

North Pacific Fishery Management Council

Eric A. Olson, Chairman
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.alaskafisheries.noaa.gov/npfmc>

FINAL ADVISORY PANEL MINUTES North Pacific Fishery Management Council December 8 – December 12, 2008, Anchorage Hilton Hotel

The following members were present for all or part of the meeting:

Joe Childers

Tim Evers

Matt Moir

Mark Cooper

Bob Gunderson

John Moller

Craig Cross

Jan Jacobs

Rex Murphy

John Crowley

Bob Jacobson

Ed Poulsen

Julianne Curry

Simon Kinneen

Michelle Ridgway

Jerry Downing

Chuck McCallum

Beth Stewart

Tom Enlow

Mike Martin

Lori Swanson

The AP unanimously approved the minutes from the previous meeting.

C-5 Observer Issues

The AP requests 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.

Motion passed 16/3.

Additionally, the AP recommends that NMFS proceed with a regulatory analysis to make observer requirements consistent between the CDQ and non-CDQ freezer longline sector without having to come back to AP/Council. *Motion passed 19/0.*

A motion failed that would have directed staff to develop a detailed preliminary review analysis based on a new problem statement:

The Minority agrees that the Observer Program problem statement should include changes suggested by the majority and that <60' fleet representation should be added to the Committee. We further concur that the OAC's input in development of the analysis will be useful. However, the Minority feels that the OAC's input should be requested after staff develops a preliminary draft analysis in order to provide them the program objectives and data necessary for the OAC to have focused discussions and generate specific recommendations to the Council process. Signed: Mark Cooper, Michelle Ridgway, and Tim Evers.

C-2 (a) Gulf of Alaska Fixed Gear Recency

“Western Gulf and Central Gulf ~~groundfish~~ 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, ~~and~~ 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 ~~groundfish~~ P.cod fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on WGOA and CGOA ~~groundfish~~ 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.

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, ~~from future entry or re-entry~~ 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 ~~groundfish~~ 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. ~~The proposed action has two parts.~~

~~(1) Remove area (Western GOA and/or Central GOA) endorsements from fixed gear LLP licenses unless the license meets a minimum catch or landings threshold in that management area.~~

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 $CP \leq 125$

- 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

~~Option 1: Exempt vessels using jig gear from any LLP requirement~~

- : Exempt vessels using jig gear from the LLP requirement
~~any Pacific cod endorsement requirement~~

~~— Suboption (applicable to either option):~~

~~Exempt vessels~~ using a maximum of 5 jiggling 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.

~~Option (applicable to any of the sectors):~~

~~Exempt vessels that are both <60 ft and under a capacity limit to be determined by the Council. The Council directs staff to provide recommendations of options to consider for capacity limits.~~

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 both a hook-and-line and a pot endorsement if the license meets the respective threshold for the appropriate gear type, operational type and vessel length.

Component 3 – Qualifying years

~~Option 1: 2000 – 2005~~

Option 2: 2000 – 2006

~~Option 3: 2002 – 2005~~

Option 4: 2002 – 2006

Option 5: 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

These options 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, the LLP would not be extinguished. If Pcod endorsements are a result of this action in the GOA hook and line CP sector, the LLP would receive a Pcod 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.

~~Option 1: All groundfish 1, 3, or 5 landings~~

~~Option 2: All directed Pacific cod 1, 3, or 5 landings (resulting in a Pacific cod endorsement)~~

~~Option 3: All groundfish 5, 10, 25, or 100 mt~~

~~Option 4: 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 harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations.

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

MINORITY Report

A minority wanted to retain the exemption from the endorsement requirements for under sixty foot vessels because this was the only thing in the package that addressed the negative impact on GOA communities. The Councils reasoning for including the under sixty foot exemption was referenced noting “abundant testimony from a number of individuals and communities that view the extinguishment of a number of these vessel endorsements would unduly restrict potential new entry” and that “there is quite a bit of feeling out there that there has not been the type of growth that may have been specified in the problem statement.”

When the under sixty foot exemption was removed from the recommended action then a minority supported a set aside of seven LLPs for each of the CQE eligible communities listed in Table 3-29. It was noted that these communities were highly fishery dependent and that national standard 8 called for trying to mitigate against increasing the barrier to reentry into the fishery that would be triggered by extinguishing these LLPs.

The minority also supported an exemption to allow full exploitation of Western Gulf directed P-Cod B season TAC. In recent years, most of the TAC has been left un-harvested (over 80% in 2006 & 2007) and the minority feels leaving the "B" season status quo will allow entry level opportunities.

The minority feels that the prevailing motion excessively narrows the range of options that should be considered under GOA LLP Recency at this stage of the analysis. Further, the preliminary preferred alternative presented will result in extinguishing a very large number of LLPs in GOA communities that have expressed interest in retaining options to fish pacific cod in the future. If the Council is convinced that the number of LLPs must be reduced for conservation reasons, alternatives to do so should consider community access, entry-level access, and attempt to achieve full utilization of pacific cod TAC available for harvest. Signed: Michelle Ridgway, John Moller, Chuck McCallum, and Rex Murphy

C-2 (b) GOA Pacific cod Sector Split

The GOA Pcod 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 Pcod 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 Steller sea lion mitigation measures, bycatch reduction, and prohibited species catch (PSC) mortality issues.”

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:
 - Pot catcher vessels <60 ft
 - Pot catcher vessels ≥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

Option: For Western GOA only ~~create a separate sector for combination trawl and pot vessels <60'~~ these sectors would be defined as:

- CP trawl
- CP Pot
- CP longline
- CV longline
- CV pot/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

~~The Council directs staff to provide tables that identify catch by sector during the A season and B season in the Western and Central GOA, including: (1) total retained catch by season and qualifying year, and (2) proportion of total retained catch taken during each season by sector under the set of options provided under Component 4.~~

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

~~Options include s~~Setting aside 1%, ~~3%, 5%, or 7%~~ 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 3% 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 GHL 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: 0% 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.

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

Suboption to Option I, 2, and 3: WGOA only

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

Motion passes 14/5

- 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.

~~Suboption: For the Western GOA, the combined offshore catcher processor allocations (sum of hook and line CP, pot CP, and trawl CP allocations) may be limited to 10%, 15%, or 20%; adjustments to achieve this limit would be applied proportionately to other sectors' allocations.~~

Component 9

~~To address Steller sea lion mitigation, bycatch reduction, prohibited species catch mortality, or other conservation and social objectives, potential allocations to any sector based on catch history may be adjusted upwards or downwards by 5% or 10%; this adjustment would be applied proportionately to other sectors' allocations. (motion passed 17/3)~~

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.

- 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.
- Suboption: In the Western/Central GOA, vessels can only surrender and/or reactivate their FFP:
 - Once per calendar year
 - Once every eighteen months
 - Once every two years
- Suboption: FFP cannot be surrendered during the 3 year term of the permit.

Note: The new section should include a table detailing all parallel fish catch by LLP holders and non-LLP holders, arranged by qualifying years where possible.

Motion passed 18/2

Minority Report: Component 5

The AP Minority, (10 out of 21 voting members) wish to have a broader range of Pcod set aside percentages analyzed in this package (1%, 2%, 3%). With changes in coastal economies, fuel prices, climate effects on fish distribution and other factors affecting future access to cod resources, we feel it is important to analyze a range of options which may support development of the jig fishery when GOA cod sector split final action is taken. Signed: Simon Kinneen, John Moller, Michelle Ridgway, Beth Stewart, Chuck McCallum, Rex Murphy, Julianne Curry, and Tim Evers.

C-3 (a) BSAI Groundfish Specifications and SAFE report

The AP recommends the Council approve the BSAI Groundfish SAFE Report. *Motion passed 19/0.*

The AP recommends the Council adopt final specifications for 2009-2010 OFLs, ABCs, and TACs as shown in the attached table. *Motion passed 16/3.*

Further, the AP recommends the Council adopt the:

- 2009-2010 apportionment of PSC allowances to non-trawl gear, CDQ, AM 80 and the BSAI trawl limited access sectors. *Motion passed 18/1*
- 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. *Motion passed 19/0*

MINORITY REPORT

The Minority opposes the recommended BSAI ABC, OFL and TACs primarily because pollock harvest levels are not sufficiently conservative to ensure rebuilding of that important stock. Although control rules and the tier structure incorporate a “precautionary adjustment” (SAFE pg 15), those modeling buffers were developed during a climatic regime when pollock was superabundant and ocean conditions were more predictable.

“This string of five consecutive poor year classes is unprecedented in the known history of the stock” (SAFE pg 14) and stock abundance is lowest on record. Restoring vitality of the BSAI pollock stock through judicious management is an extremely high priority.

Finally recent history has shown that setting pollock TAC higher than prudent results in low pollock fishery CPUE - especially in B season. This has exacerbated bycatch of salmon, squid, halibut and forage species in the BSAI. For these reasons, we feel that pollock should be managed at the Tier 3 level to encourage better survival of the 2006-year class and pollock stock rebuilding.

BSAI TAC should also incorporate finer spatial management of species vulnerable to localized overexploitation under the BSAI-wide geographic ABC/OFL/TAC scenario. Specifically, we believe that rockfish and pacific cod should be managed under ABC subdivided between the BS and AI, based on these species’ actual distribution in those areas. Signed: Michelle Ridgway, Tim Evers, and Rex Murphy.

C-3 (b) GOA Groundfish Specifications and SAFE report

The AP recommends the Council approve the GOA Groundfish SAFE report. *Motion passed 17/0.*

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.

Motion passed 17/0

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. *Motion passed 15/3.*

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. *Motion passed 20/0.*

MINORITY REPORT

The Minority opposes the 2009 and 2010 Pacific halibut PSC limits recommended and supports 97% of the PSC limits proposed.

The GOA trawl sector has been allocated a 2,000-ton halibut PSC limit since 1995. The composition of the fleet, market value of halibut and other conditions has changed over time, suggesting a call for changing our management of halibut in the GOA.

Through numerous Council actions to rationalize, stabilize and support the trawl fisheries, the fleet has been provided flexibility to allow them to prosecute target fisheries and avoid bycatch. The fleet has made impressive advancements in their ability to reduce their use of halibut PSC in recent years. The halibut resource is in a period of decline in the GOA, most notably in the EGOA (IPHC 2008). The 2009 IPHC staff recommendations suggest a 28% reduction in Area 2C directed catch.

New information suggests that there are connections between halibut uses between areas and fleets in the GOA: Page 51-56 in the 2008 IPHC report documents that the impact of halibut bycatch to the directed fishery is substantial. In adopting a coastwide assessment model, the IPHC recognizes the migration of fish from one region to another. The IPHC reports that tagging data indicates that a portion of Pacific halibut in the GOA migrate from west to east – thus, bycatch in the CGOA potentially impacts halibut abundance in the EGOA.

Therefore we recognize that changing management of even 3% of the historical halibut PSC will have unforeseen impacts on non-directed fleets, and we therefore support analysis of these effects for consideration of modifying halibut PSC in the future.

Signed

Michelle Ridgway

Julianne Curry

Tim Evers

Rex Murphy

Chuck McCallum

C-3 (c) BS and AI Allocation split

The AP recommends 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 recommends NMFS task staff with updating catch history tables with most recently available data. *Motion passed 20/0.*

D-1 AI Sideboards

D-1 (a) AI Pcod processing

A motion to recommend sending this package forward for further development in the Council process failed 9/11. The AP took no further action on this item.

(b) AI POP/Atka mackerel processing

The AP recommends the Council take no further action on the BS/AI POP and Atka mackerel sideboards in the AI. *Motion passed 15/5.*

The minority of the AP recommends that the AI cod sideboard package be moved forward. We believe policy choices shouldn't be made before an analysis has been completed. Signed: Michelle Ridgway, Chuck McCallum, Beth Stewart, John Moller

D-2 (b) GOA Rockfish Program

The AP recommends the Council begin the process of extending the CGOA rockfish pilot program beyond the sunset date. The rockfish industry will bring back recommendations on specific elements to be included for extension of the program and possible elements to address issues raised in the Council staff discussion paper. *Motion passed 18/0.*

D-2 (d) GOA salmon and crab bycatch

Whereas the GOA Chinook salmon and bairdi bycatch levels reported thusfar do not appear to have significant impacts on conservation of those stocks, the AP acknowledges that further analysis of these issues may provide insights regarding how we may improve our continuing efforts to minimize bycatch in federal fisheries for which the Council is responsible.

Toward this end, the AP recommends that the Council request staff to develop a refined discussion paper that addresses the following alternatives and concepts.

Chinook Salmon

Alternative 1: Status quo (no bycatch controls).

Alternative 2: Trigger bycatch limits for salmon. Specific areas with high bycatch (or high bycatch rates) are closed seasonally (could be for an extended period of time) if or when a trigger limit is reached by the pollock fishery.

Alternative 3: Seasonal closure to all trawl fishing in areas with high bycatch ~~or~~ and high bycatch rates.

Alternative 4: Voluntary bycatch cooperative for hotspot management.

C. bairdi

Alternative 1: Status Quo (no bycatch controls).

Alternative 2: Trigger bycatch limits for Tanner crab. Specific areas with high bycatch (or high bycatch rates) are closed for the remainder of the year if or when a trigger limit is reached by:

Options: a) trawl flatfish fishery

b) all bottom trawling

c) groundfish pot

Alternative 3: Year-round closure in areas with high bycatch ~~or~~ and high bycatch rates of Tanner crab by gear type.

Alternative 4: Voluntary bycatch cooperative for hotspot management.

OPTION: require 100% observer coverage for all pot and trawl vessels operating in the federal waters with tanner crab strawman closure areas.

The AP also recommends the Council make funding for genetic testing on salmon bycatch a priority.

Motion passed 19/0

D-4 Staff Tasking

The AP recommends 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. *Motion passed 18/1.*

The AP requests 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. *Motion passed 19/0.*

Additionally, the AP requests staff to develop a discussion paper regarding Bering Sea Crab PSC limits as this mortality is now incorporated in crab overfishing definitions. *Motion passed 20/0.*

The AP also recommends the Council reconvene the Halibut Charter Stakeholder Committee to develop a long-term solution for charter vessel operators. *Motion passed 19/0*

Further, the AP recommends 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. *Motion passed 19/0.*

The AP recommends 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. *Motion passed 19/0.*

The AP recommends the Council have a call for proposals for the halibut/sablefish IFQ program. *Motion passed 19/0*