-in register and a tape log of Council proceedings, including those providing reports and public comment during the meeting.

A. CALL TO ORDER

Chairman Eric Olson called the meeting to order at approximately 8:05 a.m. on Wednesday, December 10, 2008.

Agenda. The agenda was approved as published.

Minutes. The minutes of the October 2008 NPFMC meeting were approved as submitted.

[NOTE: Mr. Tweit participated in the entire meeting in place of Dr. Koenings.]

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1); NMFS Management Report (B-2); ADF&G (B-3); USCG Report (B-4); and USF&W Report (B-5).

[NOTE: David Bedford participated in these discussions for Denby Lloyd.]

Executive Director's Report

Chris Oliver, Executive Director, reviewed his written report, including an MSA update, AFA pollock cooperative reports, Steller sea lion survey results and other issues. The Council discussed the SSL survey and the following motion was submitted:

Dave Benson moved to request NMFS to prepare a brief memo for Council review at the February 2009 meeting summarizing survey trends for the Western SSL population from 2000 through 2008 for each Alaska subregion, including graphs and tables, and including the aggregate non-pup trend in each subregion in total numbers and as a percent, the non-pup increase or decrease in each subregion, and the pup count trends in each subregion, and in the aggregate, for 2000 - 2005. The motion was seconded and carried without objection.

NMFS Management Report

The Council received a report on current amendments from Sue Salveson (NMFS-AKR staff), a review of current litigation from Lauren Smoker (NOAA General Counsel), and the inseason management report from Mary Furuness (NMFS-AKR). Matt Eagleton (NMFS-AKR) also briefed the Council on EFH issues.

Regarding the amendment approved by the Council relating to inactive halibut/sablefish IFQ permits, **Duncan Fields moved to schedule a review of action taken in June 2006 with regard to inactive IFQ permits at a subsequent Council meeting.** The motion was seconded.

Dave Benson moved to table discussion on this issue until staff tasking. The motion was seconded and failed, 6 to 5, with Benson, Dersham, Henderschedt, Tweit and Bedford voting in favor.

Mr. Fields' motion carried without objection.

ADF&G Report

Herman Savikko provided a review of fisheries of interest to the Council. Additionally, he reviewed proposals before the Board of Fisheries that may be of Council interest. Several of those proposals deal with the Pacific cod fishery. The Council discussed these proposals during staff tasking.

USCG Report

Admiral made some preliminary comments and LCDR Lisa Ragone provided the review of Coast Guard activity between October 1 and November 30, 2008.

USF&W Report

Greg Balogh briefly reviewed a written report reviewing current seabird and marine mammal issues.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

Each agenda item will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide an "historical" background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will **not** be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. MAJOR ISSUES/FINAL ACTION ITEMS

C-1 Marine Protected Areas Nomination Process

ACTION REQUIRED

Receive report from MPA Center on nomination process for MPAs

BACKGROUND

Back in 2000, President Clinton signed Executive Order 13158, which requires NOAA to establish a Marine Protected Area Center to develop a framework for a national system of marine protected areas (MPAs). The executive order is attached as Item C-1(a). In March 2008, the MPA Center published a draft framework for developing a national system of MPAs, and we provided comments (Item C-1(b)) as well as a follow-up letter to NMFS (Item C-1(c)). In late November, the final framework was published on the MPA Center's website (www.mpa.gov).

Dr. Joe Uravich, Director of the MPA Center, will be presenting information about the National System of MPAs and the nomination process for the incorporation of existing MPAs, into the national system. Summary information on the framework and nomination process is attached (Item C-1(d)). The way the fishery management council related process is presently supposed to work is as follows:

The National MPA Center provides NMFS HQ with all the regional sets of sites. These are existing sites that a) meet the definition of an MPA as defined Executive Order 13158 and b) have a management plan. These are the first two filters. NMFS HQ provides them to the regions, and the regions provide them to the FMCs. These will be discussed and voted on by the FMCs over the next 2 or 3 council meetings. The MPA Center is asking the FMCs and the regions to determine a) which sites meet which Priority Conservation Objectives in the national system framework, and b) which sites will be officially nominated for inclusion. The FMC makes its recommendations to the region and the region sends its determination to the MPA Center. The MPA Center publishes the proposed nominations in the Federal Register (and by other means) for public comment. The public provides comment to the managing agency. Agencies review public comment. Accepted MPAs are placed by the MPA Center on the official "List of MPAs" called for by E.O. 13158.

A letter with the set of potential MPA sites for the Northern Pacific is expected to arrive from NMFS HQ by the Council meeting. Dr. Uravich is available to talk about the nomination process and to answer questions. The MPA Center will not be asking the Council to take an official action at this meeting.

In a related topic, the National Marine Sanctuaries Act is likely to be reauthorized next year. A comparison of the nomination process and the Council authorities of the MPA framework and the Sanctuary Act is provided as Item C-1(e).

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda issue.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in this discussion for Denby Lloyd.]

The Council received a presentation from Joseph Uravich (NOAA) on the proposed process of designating National Marine Protected Areas. No action was required on this agenda item, however the Council discussed whether to submit a letter to the new administration outlining Council concerns and recommendations. It was noted that because the Council has already submitted those comments that it would be better to wait until the Agency's list of initial recommendations for protected areas is published and schedule a discussion for the February 2009 Council meeting.

C-2 GOA Groundfish Management

(a) GOA Fixed Gear Recency

ACTION REQUIRED

Initial review of fixed gear recency analysis. Refine components and options for analysis as needed, and determine whether the document will be released for public review.

BACKGROUND

In June, the Council reviewed a draft analysis that examined the environmental, economic, and socioeconomic aspects of the proposed amendment to revise the groundfish License Limitation Program (LLP). The proposed action has two parts. First, the action would remove Western and Central GOA area endorsements from fixed gear LLP licenses that do not have recent catch history in the parallel or Federal waters groundfish fisheries. Second, the action would add Pacific cod endorsements to fixed gear licenses. Licenses would be required carry a Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in the Western and Central GOA. The Council could choose to implement both parts of this action, or could add Pacific cod endorsements to fixed gear licenses without removing licenses from the fisheries.

At that time, the Council made several additions and refinements to the components and options for analysis, and requested information on the following:

- The number of additional licenses that qualify when catch during the period from Jan 1, 2007 – June 4, 2008 is credited to licenses, in addition to catch during one of the four initial qualifying periods (2000-2006, 2002-2006, 2000-2005, or 2002-2005). Any endorsement retained or granted under this action that qualifies only when this additional period is included will be extinguished upon transfer of the license to another vessel or person.
- Effect of dividing catch among stacked licenses, so that, for example, if 2 Central GOA fixed gear licenses are stacked on one vessel, each license receives credit for half of any qualified catch made while the licenses were stacked on the vessel. If this option is not selected, all stacked licenses will receive full credit for all qualified catch.
- Discussion of an option to exempt <60 ft vessels that do not exceed a specified capacity (tonnage) limit from the recency action.

The Council may wish to consider adding hardship provisions for licenses that do not meet the selected catch or landings thresholds as a result of a sunk vessel or other circumstances.

A revised analysis was mailed to you on November 12. The Executive Summary is attached as Item C-2(a)(1).

The Scientific and Statistical Committee did not address this agenda issue at this meeting.

Report of the Advisory Panel

The Advisory Panel recommended changes to the Problem Statement as well as additions and changes to the alternatives for Council consideration. Please See the AP Minutes, Appendix II to these minutes for those recommendations.

Report of the Enforcement Committee

The Enforcement Committee discussed ways in which to determine vessel capacity for the purpose of restricting "Super 58" vessels, noting that length and width measurements currently reported on a vessel Certificate of Documentation are based on varying and inconsistent measurement criteria and are self reported and may be inappropriate to rely upon for this regulatory use. Please see the Enforcement Committee's full report and additional comments in Appendix III to these minutes.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in this discussion for Denby Lloyd.]

The Council received a review of the initial draft analysis from Jeannie Heltzel (NPFMC staff), the Advisory Panel report, and public comments on this issue. Additionally, Jeff Passer and Kenneth Hanson, NMFS Enforcement, provided comments on enforcement aspects of the proposed alternatives.

Ed Dersham moved the following motion:

The Council adopts the recommendations of the Advisory Panel with the following changes. Additions are underlined and deletions are struck out:

Western Gulf and Central Gulf Pacific cod fisheries are subject to intense competition, particularly in the A season, when fish are aggregated and of highest value. Competition among fixed gear participants in the Western Gulf and Central Gulf P. cod fisheries has increased for a variety of reasons, including increased market value of Pacific cod products, a declining ABC/TAC, increased participation by harvesters displaced from other fisheries and introduction of capital that has been accrued from participation in rationalized fisheries. Additionally, fishery policies have created incentives that encourage non-traditional efficiency improvements for the less than 60 ft vessel class. The possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders that have exhibited participation in, and dependence on, the fixed gear P. cod fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on WGOA and CGOA P. cod resources. These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the P. cod fisheries.

At the same time, retaining federal waters opportunities for small COE communities dependent on access to a range of fishery resources and small capacity jig operations is valued to promote community protections at a level that imposes minimal impact on historic catch share of recent participants.

The intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish fishing capacity that has not been utilized in recent years into the P. cod fisheries and to preserve the traditional vessel operational efficiencies within the fisheries. This requires prompt action to promote stability in the fixed gear sectors of the GOA P. cod fisheries, and is expected to be implemented concurrently with the division of GOA Pacific cod among sectors which is currently under consideration. However, this action cannot address continued growth in the waters managed by the State of Alaska.

Alternatives, Components and options

Alternative 1. No Action. No changes would be made to the current License Limitation Program.

Alternative 2. Add non-severable gear-specific Pacific cod endorsements to fixed gear licenses. Pacific cod endorsements would limit entry into the directed Pacific cod fisheries in Federal waters in the Western and Central GOA. (Page 27 & 29)

Component 1 – Area included

Western GOA

Central GOA (current LLP endorsement includes West Yakutat)

- Different options may be applied to each management area.

Component 2 – Identify and define sectors

- Hook-and-line CP

Option: Hook-and-line CP \geq 125
Hook-and-line CP $<$ 125

- Hook-and-line CV

Option: Hook-and-line CV \geq 60
Hook-and-line CV $<$ 60

- Pot CP

- Pot CV

Option: Pot CV \geq 60
Pot CV $<$ 60

- Jig

Exempt vessels using jig gear from the LLP requirement using a maximum of 5 jigging machines, 5 lines, and 30 hooks per line or one line of 150 hooks.

~~If the Council chooses to exempt jig gear from holding any Pacific cod endorsement to participate in the federal GOA Pacific cod fishery then no jig Pacific cod endorsements would be created. (Page 47-49)~~

Option: Exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

The sector definitions for awarding Pacific cod endorsements may be different than those used for the gear split action. The purpose of sector definition in this action is to allow the Council to select different catch thresholds for the different gear types, operational types and vessel lengths.

Individual licenses may qualify for any combination of both a jig, hook-and-line, and a pot endorsement if the license meets the respective threshold for the appropriate gear type, operational type and vessel length. ~~(Page 50)~~

Component 3 – Qualifying years

~~Option 1:~~ 2000 – 2006

~~Option 2:~~ 2002 – 2006

~~Option 3:~~ Add the qualifying period January 1, 2007 through

~~Suboption 1. June 4, 2008~~

~~Suboption 2. December 8, 2008 Motion passed 19/0 to add as option~~

Either of these suboptions would be selected in addition to one of the qualifying periods listed above in Options 1-4.

If an LLP license qualifies only when this supplemental range of years is included, any area endorsements retained by licenses or Pacific cod endorsements granted to licenses under this option would be designated non-transferable. Endorsements retained by licenses or granted to licenses under this option will be extinguished upon transfer of the LLP license to another vessel or owner.

If a GOA hook and line catcher processor LLP license holder participated as a voluntary non-participant in the Freezer Longline Coalition informal PSC coop efforts of 2006, 07, or 08 and does not qualify under Component 3, options 1–4~~3~~, the LLP would not be extinguished. If P. cod endorsements are a result of this action in the GOA hook and line CP sector, the LLP would receive a P. cod endorsement. ~~Motion passed 19/0~~

Component 4 – Catch thresholds

Thresholds shall be based on legally retained directed P. cod catch in the aggregate during all of the qualifying years in the Federal and parallel fisheries (excluding IFQ catch). Separate and distinct thresholds may be determined for each defined sector.

All directed Pacific cod 5, 10, 25, or 100 mt (resulting in a Pacific cod endorsement)

Directed Pacific cod catch is defined as landings made when the directed Pacific cod fisheries are open. Licenses are credited with landings made up to 7 days after the directed season closes.

Component 5 – Stacked license provisions

Option 1: Where there are multiple LLPs registered to a single vessel, also known as ‘stacking’ of LLPs, ~~groundfish~~ Pacific cod harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations. (Page 52)

Option 2: Catch history could be divided among stacked licenses. License owners(s) may choose which license will be credited with landings so that one of the stacked licenses may qualify. In the absence of an agreement among license owners (s) catch history could be split evenly among stacked licenses

Component 6 – Capacity/efficiency limits to CV fixed gear LLPs

Add a width restriction (efficiency restriction) on each catcher vessel fixed gear specific license that is eligible to access Pacific cod under this action. The width restriction would be 1 foot of width for each 3 feet of length, and based on the MLOA of the license on December 8, 2008, for vessels that are less than 60 ft LOA, and on the LOA on December 8, 2008, for vessels that are equal to or greater than 60 ft. All licenses that are on vessels on December 8, 2008 that exceed the width restriction will be grandfathered at their present width. For vessels under construction on December 8, 2008, the width restriction for the license shall be equal to the vessel width upon completion. Vessels would be required to report width measurements to RAM. (Page 73-76 gear split document)

Motion carries 14/4

Component 7 – COE community resident exemption

COE community residents currently holding latent, non-qualifying, LLP permits shall retain their LLP and area endorsement(s) and be exempt from the Pacific cod endorsement requirement. A hook-and-line or pot gear endorsement shall be made through (a) a one-time designation at the time the endorsement is issued or (b) designated at the time the first Pacific cod landing is made based on the gear type used. The COE community resident’s LLP can only be transferred to an individual who has lived continuously in the permit holder’s COE community for 24 consecutive months prior to the transfer and who intends to remain a resident of the community. Residency shall be affirmed annually upon renewal. If a COE community LLP holder with a restricted transfer LLP is no longer a resident of the COE community or dies without a designated qualified LLP community beneficiary, the community COE shall designate a qualified individual in the COE community to hold the restricted transfer LLP.

Option: Restrict exemption to LLPs with a MLOA endorsement less than 60 feet.

Mr. Dersham noted that he is moving the analysis out for public review.

The motion was seconded by Dave Bedford.

FINAL MINUTES
NPFMC
DECEMBER 2008

Mr. Dersham provided supporting comments, including his belief that the proposed actions are necessary to respond to the issues stated in the purpose and need statement to protect long-term participants dependant on the fishery from the influx of participants reprising long-time latent, or unused, LLPs. The proposed action also preserves the opportunities for small CQE communities to retain access to fishery resources and small capacity jig operations.

During initial discussion of the amendment, under Component 7 it was noted that several issues will need to be explored more thoroughly in the analysis, including definitions for several terms, e.g., 'intends to remain a resident,' and 'lives continuously,' as well as others. Mr. Fields suggested that the terms have been defined in Amendment 66 and are already in regulation. Lauren Smoker, NOAA GC, noted that the last sentence in the exemption is not a part of Amendment 66. General Counsel will need to research the issue of designating quota share by a community representative which has run into some legal problems in previous proposals.

Concerns were also raised with regard to the issue of capacity and efficiency limits to catcher vessel fixed gear LLPs and the capability to enforce those limits. LCDR Ragone proposed an amendment to require that 'depth' measurements also be reported, however, after further discussion that motion and another proposed by Mr. Cotten were withdrawn in favor of a re-worded amendment.

The following amendments were offered (not necessarily in this order; amendments are aggregated by Component):

Purpose and Needs Statement:

Sam Cotten moved to amend the last sentence of the Purpose and Needs Statement, to change the word "retaining" to 'expanding': "At the same time, ~~retaining~~ expanding federal waters opportunities. . ." The motion was seconded and carried with Tweit objecting.

Duncan Fields moved to amend the problem statement to strike everything up to the sentence reading, "The possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders that have exhibited participation in and dependence on, the fixed gear P. cod fisheries." In the second paragraph, strike the first sentence: "The intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish fishing capacity that has not been utilized in recent years into the P. cod fisheries and to preserve the traditional vessel operational efficiencies within the fisheries. The motion was seconded and failed, 10-1, with Fields voting in favor.'

Mr. Fields expressed concern over broad statements in the problem statement that cannot be substantiated in an analysis. Other Council members thought deleting these statements is not appropriate at this time.

Component 2:

Gerry Merrigan moved to amend Component 2, to add a suboption under the current option (underlined), as follows: "Suboption: For pot gear only." The motion was seconded and carried without objection.

Component 3:

Duncan Fields moved to amend Component 3, to designate the text paragraph under the options as an additional option (Paragraph beginning, "If an LLP license qualifies only when this supplemental range of years is included,. . ."). The motion was seconded and carried without

FINAL MINUTES
NPFMC
DECEMBER 2008

objection. Mr. Fields noted that the intent would be to determine transferability after the Council chooses qualifying years. Staff may revise the wording as necessary to reflect Council intent.

Component 4:

Duncan Fields moved to amend Component 4, to include an additional option: "All groundfish, 1, 3, or 5 landings." The motion was seconded.

Sam Cotten moved to amend the amendment to change the option to apply to all directed Pacific cod landings, not all groundfish. The motion was seconded and carried without objection. Mr. Fields' amended motion carried without objection.

Duncan Fields moved to include a hardship provision under Component 4: A GOA fixed gear LLP holder who had 5 or more P. cod deliveries in 1999 but had a vessel on which the LLP was used sink in 1999 or 2000 shall be credited with qualifying history so as to obtain a P. cod endorsement. The motion was seconded and carried without objection.

Component 5:

John Henderschedt moved to delete Option 2 under Component 5. The motion was seconded and carried with Cotten objecting. Mr. Henderschedt noted that there is compelling information in the current analysis that from an implementation perspective the objectives in this option are problematic, if not impossible, and it would serve no purpose in putting this option forward at this time.

A motion to amend Component 5, 'Stack license provisions,' to include an 'exclude those LLPs that are identical,' was withdrawn in favor of requesting staff to provide a table showing the effect of stacked LLPs which are identical.

Sam Cotten moved to amend Component 5 to add a new Option 2: Catch history may be assigned to a single license if the stacked licenses are identical in regard to area endorsements and/or size restrictions. The motion was seconded and failed, 8 to 3, with Fields, Merrigan and Cotten voting in favor.

Component 6:

LCDR Ragone moved to amend Component 6, to add an option to use a 'simple gross tonnage maximum.' The motion was seconded, and carried without objection. LCDR Ragone noted that a specific amount would be determined after analysis.

Dave Benson moved to amend Component 6 to include catcher vessels, noting that the issue of 'Super 58s' also applies to catcher vessels. The motion was seconded and carried without objection.

Dave Benson moved to amend Component 6, that the grandfather provision be based on 'LOA' (not MLOA.), instead of 'width', however withdrew the amendment after staff was instructed that the Council's intent is to avoid the possibility of expansion of a grandfathered vessel.

Staff was also asked to provide information on definitions for "under construction" used in previous amendments.

Component 7:

Ms. Smoker asked for clarification as to whether this component encompasses all CQE communities. Mr. Dersham clarified that the intent is that it would apply to eligible CQE communities of the Western, Central and Eastern Gulf of Alaska.

Duncan Fields moved to amend Component 7, Leasing Provisions, to prohibit leasing of a community resident's LLP. The motion was seconded and carried without objection.

Requests for additional information:

Dave Bedford asked that staff provide information show how many licenses will remain, and how many are currently participating.

Additionally, discussion of the revenue stream of current participants and how that will be affected by more participants in the fishery.

The main motion, as amended, carried 10-1 with Fields voting against. The final motion is included as Appendix IV to these minutes.

C-2(b) GOA Pacific cod sector split

ACTION REQUIRED

Initial review of GOA P.cod Sector Split analysis. Refine components and options for analysis as needed, and determine whether the document will be released for public review.

BACKGROUND

In June, the Council reviewed a draft analysis that examined the environmental, economic, and socioeconomic aspects of the proposed amendment to allocate the Western and Central GOA Pacific cod TACs to the various sectors. The proposed action would allocate the TACs to the hook-and-line catcher vessel, hook-and-line catcher processor, pot catcher vessel, pot catcher processor, trawl catcher vessel, trawl catcher processor, and jig sectors based on catch history or other criteria

The Council made several additions and refinements to the components and options for analysis initial review. Specifically, the Council requested that the analysis include additional data and discussion of the following:

- **Percent allocations based on retained catch from 2002-2007 (best 3 or 5 years).**
- **Percent allocations to pot catcher vessels <60 ft and ≥60 ft, hook-and-line catcher vessels <60 ft and ≥60 ft, hook-and-line catcher vessels <50 ft and ≥50 ft (CGOA only), and a combined <60 ft trawl and pot catcher vessel allocation (WGOA only).**
- **Preliminary 2008 catch data.**
- **Seasonal (A season and B season) apportionments of percent sector allocations.**
- **Discussion of limiting entry to <60 ft LOA catcher vessel sectors by vessels that exceed a capacity (tonnage) limit.**
- **Discussion of community protection provisions, including mothership processing caps.**
- **Information on salmon, crab, and halibut bycatch and bycatch rates by each sector.**

A revised analysis was mailed to you on November 12. The Executive Summary is attached as Item C-2(b)(1). Additional information on State fishery taxes is attached as Item C-2(b)(2).

The Scientific and Statistical Committee did not address this agenda item at this meeting.

Report of the Advisory Panel

The Advisory Panel recommended this action should be pursued immediately following the GOA LLP recency issue and provided the Council with recommendations for changes to the current initial review document. Please see the AP Minutes, Appendix II to these minutes, for those recommendations.

COUNCIL DISCUSSION/ACTION

The Council received an overview of the initial review analysis from Jeannie Heltzel (NPFMC staff), the Advisory Panel report, and oral public comments on this agenda issue.

Ed Dersham moved the following written motion:

The Council adopts the Advisory Panel's recommendations with the following additions and deletions. Additions are underlined and deletions are shown in strikethrough.

The GOA P. cod sector split action should be pursued immediately following resolution of the LLP recency issue. It is also highly desirable that the State waters parallel fishery problems be resolved. Concepts for addressing the State waters fishery issues are contained within this motion. In order to refine and incorporate recent public input into this package, the AP recommends that the Council direct staff to develop an initial review draft of the P. cod sector split analysis based upon the following purpose and need statement, components, and options.

Purpose and Need Statement:

The limited access derby-style management of the Western GOA and Central GOA Pacific cod fisheries has led to competition among the various gear types (trawl, hook-and-line, pot and jig) and operation types (catcher processor and catcher vessel) for shares of the total allowable catch (TAC). Competition for the GOA Pacific cod resource has increased for a variety of reasons, including increased market value of cod products, rationalization of other fisheries in the BSAI and GOA, increased participation by fishermen displaced from other fisheries, reduced federal TACs due to the State waters cod fishery, and Steller sea lion mitigation measures including the A/B seasonal split of the GOA Pacific cod TACs. The competition among sectors in the fishery may contribute to higher rates of bycatch, discards, and out-of-season incidental catch of Pacific cod.

Participants in the fisheries who have made long-term investments and are dependent on the fisheries face uncertainty as a result of the competition for catch shares among sectors. Allocation of the catch among sectors may reduce this uncertainty and contribute to stability across the sectors. Dividing the TACs among sectors may also facilitate development of management measures and fishing practices to address issues-conservation (e.g. Steller sea lion mitigation measures, bycatch reduction, and prohibited species catch (PSC) mortality) and social objectives, including considerations for small boat sectors and coastal communities.

The timing of the Pacific cod A and B seasons may have limited the participation of jig vessels in the parallel and federal fisheries of the GOA. Additionally, the state waters jig allocation has gone uncaught in some years, potentially due to the lack of availability of Pacific cod inside three-miles. A non-historical federal catch award, together with the provision of access in federal waters for the state Pacific cod jig allocations, offers entry-level opportunities for the jig sector.

Component 1: Management areas

The Western and Central GOA Pacific cod TACs will be allocated among the various gear and operation types, as defined in Component 2 (WG and CG management areas could be treated differently within Component 2).

Component 2: Sector definitions

The Western and Central GOA Pacific cod TACs will be allocated among the following sectors:

- Trawl catcher processors
- Trawl catcher vessels
- Hook-and-line catcher processors
 - Option:
 - Hook-and-line catcher processors <125 ft
 - Hook-and-line catcher processors ≥125 ft
- Hook-and-line catcher vessels
 - Option:
 - Hook-and-line catcher processors <60 ft
 - Hook-and-line catcher processors ≥60 ft
 - Option (CG only):
 - Hook-and-line catcher vessels <50 ft
 - Hook-and-line catcher vessels ≥ 50 ft
- Pot catcher processors
- Pot catcher vessels
 - Option:
 - Hook-and-line catcher processors <60 ft
 - Hook-and-line catcher processors ≥60 ft
- Jig vessels

Note: The Council has the option to either give a single allocation to each sector, or to divide any allocation by vessel length on the option(s) listed above.

Suboption: Restrict CP licenses to operation type on their license. (Licenses with a catcher processor designation could only fish off the catcher processor sector allocation).

~~At the time of implementation all CP licenses can elect to become permanent CV licenses and fish off the CV sector allocation or maintain their CP license designation. Catch history for the licenses that elect to become CV licenses will account to the sector in which those licenses are eligible to participate. All licenses with CP endorsements catch will account toward the respective CP sector.~~

Add a CV/CP Pacific cod endorsement for both trawl and non-trawl licenses for those CP licenses that have operated as catcher vessels during the qualifying period. These CP/CV licenses will annually elect to participate as either a CP or CV in the GOA Pacific cod fishery.

Option: For Western GOA only create a separate sector for combination trawl and pot catcher vessels.

Suboption: Applies only to vessels under 60 feet.

these sectors would be defined as:

- CP—trawl
- CP—pot
- CP—longline
- CVlongline
- CVpot/trawl

Component 3: Definition of qualifying catch

Qualifying catch includes all retained legal catch of Pacific cod from the Federal and parallel waters fisheries in the Western and Central GOA.

- **Catch will be calculated using Fish Tickets for catcher vessels and Catch Accounting/Blend data for catcher processors.**
- **Under all options, incidental catch allocated to trawl catcher vessels for the Central GOA Rockfish program (currently, 2.09% of the Central GOA Pacific cod TAC) will be deducted from the Central GOA trawl catcher vessel B season allocation.**
- **All sector allocations will be managed to support incidental and directed catch needs.**

Component 4: Years included for purposes of determining catch history

- Option 1: Qualifying years 1995-2005: average of best 5 years**
- Option 2: Qualifying years 1995-2005: average of best 7 years**
- Option 3: Qualifying years 2000-2006: average of best 3 years**
- Option 4: Qualifying years 2000-2006: average of best 5 years**
- Option 5: Qualifying years 2002-2007: average of best 3 years**
- Option 6: Qualifying years 2002-2007: average of best 5 years**

Seasonal apportionment of sector allocations (different areas can be treated differently)

- Option 1: Apportion each sector's annual allocation 60% to the A season and 40% to the B season.**
- Option 2: Apportion each sector's annual allocation based on that sector's seasonal catch history during the qualifying years, while maintaining the overall 60/40 apportionment of the TAC.**
- Option 3: For the WGOA only, only A shares are apportioned, B season shares are not apportioned among sectors.**

These options do not apply to the jig sector.

When sectors are divided into subsectors (e.g., by vessel length), the allocation will be calculated using the best set of years for the sector, and the sum of the subsector allocations will equal the allocation to the sector.

Component 5: Allocation of Pacific cod to jig sector

Set aside 1%, 3%, or 5% of the Western and Central GOA Pacific cod TACs for the initial allocation to the jig vessel sector, with a stairstep provision to increase the jig sector allocation by 1% if 90% of the Federal jig allocation in an area is harvested in any given year. The jig gear allocation will be capped at 35% of the respective Western and Central GOA Pacific cod TACs.

Subsequent to the jig allocation increasing, if the harvest threshold criterion described above is not met during three consecutive years, the jig allocation will be stepped down by 1% in the following year, but shall not drop below the level initially allocated.

The jig allocation could be set aside from the A season TAC, the B season TAC, or divided between the A and B season TACs.

The Council requests that staff continue to work with the State of Alaska and NMFS to explore considerations required to implement possible options for the jig fishery management structure (both state parallel/Federal and State) that create a workable fishery and minimize the amount of stranded quota, focusing on Option 1. Possible solutions that could be explored are:

Pacific cod Jig fishery management:

Option 1. State Parallel/Federal managed Pacific cod jig fishery. Federal allocation managed 0-200 miles through a Parallel fishery structure. Any State waters jig GHF could (under subsequent action by the

Alaska Board of Fisheries) be added to this State Parallel/Federal managed jig sector allocation so that the jig sector is fishing off of a single account. If the Board of Fisheries chooses not to take the jig GHL, it would roll into the federal jig allocation.

If a combined parallel/Federal fisheries is created the fishery would be managed as follows: There would be no seasonal split of the combined parallel/federal TAC. The fishery would open on Jan 1st and close when the TAC is reached.

Option 2. If a distinct Parallel/Federal and State waters fisheries continue to exist the two fisheries will be managed as follows:

The federal TAC would be divided into an A/B season of 60%/40%. The A season would open on Jan 1st and close when the TAC is reached or on March 15th. The state jig fishery could open either when the Federal season closes due to TAC or on March 15th. The federal B season would open on Sept 1st.

Option 3. State managed Pacific cod jig fishery. Federal management authority delegated to the State of Alaska to manage the Pacific cod jig fisheries in the Western and Central GOA from 0-200 miles.

Component 6: Management of unharvested sector allocations

Any portion of a CV, CP, or jig allocation determined by NMFS to remain unharvested during the remainder of the fishery year will become available as soon as practicable to either:

Option 1: Other respective CV or CP sectors first, and then to all sectors as necessary to harvest available TAC.

Option 2: All sectors.

Component 7: Apportionment of hook-and-line halibut PSC (other than DSR) between catcher processors and catcher vessels.

Option 1: No change in current apportionments of GOA halibut PSC.

Option 2: Apportion the GOA hook-and-line halibut PSC to the CP and CV sectors in proportion to the total Western GOA and Central GOA Pacific cod allocations to each sector. No later than November 1, any remaining halibut PSC not projected by NMFS to be used by one of the hook-and-line sectors during the remainder of the year would be made available to the other sector.

Component 8: The component would protect community participation in the processing of Pacific cod, and protect community delivery patterns established by the inshore/offshore regulations.

For each management area, the mothership processing cap will be a percent of the Federal Pacific cod TAC in that area:

Option 1: No motherships.

Option 2: A percentage based on the same qualification criteria as selected for the harvesting sector allocations, but calculated from mothership processing activity. Mothership processing will end for the year when the processing cap is reached. All cod catch counts towards the cap.

- Motherships include catcher processors receiving deliveries over the side and mobile floating processors. Motherships do not include inshore floating processors operating at a single geographic location during a given year.

Option 3: A percentage to be selected by the Council (5-10%)

Suboption to Option 1, 2, and 3: WGOA only *Motion passes 14/5*

Suboption to Option 1, 2, and 3: Applies to directed landings of Pacific cod.

Suboption to Option 1, 2, and 3: Exempt inshore floating processors operating within the municipal boundaries of a community.

Component 9: To address conservation and social objectives, potential allocations to any sector based on catch history may be adjusted.

Component 10: Potential models for resolving parallel fishery issue:

Option 1. Aleutian Islands sablefish model (parallel fishery catch cap)

Option 2. Limiting access to the parallel zone for federal fishery participants

Require any pot and longline vessel with an LLP or an FFP to have a Pacific cod endorsement and the appropriate area endorsement to participate in the Western / Central GOA Pacific cod parallel water fishery. Require any trawl vessel to have a LLP or FFP to participate in the Western / Central GOA Pacific cod parallel water fishery.

- i. Suboption: In addition, require the above federally licensed vessels that fish in the parallel waters to adhere to federal seasonal closures of the Western/Central GOA corresponding to the sector in which the vessel operates.**
- ii. Suboption: In the Western/Central GOA, vessels can only surrender and/or reactivate their FFP:**
 - a. Once per calendar year**
 - b. Once every eighteen months**
 - c. Once every two years**
- iii. Suboption: FFP cannot be surrendered during the 3 year term of the permit.**

The motion was seconded and the following amendments offered [arranged by component, not in the order offered]:

Purpose and Needs Statement:

Lauren Smoker, NOAA General Counsel, asked for clarification of Council intent relative to the existing inshore-offshore regulations for Pacific cod. Mr. Dersham responded that it is his understanding that this action would remove the inshore-offshore designation. Staff confirmed that would be the outcome should this amendment be approved.

John Henderschedt moved to amend the problem statement to include the following statement at the end of the second paragraph: Given the fact that sector splits supersede inshore-offshore for Pacific cod by creating harvest limits the Council may need to consider limitations on offshore processors. The motion was seconded.

Duncan Fields moved to amend the amendment to delete the words ". . . limitations on offshore processors" and replace with the following: ". . . consider regulatory changes for offshore processors." The motion was seconded and carried without objection.

Dave Benson moved to amend Mr. Henderschedt's amendment to add "and inshore floating processors" following "offshore processors." The motion was seconded and carried without objection.

Mr. Henderschedt's motion, as amended, carried without objection.

Component 2:

Sam Cotten moved to amend Component 2, the last option, as follows:

Option: For Western GOA only create a separate combined sector for ~~combination~~ trawl and pot catcher vessels. The motion was seconded and carried without objection. Mr. Cotten noted this is for clarification purposes.

Bill Tweit moved to amend the new paragraph under the suboption to restrict CP licenses to operation type on their license, to re-word as follows:

Add a CV/CP Pacific cod endorsement for both trawl and non-trawl licenses for those CP licenses that have operated as catcher vessels during the qualifying period. These CP/CV licenses will (1) annually, or (2) permanently, elect to participate as either a CP or CV in the GOA Pacific cod fishery.

The motion was seconded and carried without objection. It was clarified that this paragraph should be designated as a separate suboption.

A motion to add an additional option under Component 2 that would note that the Council may consider as a trailing amendment, an option for LLP holders to move their LLPs to another sector was withdrawn after discussion which indicated that Council members felt this would be a very large undertaking and also could create instability within the industry. During staff tasking he Council discussed the possibility of pursuing this option in the future, however there was no consensus to do so.

Component 4:

A motion to delete Options 1 and 2 under Component 4 was withdrawn after discussion.

Duncan Fields moved to amend Component 4 by adding the following note:

"NOTE: The Council has the option to choose separate qualifying years for each sector and scale those years so that some of the respective allocations may equal 100%."

The motion was seconded and carried, 8 to 3, with Benson, Henderschedt and Tweit voting no.

Doug Mecum moved to amend Component 4 to add new options, as follows:

Option 7: Qualifying years 2002-2008, average of best 3 years

Option 8: Qualifying years 2002-2008, average of best 5 years

The motion was seconded and carried without objection. Mr. Mecum noted the options should be included to address recency issues.

Component 5:

Gerry Merrigan moved to amend the first paragraph under Component 5 to add the word "Federal" in front of "Pacific cod TACs" in the first sentence: "Set aside 1%, 3%, or 5% of the Western and Central GOA Federal Pacific cod TACs for the initial allocation to the jig vessel sector, . . ." The motion was seconded and carried without objection.

Component 8:

John Henderschedt moved to amend Component 8, the second suboption to Options 1, 2, and 3, to clarify that it applies only to directed landings of Pacific cod. The motion was seconded and carried

without objection. Mr. Henderschedt wanted to make it clear that landings of cod bycatch in other fisheries would not apply.

Duncan Fields moved to amend Component 8 to add an option under the third (underlined) suboption to Options 1, 2, and 3: (a) Limit weekly processing by round weight to: (i) 125 mt; (ii) 200 mt, or (iii) 300 mt. The motion was seconded.

Dave Benson moved to amend the amendment to include a suboption to the new suboption: (a) applies to all cod landings; (b) applies to cod landed from directed Pacific cod fisheries. The motion was seconded and carried without objection. Mr. Fields' amended motion carried without objection.

Staff was instructed to re-format the motion as appropriate based on Council discussion.

John Henderschedt moved to amend the reference to the exemption of inshore floating processors by replacing the term 'floating processors' with 'motherships': "Exempt inshore ~~floating processors~~ motherships operating within the municipal boundaries of a community. The motion was seconded and carried without objection. The motion was offered when Council members were reminded that there is no current legal definition of a 'floating processor.'

Component 9:

Gerry Merrigan moved to add a sentence to the leading statement under Component 9, as follows: Recognizing that on average for 2004-2006, only 15.6% of GOA p. cod harvest was observed, it is the intent of the Council that the sector allocations will not result in further significant reduction of the proportion of observed GOA Pacific cod catch. The motion was seconded.

Denby Lloyd moved a substitute motion to insert "catch monitoring" after "conservation" in the leading statement: To address conservation, catch monitoring, and social objectives operating within the municipal boundaries of a community." No other changes would be made to the original statement. The motion was seconded and carried with Merrigan objecting.

Component 10:

Gerry Merrigan moved to amend Option 2 to reword the last sentence as follows: Require any trawl vessel with a LLP or FFP to have the appropriate area endorsement to participate in the Western or Central GOA Pacific cod parallel water fishery. The motion was seconded and carried without objection.

The main motion as amended carried without objection. A copy of the final motion is included as Appendix V to these minutes.

The Council determined that a revised initial review analysis should be provided by staff at the February 2009 Council meeting before releasing for public review and comment.

C-3 Groundfish Catch Specifications

C-3(a) BSAI Groundfish SAFE Report and 2009/2010 harvest specifications

ACTION REQUIRED

- (a) Final action to approve the 2008 BSAI Stock Assessment and Fishery Evaluation (SAFE) report and final BSAI groundfish harvest specifications for 2009 and 2010:
1. Acceptable Biological Catch (ABC) and annual Total Allowable Catch (TAC)
 2. Prohibited Species Catch Limits (PSCs) and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery categories
 3. Pacific halibut discard mortality rates for the 2009 CDQ fisheries

BACKGROUND

At this meeting, the Council will adopt final recommendations on groundfish and PSC specifications to manage the 2009 and 2010 Bering Sea/Aleutian Islands (BSAI) groundfish fisheries.

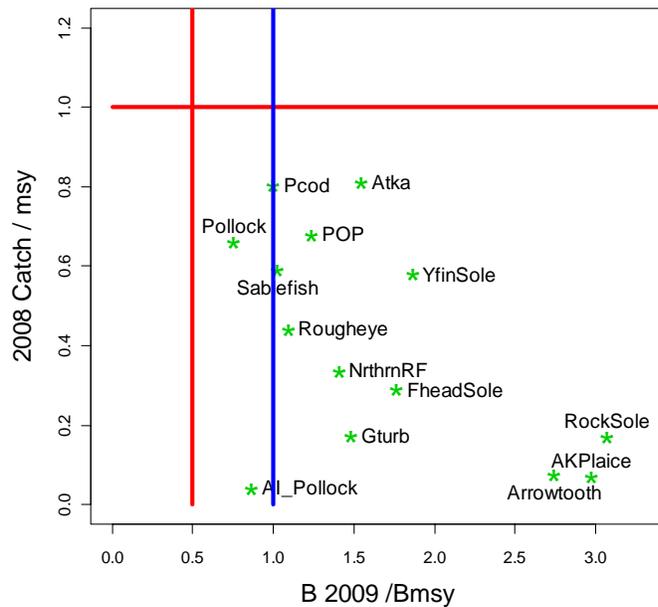
BSAI SAFE Report Since 2005, the Council has recommended ABCs and TACs for the next two fishing years. The BSAI Groundfish Plan Team met in Seattle on November 17-21, 2008, to prepare the BSAI Groundfish SAFE report. The SAFE report forms the basis for BSAI groundfish harvest specifications for the 2009 and 2010 fishing years. The introduction to the BSAI SAFE report was mailed to the Council and Advisory Panel in late November 2008. The full report was mailed to the SSC and is available through the Council website.

The Plan Team's recommendations for final specifications for 2009 and 2010 are attached as Item C-1(a)(1). In October, the Council adopted proposed specifications of OFL and ABC for 2009 and 2010 that were based on last year's stock assessments (Item C-1(a)(2)). In this SAFE report, the Plan Team has revised most of those projections due to the development of new models; collection of new catch, survey, age composition, or size composition data; or use of new methodology for recommending ABCs. November 2008 Plan Team minutes are attached as Item C-1(a)(3). The SSC and AP recommendations will be provided to the Council during the meeting.

ABCs, TACs, and Apportionments The Plan Team recommended OFLs and ABCs for 2009 sum to 2,640,000 t and 2,190,000 t, respectively. These totals are approximately 569,000 t and 283,000 t below those in 2008 ABCs. The sum of the recommended ABCs for 2010 is 2,639,000 t, or 166,000 t above the sum of the 2008 ABCs. However, the total groundfish ABC still exceeds the 2 million t cap set by the Council as a conservation measure in setting TACs.

Overall, the status of the stocks continues to appear favorable, although many stocks are declining due to poor recruitment in recent years, especially for pollock and Pacific cod. The total estimated groundfish biomass of 17.2 million t for 2009 declined by 300,000 t from 2008. The bottom trawl survey biomass estimate for pollock in 2008 was 4.3 million t, only 87% of the long-term mean of the bottom-trawl survey. The 2008 echo-integration survey biomass estimate was 1.88 million t, only 55% of the long-term mean for this survey. Both surveys indicate that the 2006 year class is strong and that the 2005 year class is now apparently below average. The biomass estimate from the 2008 bottom trawl survey for Pacific cod of 424,000 t is down about 18% from the 2006 estimate, and is the all-time low. Plan Team ABC recommendations are trending down for gadoids, but generally up for flatfishes. The abundances of AI pollock, sablefish, all rockfishes, all flatfishes, and Atka mackerel are projected to be above target stock size. The abundances of EBS pollock, AI pollock, and Pacific cod are projected to be below target stock size.

Bering Sea and Aleutian Islands Region



The 2004 Consolidated Appropriations Act requires the Council to allocate pollock TAC to the Aleut Corporation for a directed pollock fishery in the Aleutian Islands. Starting in 2005, the Council has recommended a separate Total Allowable Catch (TAC) level of 19,000 t for the AI fishery. A mandatory 10% CDQ allocation (1,900 t) and an incidental catch allowance (ICA) of 1,600 t to cover bycatch of pollock in other AI fisheries were deducted from the TAC. The result is a directed pollock fishery allocation for the Aleut Corporation of 15,100 t. The Council has notified its intent to examine the ICA amount in recommending future AI pollock TACs. The Plan Team recommendation for the AI pollock ABC in 2009/2010 is 15,300 t.

Adopt prohibited species catch limits for Pacific halibut, crab, and herring

Beginning in 2008, the head and gut trawl catcher/processor sector, which targets flatfish, Pacific cod, and Atka mackerel, was allocated groundfish TACs and PSCs among members of the “Amendment 80” sector that joined a cooperative. Regulations now require that crab and halibut trawl PSC be apportioned between the BSAI trawl limited access and Amendment 80 sectors after subtraction of prohibited species quota (PSQ) reserves, as presented in Table 7a for proposed 2009 and 2010 PSCs under Item C-3(a)(4). Crab and halibut trawl PSC assigned to the Amendment 80 sector is then sub-allocated to Amendment 80 cooperatives as PSC cooperative quota (CQ) and to the Amendment 80 limited access fishery as presented in Tables 7d and 7e. PSC CQ assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. Regulations require the apportionment of each trawl PSC limit not assigned to Amendment 80 cooperatives be assigned into PSC bycatch allowances for seven specified fishery categories. The Council may revise the proposed 2009 and 2010 fishery category allocations for the BSAI trawl limited access and the Amendment 80 limited access sectors as shown in Tables 7b, 7c, and 7e.

Categories used for prohibited species catch

Trawl fisheries

1. Greenland turbot, arrowtooth flounder and sablefish
2. rock sole, flathead sole, and “other flatfish”
3. yellowfin sole
4. rockfish
5. Pacific cod
6. pollock, Atka mackerel and “other species”

Non-trawl fisheries

1. Pacific cod
2. other non-trawl (longline sablefish and rockfish, and jig gear)
3. groundfish pot (exempt in recent years)

Specifications for PSCs as shown in Tables 7a and 7d are fixed.

Halibut Trawl Fisheries: The halibut PSC limit can be apportioned to the trawl fishery categories as shown in the box at right. While an overall PSC limit of 3,675 t has been established for trawl gear, Amendment 80 effectively will reduce the PSC limit by 150 mt between 2008 (2,525 t) and 2012 (3,250 t). The PSC apportionments for 2009 and 2010 are shown below. Additional reductions of 5 percent would occur if PSC amounts are transferred from the trawl limited access sector to the Amendment 80 trawl sector.

| | | | |
|-------------|--------------|--|-------------------------|
| | 2,475 | | Amendment 80 |
| | 875 | | Trawl Limited Access |
| 2009 | 3,350 | Total Trawl Halibut Apportionment | |
| | 2,425 | | Amendment 80 |
| | 875 | | Trawl Limited Access |
| | 50 | | Added to CDQ Allocation |
| 2010 | 3.350 | Total Trawl Halibut Apportionment | |

Halibut Fixed Gear Fisheries: A 900 t non-trawl gear halibut mortality limit can be apportioned to the fishery categories listed in the adjacent box. Beginning in 2008, Amendment 85 divided the halibut PSC limit for the hook-and-line Pacific cod fishery between the hook-and-line CP and CV sectors (CVs ≥60 ft (18.3 m) LOA and CVs <60 ft (18.3 m) LOA combined). The Council can provide varying amounts of halibut PSC by season to each sector, tailoring PSC limits to suit the needs and timing of each sector.

Crab: Prescribed bottom trawl fisheries in specific areas are closed when PSC limits of *C. bairdi* Tanner crab, *C. opilio* crab, and red king crab are taken. A stair step procedure for determining PSC limits for red king crab taken in Zone 1 trawl fisheries based on abundance of Bristol Bay red king crab has been in place. Based on the 2008 estimate of effective spawning biomass of 75 million pounds, the PSC limit for 2009 is **197,000** red king crabs. Up to 25% of the red king crab PSC limit can be used in the 56° - 56°10'N strip of the Red King Crab Savings Area. The red king crab cap has generally been allocated among the pollock/mackerel/other species, Pacific cod, rock sole, and yellowfin sole fisheries.

PSC limits for red king crab and *C. bairdi* Tanner crab

| <u>Species</u> | <u>Zone</u> | <u>Crab Abundance</u> | <u>PSC Limit</u> |
|----------------|-------------|---|-------------------|
| Red King Crab | Zone 1 | < threshold or 14.5 million lb effective spawning biomass (ESB) | 33,000 |
| | | > threshold, but < 55 million lb of ESB | 97,000 |
| | | > 55 million lb of ESB | 197,000 |
| Tanner Crab | Zone 10 | 10-150 million crabs | 0.5% of abundance |
| | | 150-270 million crabs | 750,000 |
| | | 270-400 million crabs | 850,000 |
| | | > 400 million crabs | 1,000,000 |
| Tanner Crab | Zone 20 | 175-290 million crabs | 1.2% of abundance |
| | | | 2,100,000 |

PSC limits for *bairdi* in Zones 1 and 2 have been based on total abundance of *bairdi* crab as indicated by the NMFS trawl survey. Based on 2008 abundance (435 million crab), and an additional reduction implemented in 1999, the PSC limit in 2009 for *C. bairdi* will be 980,000 (1,000,000 minus 20,000) *bairdi* crab in Zone 1 and 2,970,000 (3,000,000 minus 30,000) crab in Zone 2.

Snow crab (*C. opilio*) PSC limits are based on total abundance of *opilio* crab as indicated by the NMFS standard trawl survey. The cap is set at 0.1133% of snow crab abundance index, with a minimum of 4.5 million snow crab and a maximum of 13 million snow crab; the cap is further reduced by 150,000 crab. The 2008 survey estimate of 2.60 billion crabs results in a 2009 *opilio* crab PSC limit of 2,943,421 crabs, if left unadjusted. However, the crab FMP mandates a minimum of 4,350,000 snow crab. Snow crab taken within the “*C. opilio* Bycatch Limitation Zone” accrues toward the PSC limits established for individual trawl fisheries.

Herring: In 1991, an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring was implemented. This cap is apportioned to the seven PSC fishery categories. Annual herring assessments indicate there will be very little change in the Bering Sea herring PSC limit for 2009. The herring biomass estimate for spring 2008 for the eastern Bering Sea was estimated to be 169,675 t. The corresponding herring PSC limit for 2009 at 1% of this amount is 1,697 t.

Seasonal apportionment of bycatch limits The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on information listed in the adjacent box.

Halibut discard mortality rates Halibut bycatch mortality rates for the 2008-2010 open access fisheries were adopted by the Council in October 2006 and previously implemented in regulations. In November 2008, the BSAI Plan Team recommended that the Council adopt International Pacific Halibut Commission (IPHC) staff recommendations for DMRs for the 2009 BSAI CDQ fisheries (shown in the summary table below). Future rates for CDQ fisheries will be set on a 3-year cycle coincident with the next cycle for the non-CDQ fisheries in 2010 for 2010-2012; Plan Team review of IPHC staff recommendations for the next three-year cycle is scheduled for September 2009.

Recommended Pacific halibut discard mortality rates for 2009 CDQ groundfish fisheries.

Factors to be considered for seasonal apportionments of bycatch allowances.

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species
relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a
seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout
the fishing year;
5. Expected changes in directed groundfish fishing
seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

| Gear/Target | 2008 Discard Mortality Rate | 2009 Recommendation |
|------------------------|------------------------------------|----------------------------|
| <i>Trawl</i> | | |
| Atka mackerel | 85 | 85 |
| Bottom pollock | 86 | 85 |
| Rockfish | 82 | 82 |
| Flathead sole | 87 | 84 |
| Pelagic pollock | 90 | 90 |
| Rock sole | 86 | 88 |
| Yellowfin sole | 84 | 84 |
| <i>Pot</i> | | |
| Sablefish | 35 | 34 |
| <i>Longline</i> | | |
| Pacific cod | 10 | 10 |
| Turbot | 4 | 4 |

Report of the Scientific and Statistical Committee

The SSC reviewed the status of stocks and Plan Team recommendations for ABC and OFL for BSAI groundfish stocks for 2009/10 and determined that no stock is being subjected to overfishing and that no Tier 1-3 stock is overfished or approaching an overfished condition. The SSC noted that the groundfish SAFE reports, including the ecosystem and economic chapters, show a substantial improvement in quality throughout. The minutes of the SSC, Appendix VI to these minutes, provide more detailed comments on the status of stocks and recommended ABCs and OFLs .

Report of the Advisory Panel

The AP recommended the Council approve the BSAI Groundfish SAFE Report.

The AP recommended the Council adopt final specifications for 2009-2010 OFLs, ABCs, and TACs as shown in the attached table. (See AP Minutes, Appendix II to these minutes for tables).

Further, the AP recommended the Council adopt the:

- 2009-2010 apportionment of PSC allowances to non-trawl gear, CDQ, AM 80 and the BSAI trawl limited access sectors.
- 2009-2010 herring and red king crab sub-area PSC allowances for all trawl sectors
- 2009-2010 PSC allowances for the BSAI trawl limited access sector and non-trawl fisheries,
- 2009-2010 PSC allowances for the BSAI AM 80 limited access sector as noted in the attached tables;
- 2009 halibut discard mortality rates for CDQ fisheries.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in this discussion for Denby Lloyd.]

The Council received a report from Jane DiCosimo (NPFMC staff) on Plan Team recommendations, a review of the status of the BSAI groundfish stocks from Dr. Loh-lee Low (AFSC staff), recommendations of the SSC and Advisory, and oral public comments.

Bill Tweit moved to approve the 2008 BSAI SAFE report, final BSAI ABCs, OFLs and TACs for 2009/10 as found in the Advisory Panel minutes (12/12/08, 10:34am version). Additionally, approve the PSC limits and seasonal apportionments for Pacific halibut, red king crab, Tanner crab, opilio and herring, to the target fishery categories as found in tables 7a, 7b, 7c, 7d, and 7e in the AP Minutes. For Pacific halibut discard mortality rates for the 2009 CDQ fisheries, approve the rates as shown in the table in the Action Memo entitled "Recommended Pacific halibut discard mortality rates for 2009 CDQ groundfish fisheries," found on page 4. Additionally, the Council will submit a letter to NMFS HQ reiterating the importance of the 2010 Aleutian Island trawl survey. The motion was seconded by Dave Benson. Mr. Tweit clarified that for Table 7e, PSC bycatch allowances for the BSAI Amendment 80 limited access species, his motion refers to the 2009 specifications (the 2008 column was included simply for comparison purposes).

Mr. Tweit noted that the Council received advice from the scientists and the industry before making these recommendations. The reduced pollock TAC responds to the scientists' models and annual indications of smaller year class recruitment, part of a normal cycle. Mr. Tweit also pointed out the continued annual improvement in the quality of the SAFE reports.

Lauren Smoker, NOAA GC, noted that there may be some Administrator Procedure Act concerns with the proposed start date of April 15 for rockfish as recommended by the AP in Table 7c. She advised that this change was not included in the published notice for the proposed specifications. Additionally, fisheries will start on January 20 on the existing specifications as published; the final rule updating and modifying those specifications will not be published until at least sometime in February or early March. The Council's intent of not having the rockfish fishery start until April 15 would be thwarted because according to the published regulations the fishery could legally begin prior to that time. She suggested the Council may want to consider approving this change for the 2010 fishing year so that it can be published and the public has a chance to comment on it.

Mr. Tweit clarified that he was aware that the change may not be made in time for the 2009 fishing season and that the objective would be to have it implemented for 2010 if not possible for 2009.

Ms. Salveson, NMFS, advised that under the current motion, the fishery would open on January 20, however, when the final specs are effective, in February or early March, NMFS would then close the fishery until April 15.

Gerry Merrigan moved to amend the motion to retain January 20 as the opening date for 2009. The motion was seconded and carried without objection.

It was clarified that the Council still intends for the April 15 date to be effective in 2010.

Sam Cotten moved to amend Table 7c (PSC Allowances for BSAI trawl limited access sector and non-trawl fisheries) to increase the halibut mortality PSC allowance for the rockfish fishery to 5 mt and decrease the same for Pacific cod to 508 mt. The motion was seconded and carried without objection.

The main motion, as amended, carried unanimously. The final BSAI groundfish harvest specifications are included as Appendix VII.

C-3(b) GOA Groundfish SAFE Report and 2009/2010 harvest specifications

ACTION REQUIRED

Review and approve GOA SAFE report (including Ecosystem and Economic SAFEs) and approve final GOA Harvest Specifications for 2009-2010 including:

1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC).
2. TAC considerations for the State Pacific cod fishery.
3. Prohibited Species Catch Limits

BACKGROUND

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above to manage the 2009 and 2010 Gulf of Alaska (GOA) groundfish fisheries.

GOA SAFE Document

The groundfish Plan Teams met in Seattle November 17-21, 2008 to prepare the final SAFE reports and to review the status of groundfish stocks. The GOA SAFE report forms the basis for the recommended GOA groundfish specifications for the 2009 and 2010 fishing years. Note that there are three volumes to the SAFE report: a stock assessment volume, a fishery evaluation volume ("economic SAFE"), and an ecosystems considerations volume. The introduction to the GOA SAFE report was mailed to the Council and Advisory Panel in late November 2008. The full GOA SAFE report, the economic SAFE report and the ecosystem considerations volume were mailed to the SSC. The Joint Plan Team and GOA Plan Team minutes are attached as Items C-3(b)(1) and C-3(b)(2), respectively. An overview of the GOA SAFE report and ecosystem considerations volume will be provided to you at the meeting.

Two year OFL and ABC Determinations

Amendment 48/48 to the GOA and BSAI Groundfish FMPs, implemented in 2005, made two significant changes with respect to the stock assessment process. First, annual assessments are no longer required for rockfishes, flatfish, and Atka mackerel since new data during years when no groundfish surveys are conducted are limited. For example, since 2008 was an off-year for the NMFS GOA groundfish trawl survey, only summaries for these species were produced.

The second significant change is that the proposed and final specifications are to be specified for a period of up to two years. This requires providing ABC and OFL levels for 2009 and 2010. In the case of stocks managed under Tier 3, 2009 and 2010 ABC and OFL projections are typically based on the output for Scenarios 1 or 2 from the standard projection model using assumed (best estimates) of actual catch levels. In the case of stocks managed under Tiers 4-6, 2009 and 2010 projections are set equal to the Plan Team's recommended values for 2008.

The 2010 ABC and OFL values recommended in next year's SAFE report are likely to differ from this year's projections for 2010, for the same reasons that the 2009 projections in this SAFE report differ from the projected values from last year's SAFE report.

ABCs, TACs, and Apportionments

At this meeting, the Council will establish final catch specifications for the 2009 and 2010 fisheries. The SSC and AP recommendations will be provided to the Council during the meeting. Item C-3(b)(3) lists the 2008 specifications and catch (through November 8, 2008) and GOA Plan Team recommendations for OFLs and ABCs for 2009 and 2010. The sum of the preliminary 2009, 2010 ABCs for target species are 516,055 t (2009), 562,762 t (2010). The sum of 2009 and 2010 OFLs are 632,498 t and 722,734 t, respectively.

The sum of the ABCs decreased by 5% (26,700 t) compared with last year (not counting “other species”). This is primarily driven by decreases in pollock and Pacific cod (both declined by 17% or by 21,500 t). Sablefish also declined by 1,600 t (-12%). ABC levels increased in deep water flatfish (3%) and flathead sole (4%). Arrowtooth flounder was down by 2% (about 5,000 t). The ABC level increased slightly for Pacific ocean perch (112 t or 2%). The ABC for northern rockfish declined by 187 t (-4%) while demersal shelf rockfish ABC dropped by 5% and pelagic shelf rockfish by 9%. All other species groups ABC levels stayed the same since new survey data were unavailable.

The abundances of Dover sole, flathead sole, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, northern rockfish, and dusky rockfish are above target stock size. The abundances of pollock, Pacific cod, and sablefish are below target stock size. The target biomass levels for other deep-water flatfish, shallow-water flatfish, rex sole, shortraker rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, thornyhead rockfish, Atka mackerel, skates, sculpins, squid, octopus, and sharks are unknown. None of the groundfish stocks are overfished nor are they approaching an overfished condition.

Following approval of GOA FMP amendment 79, this assessment cycle represents the first time specifications are established in aggregate for the other species complex in the GOA. Previously neither OFL nor ABC was established for this complex but a TAC was set at or below 5% of the sum of the target TACs. In this year’s SAFE report separate assessments are presented for sculpins, squid, octopus and sharks with an resulting aggregate OFL and ABC recommendation for the complex.

TAC Considerations for State Pacific Cod Fishery

Since 1997, the Council has reduced the GOA Pacific cod TAC to account for removals of not more than 25% of the Federal P. cod TAC from the state parallel fisheries. The relative percentage in the Central GOA was increased by the Board of Fisheries in March 2005 from 24.25 in 2004 to 25%. Using the area apportionments of the 2009 and 2010 P. cod ABC recommended by the Plan Team, the Federal TAC for P. cod would be adjusted as listed below.

Plan Team recommended 2009 Gulf of Alaska Pacific cod ABCs, and resulting TACs and state Guideline Harvest Levels (GHLs) (t).

| Specifications | Western | Central | Eastern | Total |
|----------------|---------|---------|---------|--------|
| ABC | 21,567 | 31,521 | 2,212 | 55,300 |
| State GHL | 5,392 | 7,880 | 221 | 13,493 |
| (%) | 25 | 25 | 10 | 24.4 |
| Federal TAC | 16,175 | 23,641 | 1,991 | 41,807 |

Plan Team recommended 2010 Gulf of Alaska Pacific cod ABCs, and resulting TACs and state Guideline Harvest Levels (GHLs) (t).

| Specifications | Western | Central | Eastern | Total |
|----------------|---------|---------|---------|--------|
| ABC | 31,005 | 45,315 | 3,180 | 79,500 |
| State GHL | 7,751 | 11,329 | 318 | 19,398 |
| (%) | 25 | 25 | 10 | 24.4 |
| Federal TAC | 23,254 | 33,986 | 2,862 | 60,102 |

Prohibited Species Catch Limits

In the GOA, Prohibited Species Catch (PSC) limits are established for halibut. Since 1995, total halibut PSC limits for all fisheries and gear types have totaled 2,300 t. This cap was reduced from 2,750 t after the sablefish IFQ fishery was exempted from the halibut PSC requirements in 1995. The halibut PSC apportionments recommended based upon the 2008 apportionments for the Gulf of Alaska groundfish fisheries are shown below.

GOA Pacific halibut PSC Limits

| 2009-2010 Trawl | | 2009-2010 Hook and Line | | |
|-----------------|----------------|-------------------------|-----------------|--------------|
| Jan 20 - Apr 1 | 550 t | 1st trimester | Jan 1 - Jun 10 | 250 t |
| Apr 1 - Jul 1 | 400 t | 2nd trimester | Jun 10 - Sep 1 | 5 t |
| Jul 1 - Sep 1 | 600 t | 3rd trimester | Sept 1 - Dec 31 | 35 t |
| Sept 1 - Oct 1 | 150 t | | | |
| Oct 1 - Dec 31 | 300 t | DSR | Jan 1 - Dec 31 | 10 t |
| TOTAL | 2,000 t | | | 300 t |

Trawl fishery categories

| Season | Shallow Water | Deep Water | Total |
|----------------|-------------------------|--------------|----------------|
| Jan 1 - Apr 1 | 450 t | 100 t | 550 t |
| Apr 1 - Jul 1 | 100 t | 300 t | 400 t |
| Jul 1 - Sep 1 | 200 t | 400 t | 600 t |
| Sept 1 - Oct 1 | 150 t | any rollover | 150 t |
| Oct 1 - Dec 31 | <i>no apportionment</i> | | 300 t |
| TOTAL | 900 t | 800 t | 2,000 t |

Report of the Scientific and Statistical Committee

The SSC reviewed the status of stocks and Plan Team recommendations for 2009/10 ABC and OFLs recommendations for BSAI and GOA groundfish and determined that no stock is being subjected to overfishing. The SSC noted that the groundfish SAFES, including the ecosystem and economic chapters show a substantial improvement in quality throughout. The minutes of the SSC, Appendix VI to these minutes, provide more detailed comments on the status of stocks and recommended ABCs and OFLs for GOA groundfish.

Report of the Advisory Panel

The AP recommended the Council approve the GOA Groundfish SAFE report.

Additionally, the AP recommends the Council adopt final GOA specifications for 2009-2010 OFLs and ABCs as noted in the attached table, noting:

Setting the 2009 and 2010 TAC equal to ABC for all stocks with the following exceptions:

1. The Pcod TAC is reduced according to the action memo to account for the apportionment to the State waters fishery in 2009 and 2010.
2. Roll over the 2008 TAC for 2009 and 2010 for:
 - a. Shallow water flatfish and flathead sole in the Central and Western GOA
 - b. Arrowtooth flounder for all years
 - c. Other slope rockfish in the EYAK/SEO
 - d. GOA other species
3. Set GOA Atka mackerel TAC equal to 2000 MT.

Further, the AP recommends the Council adopt the final GOA halibut PSC apportionments, annually and seasonally, for 2009-2010 as noted in the action memo.

The AP recommends the Council write a letter to NMFS headquarters emphasizing the critical importance of the GOA bottom trawl survey for 2009 and the Aleutian Island bottom trawl survey for 2010. The Council should suggest that NMFS headquarters consider program funding within their overall budget to fully fund the GOA survey in 2009 and the AI survey in 2010.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in this discussion for Denby Lloyd.]

The Council received a review of the status of the GOA groundfish from Dr. Jim Ianelli (AFSC staff) a review of Plan Team recommendations from Dr. Diana Stram (NPFMC staff), the SSC and Advisory Panel recommendations, and oral public comments.

Gerry Merrigan moved to approve the GOA SAFE, including the Ecosystem and Economic SAFES and adopt the OFL/ABCs/TACs for GOA for 2009/2010 as recommended by the Advisory Panel.

Additionally, the Council will write a letter to NMFS HQ emphasizing the importance of surveys as the most essential tool in stock assessment and the need to keep a consistent time series of comparable surveys.

The motion was seconded and carried unanimously.

C-3(c) BS and AI Pacific cod area split--Discussion Paper

ACTION REQUIRED

Review discussion paper and take action as necessary

BACKGROUND

At its October 2008 meeting, the Council received a report from the SSC in which the latter recommended separating the combined BSAI Pacific cod specifications into BS and AI specifications. The SSC recommendation was based on a summary of biological information prepared by the Alaska Fisheries Science Center and reviewed by the SSC in October 2008 (Item C-3(c)(1)).

In recognition of the challenging management issues associated with apportioning the BSAI Pacific cod sector allocations between areas, the Council tasked staff to update a February 2008 discussion paper on the apportioning of BSAI Pacific cod sector allocation between BS and AI areas, for review at this Council meeting. The discussion paper is attached as Item C-3(c)(2). Note that the discussion paper addresses the apportionment of BSAI Pacific cod sector allocations between the BS and AI subareas, not the biological implications of the splitting the TAC between the two areas. The discussion paper reviews several alternatives for allocation, as follows:

- **Alternative 1 is status quo.**
- **Alternative 2 would issue sectors their overall amount of BSAI Pacific cod allocation that could be harvested anywhere in the BSAI. This alternative provides the greatest flexibility for sectors and may be the simplest alternative for in-season management to monitor. However, the alternative could cause sectors to race for Pacific cod in the subarea that they expect to close first. Additionally, NMFS has expressed some concern with this alternative relative to the 2001 Biological Opinion for Steller sea lion management. Because Alternative 2 does not establish**

sector allocations in each subarea, there are no gear specific seasonal apportionments by subarea.

- **Alternative 3 would allocate sectors the same percentage of the BS subarea and AI subarea TACs, as determined by the BSAI sector allocations implemented under Amendment 85. In effect, each sector would be allowed 85% of its BSAI Pacific cod allocation in the BS and 15% of its BSAI Pacific cod allocation in the AI, using the stock assessment apportionments between areas. In general, Alternative 3 is likely to be the most disruptive to the fleet compared to Alternatives 2 and 4. While it may mitigate disproportionate impacts that result from TAC fluctuations, it may force vessels to fish in areas in which they have very limited historical participation and do not want to fish. This alternative also reflects the default scenario under the current regulations, should the Council choose to take no action.**
- **Alternative 4 would define the sector allocations for each subarea based on the relative percentages of Pacific cod that were harvested by the sectors during an identified fishing period. Thus, the overall sector splits determined at the combined BSAI level under Amendment 85 would remain in place, and the sector allocations would then be calculated for each subarea. This alternative would divide the AI Interim TAC among the sectors based upon each sector's relative historic harvest in the AI. The remainder of each sector's overall BSAI allocation is allocated in the BS. Overall, this alternative is likely more disruptive to the fleet compared to Alternative 2, but less disruptive than Alternative 3. This alternative, much like Alternative 3, would apportion Pacific cod into subarea and seasonal allocations thus reducing the flexibility of the fleet. However, all options under Alternative 4 are based on a sector's AI harvest, so would be less disruptive to the fleet.**

STELLER SEA LION ISSUES

In apportioning BSAI Pacific cod sector allocations between the BS and AI areas, the current management regime could change thus requiring consultation with NMFS Protected Resource Division (PR). The current Biological Opinion of the effects on Steller sea lions of the groundfish fisheries offshore Alaska was on those fisheries as prosecuted at the time of the Biological Opinion (2001 and its 2003 Supplement). A split in the BSAI Pacific cod sector allocations between BS and AI areas would be considered a change in the action upon which PR, the Council, and NMFS previously consulted, and thus PR would need to be consulted again. Should the TAC be split between the BS and AI, it is likely that PR would need to provide guidance as to the seasonal allocations of Pacific cod by gear type and individual (BS and AI) area. One cannot assume that the current seasonal allocations by gear type for the BSAI combined would satisfy the conditions in the existing Biological Opinion.

Complicating this issue is that NMFS PR is currently developing a new Biological Opinion on the effects of the current Alaska groundfish fisheries on Steller sea lions. The preliminary draft Biological Opinion is scheduled for release on October 2009. Given that a new Biological Opinion is being developed, which may come to different conclusions in terms of jeopardy or necessary mitigation measures in order to prevent jeopardy, then the existing (2001 and 2003 Supplement) Biological Opinion, makes it very difficult to simultaneously propose changes to the way in which Pacific cod is managed. The Council could develop the analysis to establish separate BS and AI sector allocations at the same time the Biological Opinion is being developed (2009), but the Council would not know for certain the bounds within which the proposed action should be developed until after the Biological Opinion is released. The risk is that the Council may put significant effort into developing a preferred alternative which does not meet the conditions outlined in the new Biological Opinion. This issue would most likely apply to any changes in seasonal distribution of catch in the AI, if that differs from the status quo.

The Scientific and Statistical Committee did not address this issue at this meeting.

Report of the Advisory Panel

The AP recommended the Council establish a BSAI cod split allocation committee and charge that committee with creating allocation neutral proposals for fishing under a BSAI cod split. Further, the AP recommended NMFS task staff with updating catch history tables with most recently available data.

COUNCIL DISCUSSION/ACTION

The Council received an overview of the discussion paper from Jon McCracken and Nicole Kimball (NPFMC staff), the AP report, and oral public comments on this issue.

During the staff presentation, Nicole Kimball (NPFMC staff) advised that guidance from the status quo Biological Opinion will be necessary before proceeding with this analysis as it proposes to change the status quo cod fishery on which the BiOp is based. Depending on that guidance it may be necessary to have the Stellar Sea Lion Mitigation Committee review any proposed alternatives. It was noted that in February 2009 the Council will have a discussion relating to the BiOp, timing, and how the SSL Mitigation Committee will fit into the process.

During discussion, the Council determined that it would be difficult to form or task a committee to consider alternatives until after the Council discussion of the BiOp scheduled for February.

C-4 BSAI Crab Issues

C-4(a-c) 3-Year Review BSAI Crab Rationalization Program; Committee Report; 90/10 Amendment

ACTION REQUIRED

- (a) Receive BSAI crab program 3-year report.**
- (b) Receive Crab Committee Report/Crew proposal.**
- (c) Review of BSAI Crab 90/10 Amendment alternatives and analysis outline.**

BACKGROUND

(a) BSAI Crab program 3-year report

In the development of the crab rationalization program, the Council requested a preliminary review of the program three years after its implementation. In response to this request, staff prepared a paper reviewing several aspects of the performance of the program to date. The paper was included in a mailing to the Council in September. Staff presented the document to the Scientific and Statistical Committee (the SSC) and the Advisory Panel at the October 2008 meeting. The paper was not presented to the Council at October meeting because of time constraints, but was rescheduled for this meeting. Staff mailed a revised copy of the review (including the Social Impact Assessment) prior to this meeting. The main document was edited and contains no significant substantive changes. The Social Impact Assessment was revised to address comments of the SSC. A summary describing those changes is attached (Item C-4(a)).

The paper reviews the distribution of allocations to both harvesters and processors under the program and examines changes in those distributions. The paper goes on to examine the participation patterns and distribution of activities of both sectors and changes in their operations. The paper also briefly examines the effects of the program on crews in both sectors. Changes in ex vessel pricing brought on by the share structure of the program are also examined. Entry opportunities for both sectors are examined. Changes in management arising as a result of the change in allocations created by the program, as well as changes in management costs, are examined. The effects of the program on safety and biological condition of crab stocks are also

discussed. The analysis is preliminary, as it examines only three years of fishing under the program.

(b) Report of the crab advisory committee/crew proposals

At its June 2008 meeting, after receiving a report from the crab advisory committee and public testimony, the Council directed staff to hold a workshop to assist crew representatives in the development of their proposals to address crew concerns in the crab fisheries. The Council suggested that crew refine their proposals for presentation to the committee at its September meeting. In addition to the consideration of crew issues and proposals, the Council requested the committee to discuss measures to address management issues in the Western Aleutian Islands golden king crab fishery and measures to address issues that have been raised with the community rights of first refusal on processor shares under the rationalization program.

The committee met on September 15th to discuss these issues. A copy of the minutes from that meeting is attached (Item C-4(b)).

(c) Review of Crab 90/10 amendment alternatives

At its April 2008 meeting, the Council continued the development of its purpose and need statement and alternatives to revise the 90/10 A share/B share split under the program (see summary of alternatives (Item C-4(c)(1)) and the Council's motion (Item C-4(c)(2))). The Council refined its alternatives adding substantial detail and options. The proposed alternatives could:

- a) remove individual processor quota or reduce the portion of IFQ landings required to be landed with a holder of individual processor quota
- b) creation of new crew quota shares from either owner quota shares or processor quota shares
- c) impose vessel caps that would limit the number of pounds of crab that may be harvested by any vessel (including vessels fishing for a cooperative) in the Bristol Bay red king crab and Bering Sea *C. opilio* fisheries.

Because of the inclusion of options addressing several aspects of the program, the package creates a large number of alternatives that will be unwieldy to analyze. To further the analysis, the Council could streamline the alternatives by removing options. The attached paper reviews the alternatives created by the current Council motion and identifies options that the Council consider through preliminary analyses for streamlining the alternatives for analysis (Item C-4(c)(3)).

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed these agenda issues at this meeting.

COUNCIL DISCUSSION/ACTION

The Council received staff reports from Mark Fina (NPFMC Staff), Mike Downs (Contractor) reviewed the Social Impact Assessment. Oral public comments were also provided on these issues.

C-4(c) 90/10 Amendment

Denby Lloyd moved a written motion (see Appendix VIII to these minutes). The motion was seconded.

After preliminary discussions, **Bill Tweit offered the following written substitute motion:**

Purpose and need statement:

The Bering Sea/Aleutian Islands (BSAI) Crab Rationalization Program is a comprehensive approach to rationalize an overcapitalized fishery in which serious safety and conservation concerns needed to be addressed. Conservation, safety, and efficiency goals have largely been met under the program.

Experience under the BSAI Crab Rationalization Program has made apparent the need to analyze alternatives to status quo to achieve; entry-level investment opportunities for active participants

This focused analysis on entry-level investment opportunities for active participants will by definition include an analysis of changes in the A/B share split through potential share conversions.

Alternative 1: No action, status quo.

Alternative 2) Increase investment opportunities for active participants by increasing the proportion of C share quota in all rationalized fisheries through a market-based reallocation. Change the 3 percent C share allocation to a new aggregate total of:

- a) 6 percent
- b) 8 percent
- c) 10 percent

Suboptions: Use the following market-based mechanism to achieve the increase (i and iii can be combined):

i) A pro-rata reduction in owner shares (distributed over a period not to exceed 5, 7 or 10 years) to create C shares available for active participants to purchase. Owner share holders who meet active participation requirements would be able to retain their converted C shares.

ii) A percentage re-designation of owner shares to C shares at the time of each transfer. The purchasing owner is required to comply with the active participation definition or divest of the C shares.

iii) A pro-rata reduction of PQS (distributed over a period not to exceed 5, 7 or 10 years) and conversion into C shares available for active participants to purchase through market transactions.

Alternative 3: Increase investment opportunities for active participants by establishing a preferential purchase and finance program for all share types (but no share conversion).

- 1) The Crab Advisory Committee is tasked to analyze the potential for a private contractual proposal to increase investment opportunities for active participants. A report and recommendations will be made to the Council at its February 2009 meeting.**
- 2) The proposed program should address the following:**
 - a. Establishing goals for an aggregate amount of QS owner shares to be held by active participants at 5,7 and 10 years.**
 - b. Identify and address any potential impacts on industry efficiency or investment and on communities.**
 - c. Identify any regulatory issues that may need to be addressed, such as use and ownership caps; and to provide recommendations to address these issues.**

Component 1 (applicable to Alternatives 2) PQS if QS/IFQ Conversion Rate.

Each crab fishery may have a different conversion ratio. These ratios are based on rough estimates of the relative value of each PQS to CVO QS. This range could be expanded or modified based on further analysis.

- a) 1 PQS unit = 0.5 CVO QS unit
- b) 1 PQS unit = 0.4 CVO QS unit
- c) 1 PQS unit = 0.3 CVO QS unit
- d) 1 PQS unit = 0.2 CVO QS unit
- e) 1 PQS unit = 0.1 CVO QS unit
- f) 1 PQS unit = 0.075 CVO QS unit

Alternative 4: The Crab Advisory Committee is tasked to provide an initial review of the proposal to form a regional fishery association to hold and distribute C shares on behalf of RFA members.

The motion was seconded.

Mr. Tweit explained that his motion is designed to suggest a different approach to the problem. His motion, he noted, is based on the concept that the Council should continue to work on the issues that clearly need to be addressed and then monitor the program until there is a clear consensus of additional issues that need attention.

Mr. Olson noted that Alternative 4 seems more like a staff tasking issue rather than an alternative. Mr. Tweit responded that his intent was to indicate that it should have equal weight with other alternatives as this juncture. After analysis, the Council has the option to consider whether it is possible to mix and match various options within the alternatives.

Staff noted that at this time there are no RFAs formed as a result of changes to the Magnuson Act. The Committee will need to discuss that issue and determine what is feasible. NOAA General Counsel indicated that the agency would be involved in setting criteria and interact with the Committee.

The following amendments to the substitute motion were offered:

Denby Lloyd moved to ask staff to provide a discussion paper to focus issues for Council consideration of removing PQS from the Bering Sea/Aleutian Islands crab rationalization program. The motion was seconded and carried.

The amendment carried, 9 to 2, with Benson and Henderschedt voting against.

Denby Lloyd moved to ask staff to provide a discussion paper addressing factors affecting lease rates in the Bristol Bay red king crab and Bering Sea *C. opilio* fisheries. Include a discussion of how the extraction of rents by quota holders through lease payments has changed payments to crew under the crab rationalization program. Provide examples from other programs of provisions that limit leasing activity and suggestions of how to achieve some reductions in either the extent of leasing activity or the lease rate in these two rationalized crab fisheries.

The motion was seconded and carried without objection.

Denby Lloyd moved to amend, as follows:

Analysis of PQS removal for Western Aleutian golden (WAG)

Component for analysis:

Extinguish PQS in the Western Aleutian Islands golden king crab fishery.

Option: Extinguish west designated PQS only.

Addition to problem statement:

Additional flexibility under the program is needed to address some inefficiencies created through a share matching system. For example, the program needs to be adjusted to avoid stranding resources when market conditions do not support PQS restrictions.

The motion was seconded.

Mr. Lloyd noted that this issue is one that industry members have indicated is a definite problem that should be addressed. The Council discussed whether this analysis would be part of the current amendment analysis or a separate analysis. Mr. Lloyd noted he would prefer that it be included in the current amendment package if possible. During discussion concerns were raised relating to the addition to the problem statement as well the fact that the issue of compensation is not included.

Mr. Lloyd withdrew the amendment and then offered the same amendment, with changes to the problem statement addition, as follows:

Additional flexibility under the program may be needed to address some inefficiencies created through a share matching system. For example, the program may be adjusted to avoid stranding resources when market conditions do not support PQS restrictions.

The motion failed, 6 to 5, with Cotten, Dersham, Fields, Lloyd and Olson voting in favor.

Denby Lloyd moved to amend the main motion, as follows:

IFQ accounting when PQS holder opts not to apply

Component for analysis:

If a PQS holder opts not to apply for IPQ in a year, distribute harvesting quota that would have been the matching CVO IFQ A shares as open delivery B shares.

Addition to problem statement:

Additional flexibility under the program is needed to address some inefficiencies created through a share matching system. For example, if a PQS holder opts not to apply for IPQ, the program should allow competitive markets to determine whether resources are harvested rather than redistribute the IPQ for share matching.

The motion was seconded and carried, 10-1, with Benson voting against.

Denby Lloyd moved to amend the main motion to include the following:

IPQ thresholds

Component for analysis:

Establish IPQ thresholds. The amount of IPQ (individual processing quota) issued in any year shall not exceed,

- Option 1) in the *C. opilio* fishery,**
a) 26 million pounds.
b) 45 million pounds.
c) 64 million pounds.

- Option 2) in the Bristol Bay red king crab fishery,**
a) 12 million pounds.
b) 15 million pounds.
c) 18 million pounds (status quo).

Addition to problem statement:

Processors and communities have received protections through processor quota shares under this program since the year of implementation. Higher TACs afford an opportunity to expand competition while maintaining protection for processor investments and recognizing community dependency under an IPQ threshold.

Mr. Tweit called a point of order indicating that he did not think this amendment fits the spirit of the main amendment and that it does not respond to any problem pointed out in the 3-year review. The Chair ruled the amendment in order.

The motion carried, 7 to 4, with Benson, Henderschedt, Tweit and Salveson (for Mecum) voting against.

Duncan Fields moved to amend the main motion to delete reference to the February 2009 meeting. The motion was seconded and carried without objection.

Dave Benson moved to amend Alternative 2, to add a suboption following the percentages: Suboption: Reallocated 'C' shares under (b) and (c) will be subject to: 1) A/B share split; or 2) regionalization. The motion was seconded and carried without objection.

Gerry moved to amend: Request a discussion paper for the WAG fisheries to provide for emergency relief from regionalization based on processor capacity, or lack thereof, using private contract agreements between IPQ holder and the IFQ holder. The motion was seconded and carried, with Cotten objecting.

Sam Cotten moved to amend to ask staff to provide a discussion paper exploring removal of PQS for Western Aleutian golden king crab [based on Mr. Lloyd's previous amendment]: Extinguish PSQ in the Western Aleutian Islands golden king crab fishery, with an option to extinguish west designated PQS only, and amending the problem statement as follows:

Additional flexibility under the program may be needed to address some inefficiencies created through a share matching system. For example, the program may be adjusted to avoid stranding resources when market conditions do not support PQS restrictions. In addition, compensation for PQS owners needs to be addressed should the PQSs be extinguished.

The motion was seconded.

Mark Fina noted that the issue of compensation will be covered in the discussion paper on extinguishing PSQ the Council has already requested.

The amendment carried, 7 to 4, with Benson, Henderschedt, Tweit and Merrigan voting against.

John Henderschedt moved to amend the IPQ threshold discussion paper options to include a suboption, as follows: Any IFQ shares above the threshold will be auctioned by NMFS to the highest bidder. The motion was seconded and carried, 8 to 3, with Fields, Merrigan and Olson voting against. Mr. Henderschedt clarified that the suboption should apply to both Option 1 and Option 2 and that bidders must meet current eligibility requirements for holding quota.

John Henderschedt moved to amend Alternative 4, as follows: If RFAs are developed, the aggregate total of all 'C' shares shall be: a) 6 percent, b) 8 percent, or c) 10 percent. The motion was seconded and carried with Cotten objecting.

Duncan Fields moved to amend Alternative 2 to add an additional option: (d) 14 percent. The motion was seconded and failed, 6 to 5, with Cotton, Dersham, Fields, Lloyd and Olson voting in favor.

Dave Benson moved to amend the IPQ thresholds discussion paper options to add an addition suboption under Option 1: d) 80 million pounds. The motion was seconded and carried without objection.

The main motion, as amended, carried unanimously. A copy of the final motion is included as Appendix IX to these minutes.

C-4(d) Crab EDR Metadata Report

ACTION REQUIRED

(d) Receive report on Crab EDR metadata.

BACKGROUND

At its April 2008 meeting, in response to testimony and a motion from Pacific Northwest Crab Industry Advisory Committee, the Council passed a motion approving a suggested process for review of data quality for data submitted under the crab economic data reporting (EDR). That process includes industry reviews of metadata describing the data and its quality and a report back to the Council on the output of that process. The Council also stated its intent that use of the data be postponed until this review process is completed.

Since the April meeting, agency staff have had several discussions with industry, including two formal PNCIAC meetings to review the metadata and industry comments on that metadata. Based in part on information gathered at these meetings, agency staff has prepared a draft metadata table describing each variable and data quality considerations (including relevant information gained through survey audits). These documents conclude that certain data are accurately captured through the EDR process; other data have quality issues that affect their accuracy and use. A discussion paper describing those data that suffer from quality concerns, the nature of the concerns, and degree of limitations arising from those concerns is attached hereto (Item C-4(d)). PNCIAC and agency staff are continuing to refine the discussion of these data quality issues in the metadata. That process is anticipated to be completed prior to the February 2009 Council meeting. In addition, PNCIAC and agency staff have begun to plan revisions to surveys to eliminate known data quality problems. Once substantial progress has been made in the development of those revisions, agency staff will present proposed revisions to the Council for its consideration.

Report of the Scientific and Statistical Committee

The SSC noted appreciation for the efforts of and support provided by the crab industry in this effort. The SSC is particularly concerned about the unreliability of information on: (1) quota share transactions, (2) fuel expenditures, and (3) pot costs and losses. While the SSC recognizes that developing reliable records of these time series poses substantial challenges, those challenges must be overcome. If the only reliable way to obtain information on quota share transactions (transfers, sales, leases) is to mandate reporting of the terms of trade for each transaction, then the regulations should be amended as needed. The SSC strongly recommended against delay in the development and implementation of a comprehensive EDR program. For additional SSC comments on this issue, please see the SSC Minutes, Appendix VI to these minutes.

The Advisory Panel did not address this agenda issue.

COUNCIL DISCUSSION/ACTION

Dr. Brian Garber-Yonts (AFSC staff) provided a review of efforts to devise a comprehensive EDR program. The Council also received comments from the SSC and oral public comments on this issue.

Doug Mecum moved to recommend staff proceed with the use of category A and B data as appropriate in a manner consistent with metadata. The Council further requests PNCIAC and NMFS staff to continue collaborative efforts to revise EDR surveys to address data quality shortcomings identified in metadata, particularly with respect to category C data. This includes responding to data needs identified by the SSC.

To the extent that data quality shortcomings cannot be overcome, agency staff will develop recommendations for streamlining data collection by removing questions from the EDR survey. Staff will report progress to the Council in February.

The motion was seconded and carried without objection. It was noted that staff will also provide information on any regulatory actions that may be necessary to achieve the goal of a comprehensive EDR program.

C-5 Observer Program

ACTION REQUIRED

- (a) Review discussion paper on groundfish observer program restructuring
- (b) Review NMFS letter on Level 2 observer issues

BACKGROUND

- (a) Review discussion paper on groundfish observer program restructuring

The existing North Pacific Groundfish Observer Program (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. In the past several years, the Council, NMFS, and the OAC have been working to develop a new system for observer funding and deployment in the Observer Program. The concept previously proposed was 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.

The Council last reviewed an amendment package in June 2006, with alternatives intended to restructure the observer program. As part of initial review in February 2006, NMFS and the Council discussed ongoing concerns with not being able to provide a definitive assessment of observer costs under a new service delivery model, due to uncertainty about the applicability of the Services Contract Act and Fair Labor Standards Act. Also at the time, NOAA General Counsel, Alaska Region provided a preliminary determination that the Research Plan authority provided in the Magnuson-Stevens Act (Section 313) to assess a fee for observer coverage could not be applied to only a subset of the vessels in the fisheries for which the Council and NMFS have the authority to establish a fee program. Therefore, all of the 2006 restructuring alternatives, which assessed different fees against different fisheries or sectors, were likely to require new statutory authorization.

Given the cost and statutory issues, at the time of final action in June 2006, the Council approved an extension of the current program, by removing the December 31, 2007 sunset date in existing regulations, as opposed to restructuring the observer program. This action was also recommended to the Council by NMFS and the OAC, given the need for continuing the program in the short-term and the lack of control over Congressional authority and cost issues. The final rule for this action was published on June 13, 2007 (72 FR 32559).

As part of its June 2006 motion, the Council recommended that a new amendment proposing restructuring alternatives for the Observer Program should be considered by the Council at such time that: (1) legislative authority is established for fee-based alternatives; (2) the FLSA issues are clarified (by statute, regulation, or guidance) such that it is possible to estimate costs associated with the fee-based alternatives; and/or (3) the Council requests reconsideration in response to changes in conditions cannot be anticipated at this time. Thus, the previous analysis of the restructuring alternatives was intended as a starting point for a future amendment.

At its April 2008 meeting, the Council tasked staff to develop a discussion paper to evaluate the problem statement, issues, and alternatives in the previous 2006 observer restructuring analysis. The discussion paper was to identify any new issues that have arisen in the meantime, including Magnuson-Stevens Act amendments, the status of cost information, and any relevant changes in the fisheries. Staff was also asked to provide recommendations about possible modifications to the problem statement and alternatives, if necessary. Council, NMFS, ADF&G, and IPHC staff participated in the development of the discussion paper.

The discussion paper was sent to you on November 21, and NMFS recommendations with regard to this action are provided in a letter from the Regional Administrator (Item C-5(a)). No action is required by the Council at this meeting. However, the Council could choose to reinstate a formal analysis to change the service delivery model for the Observer Program, or request additional information prior to taking this step. If the Council chooses to reinstate a restructuring analysis at this meeting, it will need to approve a problem statement and suite of alternatives for analysis. The previous 2006 problem statement and alternatives were intended as a starting point; the Council may want to consider the changes to the problem statement and suite of alternatives suggested in this paper.

The Council could also determine not to take action to reinstate at this time, particularly if the Council thinks the conditions it set in June 2006 have not sufficiently been met. The paper reviews how the statutory authority issue has been resolved through MSA reauthorization, and the ways in which the costs associated with a change to the service delivery model can be estimated. However, if the Council does not have confidence that a new analysis can estimate costs resulting

from a change in the service delivery model to the extent necessary to approve a restructured program at this time, it may choose not to reinitiate an analysis.

(b) Review NMFS letter on Level 2 observer issues

At its October 2008 meeting, the Council also requested that staff include discussion relative to the Lead Level 2 observer requirements in the freezer longline CDQ sector in the discussion paper noted above. Subsequent to that request, the Council received a letter from Alaskan Observers, Inc. (Item C-5(b)(1)), asking the Council to initiate analysis on three specific issues: 1) eligibility requirements to become a Lead Level 2 observer; 2) observer requirements in the freezer longline CDQ sector; and 3) new observer workload requirements. These issues are addressed under a separate letter from NMFS (Item C-5(b)(2)), as they represent specific regulatory or internal policy changes, and do not fit the content of the discussion paper on overall observer restructuring.

The Council is scheduled to review NMFS' response to these issues and may take action as necessary.

The Scientific and Statistical Committee did not address this issue at this meeting.

Report of the Advisory Panel

The AP requested that the Observer Advisory Committee be convened to address the changes that NMFS has outlined in the recent discussion paper. Additionally, the AP recommends the following additions to the problem statement:

The North Pacific Groundfish Observer Program (Observer Program) is widely recognized as a successful and essential program for management of the North Pacific groundfish fisheries.

*However, the Observer Program faces a number of longstanding problems that result primarily from its current structure and **lack of clear objectives**. The existing program design is driven by coverage levels based on vessel size that, for the most part, have been established in regulation since 1990 **and do not include observer requirements for either the <60' groundfish sector or the commercial halibut sector**. The quality and utility of observer data suffer because coverage levels and deployment patterns cannot be effectively tailored to respond to current and future management needs and circumstances of individual fisheries. In addition, the existing program does not allow fishery managers to control when and where observers are deployed. This results in potential sources of bias that could jeopardize the statistical reliability of catch and bycatch data. The current program is also one in which many smaller vessels face observer costs that are disproportionately high relative to their gross earnings. Furthermore, the complicated and rigid coverage rules have led to observer availability and coverage compliance problems. The current funding mechanism and program structure do not provide the flexibility to solve many of these problems, nor do they allow the program to effectively respond to evolving and dynamic fisheries management objectives.*

The AP recommended adding representation to the OAC from the <60' sector.

Additionally, the AP recommended that NMFS proceed with a regulatory analysis to make observer requirements consistent between the CDQ and non-CDQ freezer longline sector without further AP or Council review.

COUNCIL DISCUSSION/ACTION

The Council received reports from Nicole Kimball (NPFMC staff) and Martin Loefflad and Brandi Gerke of the AFSC-Observer Program on restructuring the Observer Program. The Council also received Advisory Panel recommendations and oral public comments on this issue.

COUNCIL DISCUSSION/ACTION

(a) Program Restructuring

Doug Mecum moved the following:

The Council tasks staff to prepare an initial draft analysis of alternatives to restructure the observer program, with the following guidelines:

- 1. The problem statement as it is written on page 3 of the December 2008 discussion paper with the addition of the suggested language (page 19) that the current program does not include observer coverage of vessels less than 60' in length or the halibut fishery.**
- 2. Revisions to the alternatives as recommended in NMFS's December 3, 2008 letter that would:**
 - (i) remove Alternatives 2 and 3 from the 2006 analysis, and**
 - (ii) add an alternative for a comprehensive fee-based system.**

With these revisions, the alternatives that would be analyzed are those listed in the attachment to NMFS's letter.

- 3. The initial draft will include:**
 - (i) the extent to which each alternative address the problem,**
 - (ii) costs and other impacts on the industry, and**
 - (iii) costs and impacts of the alternatives on NMFS.**
- 4. The Council requests the analysts work first on a description of how NMFS would deploy observers under a restructured observer program (an implementation plan). Analysts will then meet with the OAC to solicit their input on this part of the analysis before the initial draft analysis is completed.**

The motion was seconded.

Duncan Fields moved a substitute motion to send the current discussion paper as well as the motion provided by the agency (see above) to the Observer Advisory Committee for committee recommendations, but withdrew the amendment after discussion.

Bill Tweit moved to add Alternative 3 back into the analysis. The motion was seconded and carried with Hyder objecting.

The main motion carried without objection.

(b) Review NMFS Letter on program restructuring

Gerry Merrigan moved the AP recommendation that NMFS proceed with a regulatory rule to make observer requirements consistent between the CDQ and non-CDQ freezer longliner sector without further review by the Advisory Panel or Council. The motion was seconded and carried without objection.

[NOAA General Counsel advised that a deeming motion is not required on this action.]

Regarding the AP recommendation to add a representative of the <60' sector to the Observer Advisory Committee, it was noted that Bob Alverson has already been appointed to fill the halibut representative seat. There was discussion about a review of the composition of the entire committee. That subject was taken up during staff tasking.

D. OTHER ISSUES

D-1 Aleutian Island Sideboards

ACTION REQUIRED

- (a) Review discussion paper on sideboards for AI Pacific cod processing, action as necessary.**
- (b) Review discussion paper on sideboards for AI POP/Atka mackerel processing, action as necessary.**

BACKGROUND

At its June 2008 meeting, the Council requested that staff provide two separate discussion papers on potential options to establish processing sideboards for catcher vessel harvests in the Eastern and Central Aleutian Islands of: 1) Pacific cod, and 2) Atka mackerel and Pacific ocean perch. The June 2008 Council motions redirected staff from providing a formal analysis, as requested in April, to developing discussion papers. The purpose of each paper is to review the Council's draft problem statement and provide a preliminary assessment of the proposed options.

A sideboard is a collective limit for all vessels subject to the sideboard; it does not represent a guaranteed allocation. Essentially, the first action (D-1(a)) proposes to limit the amount of catcher vessel Pacific cod harvest in Areas 541 and 542 that can be processed by a processing vessel (catcher processor/floater/mothership) that is part of a specific rationalization program (American Fisheries Act, BSAI crab rationalization, and BSAI Amendment 80). Similarly, the second action (D-1(b)) proposes to limit the amount of catcher vessel Atka mackerel and Pacific ocean perch harvest in Areas 541 and 542 that can be processed by a processing vessel (catcher processor/floater/mothership) that is part of BSAI Amendment 80.

The problem statements and options are provided in the discussion papers. Generally, however, the problem statements note that recent rationalization programs provide benefits to processing vessels participating in these programs and afford opportunities for consolidation, thus freeing some processing capacity to target the non-rationalized BSAI Pacific cod catcher vessel fisheries and the trawl limited access sector Pacific ocean perch and Atka mackerel fisheries. These fisheries are a few of the primary remaining fisheries in the BSAI that are not operating under a rationalization program. While there are limitations on the amount of these species *harvested* by the rationalized sectors, there are no limits on the amount harvested by catcher vessels that can be delivered to catcher processors or floating processors that operate under these rationalized programs. In the recent past, representatives from Adak have proposed Council action to provide such processing limits (sideboards) in the Eastern and Central AI Pacific cod fisheries, in order to protect shoreside processing opportunities for these species.

The suite of options for each proposed action provides various sets of qualifying years by which to establish a processing sideboard for the rationalized sector(s). In brief, the sideboard limits are proposed to be based on either the greatest amount of the species delivered within the range of qualifying years, or the average annual amount. There are several additional options included in the Pacific cod processing sideboard action, as this action includes three rationalized sectors and a broader set of qualifying years. In addition, the Pacific cod action also includes a sideboard date for consideration (i.e., prior to a specified date, these processing vessels could not take catcher vessel deliveries of Pacific cod harvested in the Eastern or Central Aleutians). Please refer to each paper for the specific suite of options proposed by the Council, as well as a preliminary analysis of the results of those options. Note that data confidentiality issues preclude staff from providing the sideboard amounts resulting from the proposed options under the Atka mackerel and Pacific ocean perch action.

Both discussion papers were sent to you on November 21. They are also attached as Item D-1(a) and Item D-1(b), respectively. The Council is scheduled to review these papers at this December Council meeting. Upon review, the Council could initiate a formal analysis (EA/RIR/IRFA) for one or both of these proposed actions, or request additional information prior to taking this step. Note that each paper includes a section that outlines several questions or clarifications that are necessary from the Council, should the Council want to proceed with an analysis. The Council could also determine that further action is not warranted at this time.

The Scientific and Statistical Committee did not address these agenda issues at this meeting.

Report of the Advisory Panel

(a) AI Pacific cod processing

The AP took no further action on this issue after a motion recommending sending this package forward for further development failed.

(b) AI POP/Atka mackerel processing

The AP recommended the Council take no further action on the BS/AI POP and Atka mackerel sideboards in the AI.

COUNCIL DISCUSSION/ACTION

[NOTE: David Bedford participated in these discussions for Denby Lloyd.]

The Council received staff reports from Nicole Kimball (NPFMC staff), the Advisory Panel report, and oral public comments on these two issues.

(a) AI Pacific cod processing sideboards

David Bedford moved to initiate analysis of the following alternatives and options: Changes to the draft problem statement and alternatives adopted by the Council in June 2008 are shown below. Deletions are shown in strikethrough and additions are underlined.

Draft problem statement:

The ~~American Fisheries Act~~, BSAI crab rationalization program, and BSAI Amendment 80 program each provide benefits to processing vessels that were intended to protect investments in and dependence on the respective fishery resource. Each of these rationalization programs has afforded opportunities for consolidation, thus freeing some processing capacity to target the non-rationalized BSAI Pacific cod fishery. Vessels under the BSAI crab rationalization program and Amendment 80 program have recently taken

advantage of the flexibility these programs allow at the expense of other established industry and community investments in the areas 541 and 542 of the Aleutian Islands.

Affected resource and areas:

Pacific cod harvested in Areas 541 and 542 from the Federally managed and State parallel fisheries.

Affected vessels:

Vessels that received benefits under a rationalization program with a processing element, including: ~~AFA vessels~~, processing vessels that contributed history to *C. opilio* BSAI crab processing quota share allocations, and catcher processors that qualified under Amendment 80. While the AFA program is a rationalization program with a processing element, AFA vessels are not affected by this action because they have not been shown to change their processing activity in the Central Aleutian Islands Pacific cod fishery since program implementation.

Component 1. Options for establishing processing sideboards:

Option 1. Sideboard limit

Limit the amount of Pacific cod harvested in Areas 541 or 542 that may be delivered to the affected federally permitted processing vessels by other vessels to:

Suboption 1. the greatest amount delivered within the range of qualifying years

Suboption 2. the average annual amount delivered within the range of qualifying years

Option 2. Sideboard date

Limit the date that the affected Federally permitted processing vessels may begin taking deliveries of Pacific cod harvested in Areas 541 or 542 to:

Suboption 1. the earliest date a delivery was taken in any qualifying year

Suboption 2. the average earliest date a delivery was accepted in ~~any~~ each year, across all qualifying years

Component 2. Options for qualifying years:

Option 1. Recent history

Suboption 1. 2005 – 2007 (3-year period prior to 2008)

Suboption 2. 2003 – 2007 (5-year period prior to 2008)

Option 2. Years prior to implementation of the respective rationalization program

Suboption 1. 3-year period prior to program implementation

Suboption 2. 5-year period prior to program implementation

Component 3. Options for calculating and applying sideboards:

Option 1. Single sideboard

All affected vessels that accept deliveries of Pacific cod harvested in Areas 541 or 542 would be combined under a single sideboard.

Option 2. Program-specific sideboards

A separate sideboard would be established and managed for each of the ~~three~~ two groups of rationalized vessels (*i.e.*, ~~AFA~~, BSAI crab, and BSAI Amendment 80) that accept deliveries in of Pacific cod harvested in Areas 541 or 542.

The motion was seconded.

John Henderschedt moved to amend to substitute the problem statement in the motion with the one found in the discussion paper. The motion was seconded and carried without objection.

John Henderschedt moved to amend the "Affected Vessels" section to re-word as follows:

Vessels that received benefits under a rationalization program with a processing element, including: AFA vessels, AFA catcher processors processing vessels that have not shown continuous processing participation in the 541 and 542 P. cod fishery since the implementation of the AFA, processing vessels that contributed history to *C. opilio* BSAI crab processing quota share allocations, and catcher processors that qualified under Amendment 80. While the AFA program is a rationalization program with a processing element, AFA vessels are not affected by this action because they have not been shown to change their processing activity in the Central Aleutian Islands Pacific cod fishery since program implementation.

The motion was seconded.

Duncan Fields moved to amend the amendment to specify catcher processors and motherships for clarity. The motion was seconded and carried without objection.

Mr. Henderschedt's amendment carried without objection.

John Henderschedt moved to amend to delete Option 2 under Component 3. The motion was seconded.

Duncan Fields moved a substitute amendment, to retain Option 2 as provided in the staff discussion paper, before the changes made in Mr. Bedford's motion. The motion was seconded and carried, 6 to 5, with Henderschedt, Hyder, Tweit, Mecum and Merrigan voting against.

Gerry Merrigan moved to amend Component 1 to specify that all Component 1 suboptions would apply only to Area 542. The motion was seconded and carried without objection.

Gerry Merrigan moved that staff be directed to revise the discussion paper (as opposed to an initial analysis) based on these actions for Council review before a formal analysis is initiated. The motion was seconded and carried, 7 to 4, with Cotten, Dersham, Fields and Bedford voting no.

(b) AI POP/Atka Mackerel Processing

David Bedford moved to table this issue indefinitely. The motion was seconded and carried without objection.

D-2 Miscellaneous Groundfish Management

ACTION REQUIRED

- ~~(a) Committee report on comprehensive data collection (T)~~
- (b) Discussion paper on changes to GOA Rockfish Program
- (b) Discussion paper on BSAI Chum Salmon Bycatch alternatives (Council only)
- (c) Discussion paper on GOA salmon and crab bycatch

BACKGROUND

(a) ~~Committee report on comprehensive data collection~~

(b) Discussion paper on changes to GOA Rockfish Program

At its June 2008 meeting, the Council received a paper reviewing the performance of the Central Gulf of Alaska rockfish pilot program in its first year. On receiving the report, public testimony, and recommendations of the Advisory Panel, the Council requested staff to prepare a discussion paper examining certain possible changes to the program, including:

- 1) A possible amendment to qualify persons with Central Gulf rockfish history who acquired a license to remain eligible to fish in the Central Gulf fisheries.
- 2) The use of a harvester only cooperative for the entry level trawl fishery and other possible mechanisms that could be used to control effort in the entry level trawl fishery.
- 3) Additional options to rollover catch from the fixed gear entry level fishery to the trawl entry level fishery, including various dates for the rollover and different allocations to the fisheries.
- 4) A change in the management of shortraker in the catcher processor sector from an allocation to a maximum retainable amount (MRA).
- 5) A change in the management of MRAs under the program to include catch of allocated secondary species in the basis for determining the MRA of a species that is not allocated.
- 6) A change in the management of halibut PSC in the entry level trawl fishery.

The attached paper examines these changes, as well as the process for development of a possible amendment package (Item D-2(b)). In particular, the time for analysis and implementation of the suggested amendments could be protracted, resulting in only a single year of fishing under the revisions prior to the 5 year sunset of the program.

(c) Discussion paper on BS Chum Salmon Bycatch alternatives

At the April 2008 Council meeting, the Council took action to bifurcate the analysis of management measures for Chinook and chum salmon to evaluate them separately. The EIS/RIR/IRFA for Chinook salmon bycatch management measures was presented for initial review in June 2008 at which time the Council selected its preliminary preferred alternative (PPA). The analysis was subsequently revised by staff and the draft EIS/RIR/IRFA then published by NMFS on December 5, 2008.

The DEIS/RIR/IRFA is accessible electronically through the NMFS Alaska Region's website at <http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>. Additional CDs or printed copies of the DEIS/RIR/IRFA may be requested from this website. The comment period for the draft EIS/RIR/IRFA ends on February 3, 2009. There is no action by the Council on Chinook at this meeting. Final action on the Chinook salmon bycatch management measures is scheduled for April 2009.

For Chum salmon bycatch management measures, the Council modified the existing suite of alternatives and scheduled further review of the alternatives and plans for analysis at this meeting. A discussion paper was mailed out on November 12th and is attached as Item D-2(c)(1). This discussion paper summarizes the current bycatch trends by season and sector, the current suite of alternatives, and information about staff availability and timing to complete the analysis. Updated tables of chum salmon mortality by year, season and sector are attached as Item D-2(c)(2) and Item D-2(c)(3).

At this meeting, the Council will review the current suite of alternatives for chum (non-Chinook) salmon bycatch in the Bering Sea pollock trawl fishery as amended in April 2008. The Council may modify the alternatives at this time, develop a problem statement, and discuss an appropriate timeline for this analysis. The AP reviewed this paper in October 2008. Their minutes on this agenda item are attached as Item D-2(c)(4). A draft action plan for this analysis has been developed and is attached at Item D-2(c)(5). Information included in this action plan are relative timelines for Chinook actions and subsequent rulemaking, potential time line for the non-Chinook analysis as well as considerations for the Council regarding information availability and development of an outreach plan for the non-Chinook analysis.

A letter to the Council from NMFS regarding the analysis and a draft Notice of Intent (NOI) to prepare an EA or an EIS for this analysis is attached as Item D-2(c)(6). This NOI contains a preliminary range of alternatives per Council's April 2008 suite of alternatives as well as suggestions that the Council consider the addition of an alternative similar to its preferred alternative for Chinook once that alternative is selected in April 2009, and that the Council discuss whether to continue to fully analyze Alternative 3 for triggered area closures.

(d) Discussion paper on GOA salmon and crab bycatch

In June 2008, the Council asked staff to focus the discussion paper on salmon and crab bycatch in the groundfish fisheries to particular species and areas with potentially high bycatch levels: Chinook salmon and *Chionoectes bairdi* Tanner crab, in the central and western GOA. Also, the Council asked staff to identify strawman closure areas for Chinook salmon and Tanner crab. A revised discussion paper was mailed out to the Council in mid-November, and is attached here (Item D-2(d)). It provides a general overview of the updated information on bycatch levels, directed fisheries, and species abundance. Preliminary alternatives have been proposed for bycatch management measures in previous iterations of this discussion paper, and they are included here, along with strawman target areas representing areas with high bycatch rates. At this meeting, the Council will review the discussion paper, and if appropriate, initiate an analysis, with a problem statement and alternatives.

NOTE: Items D-2(a), (b), and (d) were deferred to a future meeting. The Council only addressed D-2(c), Discussion paper on BSAI chum salmon bycatch alternatives. This agenda issue was not on the agenda for the SSC or the AP at this meeting. However, the AP provided comments on D-2(b) and (d). Please see the AP Minutes, Appendix II to these minutes for those comments.

COUNCIL DISCUSSION/ACTION

The Council received an overview of the DEIS/EA/RIR from Diana Stram (NPFMC staff), a review of a draft Notice of Intent for scoping from Sally Bibb (NMFS staff) and oral public comments on this issue.

John Henderschedt moved to request that NMFS proceed with a notice of intent for scoping. The notice should include trigger area closures and drop the reference to the Chinook salmon PPA that the Council will adopt in April. The motion was seconded and carried without objection (Dersham was out of the room for the vote).

The Council scheduled further discussion of the alternatives for the chum salmon analysis until the April 2009 Council meeting in conjunction with final action on the Chinook salmon bycatch DEIS, noting that that issue is a high priority issue. The Council also instructed staff to continue with interaction and outreach with affected communities to the extent possible.

D-3 Arctic FMP

ACTION REQUIRED

Review preliminary Arctic FMP and EA/RIR/IRFA and take action as necessary (SSC only – Council if necessary)

BACKGROUND

At its October 2008 meeting, the Council, SSC, AP, and Ecosystem and Enforcement Committees reviewed the preliminary draft Arctic Fishery Management Plan (FMP) and accompanying EA/RIR/IRFA. The SSC, AP, and Ecosystem and Enforcement Committees provided comments (Item D-3(a)). The Council requested that staff address all comments to the extent possible by the end of October, and then release the preliminary draft Arctic FMP and EA/RIR/IRFA for public review. The Council specified in its motion (Item D-3(b)) that it was particularly interested in public comments on Options 1 and 2 for setting conservation and management measures for future Arctic fisheries. The Council also requested that staff meet with the SSC in December 2008 to further discuss the Arctic FMP and remaining SSC concerns. The Arctic FMP and EA/RIR/IRFA were updated by incorporating most of the comments received from the SSC, AP, and Ecosystem and Enforcement Committees, and were posted on the Council's and NMFS Alaska Region's web sites in early November.

Since that time, staffs has continued to work on the Arctic FMP documents, including coordination with Alaska Fisheries Science Center staff to update the database used to inform the development of Options 1 and 2 and to address some of the remaining SSC comments. Also, NMFS reviewed the Arctic FMP documents, as did the office of NOAA General Counsel, and on November 26, 2008 a letter was sent to the Council from NMFS that transmitted these comments and a suggested Option 3 that would address legal and other issues with the other two options. Option 3 is a blend of elements from Options 1 and 2, and includes a suggested means for setting conservation and management measures consistent with the Magnuson-Stevens Act and the draft guidelines for National Standard 1. The NMFS letter with attached Option 3 language is attached as Item D-3(c).

Based on the NMFS letter, staff incorporated the suggested Option 3 into a revised draft Arctic FMP, and sent this document to the SSC in early December. The draft EA/RIR/IRFA was also updated based on the NMFS letter and the suggested Option 3; the EA/RIR/IRFA retains all of the background information used to develop Options 1 and 2, but also includes Option 3.

Report of the Scientific and Statistical Committee

After a review of the revised analysis the SSC recommends that the document be released for public review, after completing the changes recommended by the SSC previously and at this meeting. Please see the SSC Minutes, Appendix VI to these minutes, for those recommendations and comments.

COUNCIL DISCUSSION/ACTION

This was a progress report and no Council action scheduled unless further staff instruction was required. During staff tasking, the Council discussed when and where final action should be taken on the Arctic Fishery Management Plan.

D4 Staff Tasking

ACTION REQUIRED

- (a) Review tasking and committees and provide direction.
- (b) Receive report on Alaska Native/Community Outreach.

BACKGROUND

- (a) Committees and Tasking.

The list of Council committees is attached as Item D-4(a)(1). Item D-4(a)(2) is the three meeting outlook, and Item D-4(a)(3) and Item D-4(a)(4) respectively are the summary of current projects and tasking. In addition, an updated work plan for implementing the programmatic groundfish management policy is attached as Item D-4(a)(5).

NMFS has provided two letters that involve staff tasking. In the first letter, dated November 14, NMFS recommends that Option 2 be dropped from the analyses of BSAI fixed gear parallel fisheries management, which is scheduled for initial review in February (see letter attached as Item D-4(a)(6)). The Council may wish to revise the options accordingly, and provide guidance to analysts at this meeting. The second letter, dated November 25, requests the Council to expand alternatives to allow replacement of vessels in the Amendment 80 program (see letter attached as Item D-4(a)(7)). Again, the Council may wish to revise the alternatives for this analysis on the basis of the NMFS letter.

Item D-4(a)(8) is proposal from Mr. Robert Snell to revise the halibut and sablefish program to allow C class vessels (36-60' LOA) to fish category D quota in Area 4B.

In October, the Council added several new projects to the tasking list (Pribilof Island blue king crab rebuilding plan revisions, Bristol Bay trawl closure area changes, Amendment 80 vessel replacement provisions, GOA P.cod sideboards for crab vessels). The Council may wish to discuss tasking priorities to address existing projects, as well as potential additions discussed at this meeting, given the resources necessary to complete these projects.

- (b) Receive report on Alaska Native/Community Outreach

In June 2008, the Council reviewed a discussion paper that was provided in response to the Council's policy priority to improve communication and participation with Alaska Native and rural communities, as identified in the workplan resulting from the Programmatic SEIS. Upon review of several suggestions to expand both ongoing communication and outreach specific to particular projects, the Council initiated a small workgroup to further review potential approaches and provide recommendations. This workgroup met on November 24, the report for which is attached as Item D-4(b).

One of the main recommendations of the workgroup is to create a standing committee of Alaska Native, rural community, and Council representatives. This committee would be charged with 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 recommendations regarding which proposed actions need a specific outreach plan; and 3) to provide feedback on community impacts sections of specific analyses. This committee is not intended to be the primary mechanism for community input on Council actions, instead, it is intended to assist the Council in improving the overall outreach process and analyses relevant to community concerns.

The workgroup recommends that the Council initiate this committee, with the intent that it meet and provide further recommendations to the Council at its April or June 2009 meeting.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended the Council develop a discussion paper to move the Dutch Harbor cod fishery to the Bering sea. Currently, the Western Gulfs geographic boundaries include the south side of Unalaska WGOA rules including necessary endorsements unnecessarily complicate fisheries based in Unalaska/Dutch Harbor and create unnecessary conflicts with WGOA fisheries.

The AP requested the Council direct staff to develop a discussion paper that looks at overlapping participation in the West Coast and Alaska fisheries and possible effects of Pacific coast groundfish rationalization on Alaska fishery participants. NMFS and Council should consider types of sideboard protections that might be appropriate. Additionally, staff should consider timeline issues for implementation of the West Coast rationalization plan and a corresponding North Pacific sideboard amendment package.

Additionally, the AP requested staff to develop a discussion paper regarding Bering Sea Crab PSC limits as this mortality is now incorporated in crab overfishing definitions.

The AP also recommended the Council reconvene the Halibut Charter Stakeholder Committee to develop a long-term solution for charter vessel operators.

Further, the AP recommended the Council include a third alternative in the analysis of AM80 vessel replacement that would allow replacement of an original AM80 vessel under any condition. The AP further emphasizes the need to clarify statutory restrictions on new or replacement vessels which exceed 165 feet in length.

The AP recommended the Council direct staff to develop a discussion paper in preparation for the IPHC halibut bycatch workshop which examines halibut bycatch in all gear types in all fisheries.

The AP recommends the Council have a call for proposals for the halibut/sablefish IFQ program.

COUNCIL DISCUSSION/ACTION

Chris Oliver, NPFMC Executive Director, reviewed staff tasking as well as the 3-meeting outlook. Glenn Merrill (NMFS staff) reviewed a letter from NMFS (dated November 25, 2008) relating to the analysis for Amendment 80 vessel replacement revisions which noted concern over whether the Council has identified an adequate range of alternatives.

Sue Salvesson (NMFS) reviewed a letter from NMFS (dated November 14, 2008) regarding the analysis of several suboptions to limit the ability of fixed gear CPs to circumvent the intent of previous conservation and management measures implemented for the P. cod fishery in the BSAI.

The Council also received the Advisory Panel report and oral public comments on this agenda item before the following discussions/action.

The Council deferred the report on Alaska Native/Community Outreach (Agenda D-4(b)) to a later meeting because of time constraints.

BSAI Parallel Fisheries Issues (NMFS Nov. 14th letter)

Gerry Merrigan moved to approve the recommendations of NMFS (drop Option 2 from the analysis; expand Option 1 to include all 3 suboptions identified by the Council in the discussion paper). The motion was seconded and carried without objection (Tweit was out of the room for the vote).

Amendment 80 Vessel Replacement Analysis (NMFS Nov. 25th letter)

Doug Mecum moved to approve the recommendation of the Advisory Panel with respect to the Amendment 80 vessel replacement analysis--to include a third alternative that would allow replacement of an original Amendment 80 vessel under any condition. The motion was seconded and carried without objection. The analysis was scheduled for initial review in February.

Alaska Board of Fisheries Proposals

Gerry Merrigan moved to encourage the Board of Fisheries to approve proposals 369, 370, 373, 374, and only note that proposals 371 and 372 may increase effort in the parallel fishery (without making a recommendation for approval/disapproval). The motion was seconded.

Sam Cotten moved to delete the reference to proposals 371 and 372. The motion was seconded and carried, 7 to 3, with Benson, Henderschedt and Merrigan voting against and Mecum abstaining. Mr. Merrigan's amended motion carried without objection.

Observer Advisory Committee

The Council concurred with Chairman Olson's suggestion to reconstitute the committee. Nominations will be solicited in the Council newsletter. Mr. Olson noted that a Council member will be appointed as Chair and that Council members will be consulted before finalizing the new committee with a goal of having that accomplished within the next one to two months.

June 2008 Meeting Venue

Because of a lack of available hotel rooms in Dutch Harbor, the Executive Director and Chairman will continue to explore other possibilities. Girdwood may be an option and although Nome was mentioned, it was noted that that may not be feasible on such short notice.

Scheduling Action on Arctic FMP

The Council discussed whether to schedule final action on the Arctic FMP for the April 2009 meeting (rather than February) in order to make it easier for stakeholders to participate. The Chair earlier mentioned the idea of scheduling that action only, possibly on the last day of the February or April meeting, in Barrow, Alaska.

Duncan Fields moved to take final action on the Arctic FMP at the April meeting, possibly in Barrow, contingent on logistics, feasibility, etc. The motion was seconded and carried without objection. The Chair and Executive Director will pursue the possibility. It was noted that the State Department representative should be contacted to determine if a change could cause a scheduling conflict.

Call for Proposals - Halibut/Sablefish IFQ Program

Gerry Merrigan moved to approve the recommendations for a call for proposals for changes to the Halibut and Sablefish IFQ Program. The motion was seconded and carried without objection.

It was noted that a schedule could be discussed at a later meeting, but the call could be published in the next Council newsletter. Mr. Merrigan also noted that there is at least one vacancy on the IFQ Implementation Committee.

GOA P. cod Sector Split - Scheduling

Duncan Fields noted that he would agree with public comments received indicating concern over having a final vote on this issue in June in Dutch Harbor because it will generate considerable testimony from Kodiak-area residents. It was suggested that the final action be rescheduled to a meeting where accommodations are not so limited. Mr. Fields advised that if the meeting in Dutch Harbor is confirmed, in February he will consider requesting that final action be delayed until the October 2009 meeting.

Halibut Charter Stakeholder Committee

The AP recommended reconvening the Halibut Charter Stakeholder Committee to develop a long-term solution for charter vessel operators. Dave Hanson, the Chair of that committee, advised that he's had discussions with industry members on the subject but would prefer to wait until February for further discussion of this recommendation.

Adak - Halibut IFQ

As a result of a letter and public comment, Duncan Fields made a motion to request a white paper to consider Adak as a CQE community for the purpose of halibut ownership, however withdrew the motion after discussion. It was pointed out that the proposal can be submitted as a result of the new call for proposals just approved by the Council.

Appointments

The Chairman announced the following appointments to the SSC, Advisory Panel, and the Pacific NW Crab Industry Advisory Committee.

Advisory Panel:

Reappointments for 3-year terms: John Crowley, Jerry Downing, Chuck McCallum, Beth Stewart, and Lori Swanson

Reappointment for a 1-year term: Tim Evers

New Appointments: Teresa Peterson, Jeff Farvour

SSC:

All current SSC members were reappointed to another 1-year term with Dr. Ray Webster (IPHC) replacing Bill Clark who is retiring. Dr. Clark will, however, participate as a member of the BSAI Groundfish Plan Team.

FINAL MINUTES
NPFMC
DECEMBER 2008

PNCIAC:

All current members of the PNCIAC were reappointed to 2-year terms, with the addition of a new appointee, Dave Schwarzmiller. Reappointed members are: Steve Minor, Keith Colburn, Lance Farr, Phil Hanson, Kevin Kaldestad, Gary oncon, Gary Painter, Rob Rogers, Vic Sheibert, Gary Stewart, Tom Suryan, and Arni Thomson as the Secretary (non-voting).

ADJOURNMENT

Chairman Olson adjourned the meeting at approximately 3:50 pm on Tuesday, December 16, 2008.