GOA Groundfish Rationalization

The Council refined the suite of alternatives, elements, and options to rationalize the Gulf of Alaska groundfish fisheries. Significant changes include: (1) selecting retained catch without including meal as the basis for determining catch history under Element 2, Issue 1; (2) revising the eligibility criteria to be based on the LLP, with options to include interim LLPs and state water parallel fishery participants; (3) refinement of the concept of underutilized fisheries to incentive fisheries and inclusion of placeholder language for eligibility.

The current draft is posted on the Council website.

The Council identified its intent to make some critical decisions at its June 2003 meeting, with a preferred alternative selected in March 2004. The Council noted that it intends to reduce the current suite of 10 options (including suboptions) under Element 1, qualifying periods and possibly other decision points. Staff will prepare a discussion paper for June on the following topics to streamline the alternatives: (1) requests for clarifications for cooperative, processor, and catcher/processor shares and potential restructuring of those elements and options; (2) identification of decision points to be made prior to a final decision that would streamline the analysis (similar to Element 1 described above); (3) additional clarification on an entry-level rockfish program; (4) a general review of communities that may be included in various allocation and purchase programs and proxies for defining fishery dependence among communities; and (5) a strategy for structuring the EIS alternatives and possible selection of a preferred alternative. The Council also received draft outlines of the SEIS and the associated Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA). Staff contact is Jane DiCosimo.

Plan Team Appointments

The Council appointed Dr. Kerim Aydin to the BSAI Groundfish Plan Team, and Dr. Robert Foy to the Gulf of Alaska Groundfish Plan Team. Welcome aboard!

Essential Fish Habitat

The Council received a progress report on the development of the EIS for the essential fish habitat (EFH) amendments. The Council reviewed a draft table of contents for the EIS and RIR, drafts of Chapters 1 & 2, and a report on research and monitoring approaches. They also received a report from NMFS on application of alternative 5B methodology to the Bering Sea and Gulf of Alaska, to determine whether or not the approach merits evaluation as an additional alternative. Staff also reviewed how the SSC’s concerns (regarding conceptual approach, goals and objectives, research plan, and analytical components) have been addressed to date.

The Council directed the EFH Committee to develop and recommend a process for identifying and evaluating potential HAPC areas. The evaluation shall include efficacy, scientific review and appropriate mitigation measures. The process developed to identify and implement HAPCs will be incorporated in the EFH EIS. The Council intends to initiate the HAPC process prior to November 2003, and to implement any HAPCs on the same schedule as EFH FMP amendments.

A draft EIS is currently scheduled for public review on August 1, 2003. EFH and HAPC designation alternatives, and alternatives to minimize the effects of fishing on EFH, are the same as previously adopted. A copy of the final alternatives and draft maps, and April final motion are available on the Council’s web site. Staff contact is Cathy Coon.

The final Council motion on EFH: The Council directed the following modifications to the EFH EIS process:

1. The research plan should add elements that explore the potential benefits of EFH mitigation measure for productivity of FMP species.

2. The EFH Committee is directed to develop and recommend a HAPC process. The EFH committee shall report to the Council at the June Council meeting its
recommended processes for identifying and evaluating potential HAPC areas. The evaluation shall include efficacy, scientific review and appropriate mitigation measures. The process developed to identify and implement HAPCs will be incorporated in the EFH EIS. The Council intends to initiate the HAPC process prior to Nov. 2003, and to implement any HAPCs on the same schedule as EFH FMP amendments.

3. NMFS and NMFS enforcement are requested to provide information regarding an appropriate application of gear definitions to address the habitat protection goals of alternative 5B and allowing pelagic trawls in off-bottom mode.

4. Dinglebar gear should be added to gear excluded from closed areas in Alternative 6.

Working definitions for EFH and MPA processes:

Essential Fish Habitat (EFH): Those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. For the purpose of interpreting the definition of essential fish habitat: “Waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; “substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities; “necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle. (EFH Final Rule 600.10)

Habitat Areas of Particular Concern (HAPC): Subsets of EFH that are identified by a Council under 50 CFR 600.815(a)(8). Councils should identify specific types or areas of habitat within EFH as habitat areas of particular concern-based on one or more of the following considerations:

(i) The importance of the ecological function provided by the habitat.

(ii) The extent to which the habitat is sensitive to human-induced environmental degradation.

(iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type.

(iv) The rarity of the habitat type.

Marine: all areas seaward of the mean higher high water line, out to the 200 mile limit of the Exclusive Economic Zone (EEZ).

Marine Managed Area (MMA): A geographically defined area designated with special protections, including seasonal protections, of marine resources. This is similar to a marine protected area (MPA) but without the requirement of year-round protection; hence, an MPA is a restrictive class of MMA.

Marine Protected Area (MPA): Geographically defined areas designated with year-round protection to enhance the management of marine resources (NRC 2001). This definition includes areas where extraction of certain fishery resources is prohibited, and/or areas where specific gear types are prohibited. NMFS recognizes the definition of a Marine Protected Area as defined by Executive Order 13158: “Any area of the marine environment reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.”

Marine Research Reserve (MRR): A MRR is an area where all specified marine resources are protected from any disturbance or removal activity, except as necessary for monitoring or research.

Marine Reserve (MRV): A type of MPA where removal or disturbance of specified resources is prohibited. Marine reserves are also known as “no-take zones”. Marine reserves are a restrictive class of MPAs.

Other managed areas: This includes areas that already have a legislative designation and include: state parks, national wildlife refuges, and estuarine reserves.

Sources:
- Essential Fish Habitat Final Rule 50 CFR 600
- Marine Protected Areas in Alaska: Recommendations for a public process. Regional Information Report 5J02-08, Alaska Department of Fish and Game, Juneau. July, 2002;

Exempted Fishing Permit

The Council reviewed a request from United Catcher Boats, seeking an Exempted Fishing Permit to test a salmon excluder device on pelagic trawls used in the BSAI pollock fishery. The permit would allow the cost recovery sale of pollock captured in the process of testing the effectiveness of the salmon excluder for chum salmon (fall 2003) and chinook salmon (winter 2004). The Council recommended that NMFS approve the permit request, noting that it may lead to improved salmon bycatch mitigation in the future.
Crab Rationalization

At its April 2003 meeting the Council completed the process of defining a preferred alternative for the rationalization program for the Bering Sea/Aleutian Islands crab fisheries. The Council adopted trailing amendments concerning the structure for a system of binding arbitration, defining a right of first refusal for processing shares in favor of community groups, and a provision concerning the allocation of 10 percent Class B harvest shares in the fisheries.

**Binding Arbitration.** At the January/February meeting, the Council selected its preferred arbitration alternative—a system under which holders of Class A harvest shares commit deliveries to IPQ holders prior to binding arbitration of price and delivery terms. The system would accommodate one binding arbitration proceeding for each IPQ holder. At this meeting the Council adopted a provision that would establish a non-binding fleet-wide price arbitration in advance of the binding arbitration proceedings with each processor. This non-binding proceeding is intended to inform both negotiations between participants and any future binding arbitration proceedings. The binding arbitration could result in a price that differs from the non-binding price, if delivery terms (such as timing and location) differ significantly from those assumed in the non-binding proceeding. The arbitration standard (the arbitrated price should represent the historic division of revenues considering other relevant factors) would be applied by the arbitrators in both the non-binding proceedings and the later binding proceedings. In the non-binding proceeding, the arbitrator is also directed to consider the highest arbitrated price from the preceding season that is applicable to at least 7 percent of the IPQs in the fishery. This highest price provision is based on an assumption that 7 percent represents a significant share of the processing market, which could be indicative of a price trend that might be applicable to the fishery, as a whole. The arbitrator, however, is required to apply the arbitration standard in deciding the non-binding price.

**Community Protections.** The Council identified the specific provisions of the right of first refusal on processing shares that will be granted to communities. The right would be granted to CDQ groups in CDQ communities and to community groups established by the community in non-CDQ communities. The right would be established by a contract between the CDQ or community group prior to the initial allocation of PQS. The specific right is intended to balance the interests of communities in historic processing against the need of processors to improve efficiencies in a rationalized fishery.

**Class A/Class B Share Allocations.** The Council also adopted a provision that would grant Class B IFQ (which have no IPQ or regional landing requirements) to only independent harvesters. Harvesters that are affiliated with processors would receive Class A IFQ. Independent harvesters would receive Class B IFQ in an amount such that 10 percent of the total allocation of IFQ in each fishery would equal 10 percent of the TAC.

IR/ IU Amendments

The Council addressed a number of issues and trailing amendments related to Improved Retention/Utilization (IR/IU) requirements for BSAI flatfish, noting that 100% retention requirements have been delayed until June 2004. In lieu of the 100% retention requirements for flatfish in the BSAI, the Council is considering trailing amendments which would establish minimum groundfish retention standards (Amendment C) for at least the H&G catcher processor sector, along with a multi-species fishery cooperative proposal for the H&G catcher processor sector (Amendment A). At the April meeting the Council took final action on Amendment D which would provide exemptions to the IR/IU flatfish requirements for those sectors with less than 5% bycatch rates of the relevant flatfish species.

At the April meeting, the Council expanded the scope of Amendment A to include options for allocations of groundfish species and PSC to all sectors operating in the BSAI, in addition to allocations specifically to the H&G catcher processor sector. Additional refinements to the Amendment A decision document are reflected in the final version now available on the Council’s website, or upon request from the Council offices. In June the Council will once again review the Amendment A proposal and make clarifications and adjustments as necessary.

In June the Council is scheduled to take final action on Amendment C, which would establish minimum groundfish retention standards, as a potential replacement for the 100% flatfish IR/IU requirements currently scheduled to take effect in June 2004 for the BSAI, at least for the H&G catcher processor sector. In June, the Council will determine which sectors would fall under Amendment C requirements, which may affect the application of full IR/IU requirements for other sectors in June of 2004, recognizing the exemptions approved under Amendment D. The revised analysis for Amendment C will be completed and available for public comment by mid-May.

The Council’s stated intent regarding the linkage between Amendments A and C is that they be implemented concurrently in order to link the minimum groundfish retention standard to the operational flexibility offered by cooperatives. Staff contact is Chris Oliver.
Halibut Subsistence

The Council postponed indefinitely an action to include Ninilchik as an eligible community for the purpose of halibut subsistence. Ninilchik, and any other community or Alaska Native Tribe seeking inclusion, must have first received a formal finding of customary and traditional use of halibut and a rural determination from either the Alaska Board of Fisheries or the Federal Subsistence Board. Contact Jane DiCosimo for more information.

Programmatic Groundfish SEIS

At the April meeting, the SSC and Council received a progress report and schedule update on the revised draft Programmatic SEIS (PSEIS). As a result of a judicial ruling, the schedule for completion of the PSEIS has been revised and is presented below. The revised draft PSEIS will be completed this summer, and available for public review by September 2003.

The Council intends, at the June meeting, to select a preliminary preferred alternative to publish in the revised draft PSEIS. The preliminary preferred alternative will consist of three elements: a management approach statement and set of policy objectives; a set of example FMP bookends that illustrate and frame the range of management measures the Council intends to implement for that alternative; and a draft timeline for implementing the management policy.

The project team will be preparing a summary of the analysis to present to the Council in June. This will be made available to the public prior to the Council meeting on the project website www.fakr.noaa.gov/sustainablefisheries/seis/default.htm, or through the Council website www.fakr.noaa.gov/npfmc. The summary will be available during the week of May 26th, 2003.

The SSC also received a report from Dr. James Ianelli on the multi-species model adapted and developed for this project.

REVISED SCHEDULE

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<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>June 2003</td>
<td>overview of revised draft PSEIS presented to Council; Council will determine its preliminary alternative, to be included in the revised draft PSEIS</td>
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<tr>
<td>Sep-Oct 2003</td>
<td>45-day public review period of revised draft PSEIS</td>
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<tr>
<td>Oct-Dec 2003</td>
<td>synthesis and review of public comments</td>
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<tr>
<td>Dec 2003</td>
<td>comment summary presented to Council</td>
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<tr>
<td>Spring 2004</td>
<td>Council finalizes its preferred alternative</td>
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<tr>
<td>Summer 2004</td>
<td>Final PSEIS released for public review</td>
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<td>Sep 2004</td>
<td>Record of decision</td>
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Al Pollock Fishery

The Council discussed issues associated with continuing the Aleutian Islands pollock trawl fishery closure. At present, no TAC is allocated to this fishery, and it is closed for 2003. If Judge Zilly accepts NMFS’ BiOp Addendum and dismisses the lawsuit over Steller sea lion RPAs, then this essentially determines that the RPAs currently in place are sufficient protection for sea lions and a pollock trawl fishery could occur in the Aleutian Islands, outside designated and closed critical habitat. However, the Council expressed concern whether sufficient NEPA documentation currently exists to support opening this fishery. The Council directed staff to bring to the June Council meeting available NEPA documentation including the May 8, 2002 draft EA/RIR/IRFA for the Proposed Trailing Steller Sea Lion Amendments to Change the Management of the Aleutian Islands Pollock Fishery so that the Council can discuss management options for the future. Staff contact: Bill Wilson.

Steller Sea Lions

In 2001, NMFS issued their Biological Opinion of no jeopardy or adverse modification to Steller sea lions and their habitat in the pollock, Pacific cod, and Atka mackerel fisheries off Alaska under the Reasonable and Prudent Alternative. This BiOp was challenged in District Court. In December 2002, Judge Zilly ruled that NMFS was arbitrary and capricious in part of this BiOp, and issued a remand order to NMFS to provide additional information to the Court. NMFS staff has analyzed additional data, and at the April meeting presented to the SSC, AP, and Council a draft Addendum to the 2001 BiOp which will be NMFS’ response to Judge Zilly’s order. The Addendum addresses two main issues: one dealing with the factual basis in the available telemetry data for the relative weighting of critical habitat zones around Steller sea lion rookeries and haulouts, and a second dealing with fishery impacts on sea lion prey (cod, pollock, and Atka mackerel). NMFS will accept public comments on the draft Addendum until April 18, and will finalize the Addendum by June 30, 2003. The draft Addendum can be obtained from the Council offices. It is also available on the NMFS Alaska Region web site. Staff contact: Bill Wilson.

Research Priorities

The Council adopted a revised suite of research priorities for 2003 and beyond based on recommendations by its groundfish plan teams and SSC. These are available from the Council offices. Staff contact is Jane DiCosimo.
Short-tailed Albatross

The Council received a report from the USFWS regarding a forthcoming Biological Opinion on the effects of North Pacific groundfish fisheries on the endangered short-tailed albatross and threatened Steller’s eider. The agency plans to include in this BiOp an incidental take permit for 2 short-tailed albatross for all trawl fisheries (combined) in the G OA and BSAI, primarily because of concern over potential mortality of these seabirds that may strike the 3rd wire deployed with some trawl gear. The incidental take permit for 2 short-tailed albatross will be in effect until December 31, 2006, or sooner if new information relevant to this consultation becomes available before then. The BiOp also will include several mandatory Reasonable and Prudent Measures such as trawl 3rd wire monitoring, reporting requirements, and a requirement for retention of albatross mortalities for positive identification and study by the USFWS. Representatives of the USFWS, along with Council staff, have been invited to meet with members of industry to further discuss the BiOp, the incidental take permit, and practical methods trawlers can employ to mitigate seabird contact with trawl 3rd wires. The USFWS recommends that the trawl industry implement several voluntary measures to minimize the chance of taking short-tailed albatross:

1. When a short-tailed albatross is observed following a fishing vessel, fishermen should minimize the possibility of the bird becoming entangled with the gear by: a) changing the vessel’s heading or speed to discourage the bird from following, b) if no trawls are in progress, avoiding initiating a tow while the bird is in sight and avoiding initiating offal discharge in the presence of the albatross to discourage albatross association with the vessel, c) rigging the 3rd wire so that it runs down the stern into the water, or d) threading the wire through a sleeved poly float to provide the seabirds a visible indication of the wire’s location.
2. Use oil-water separators on vessel bilge systems; these simple devices filter petroleum products prior to bilge expulsion
3. Use fuel collars on tender vessels to minimize the potential for small spills during refueling
4. Work with NMFS to develop an industry-based peer system to reward vessels that successfully avoid seabird take
5. Stay up-to-date on the latest regulations governing seabird conservation and proper deployment and use of seabird deterrents
6. When night fishing, keep deck lighting to a minimum without compromising safety; deck lights should be shaded and directed towards the deck
7. Partner with NMFS in their efforts to develop state-of-the-art seabird deterrent devices for the industry
8. Share information on methods of minimizing incidental take of seabirds with other fishermen and communicate with the Council, NMFS, and the USFWS successes in addressing the seabird take problem in Alaska.

NRC Report

The Council discussed how they might address some of the recommendations provided in the NRC Committee’s report on the decline of the Steller sea lion. The Council desires to use the insights and suggestions in the Committee’s report to improve management of fisheries yet protect Steller sea lions, and perhaps to consider adjusting the current RPAs. Of particular interest to the Council is the report’s recommendation to study fishing effects on sea lions and their prey by establishing experimental closed and open areas near sea lion rookeries. The Council asked that the RPA Committee be reactivated to work with NMFS and Council staff to look for an opportunity to implement such a study, preferably in a small area in the Gulf of Alaska. The Council further requested that while the RPA Committee examines the existing Steller sea lion RPAs, they also give consideration to reducing some of the economic hardships felt by GOA communities while not compromising conservation of Steller sea lions and their habitat. A meeting of the RPA Committee has not yet been scheduled. Staff contact is Bill Wilson.

TAC-Setting Process

The Council has been reviewing alternatives to revise the BSAI and GOA groundfish TAC-setting (annual specification) process to better accommodate meaningful public review and comment on proposed regulations while including the most recent biological and fishery information in the stock assessments. Initial review of the draft analysis occurred in October 2002, at which time two additional alternatives were proposed for analysis during public testimony. The Council decided to schedule final action until it received legal review of the proposed alternatives. In April, NOAA General Counsel advised that one of the alternatives (that would make the fishery specifications effective for the first three or six months of the following year) could result in compliance with the Administrative Procedures Act. In response to that advice, the Council made a motion to include that alternative in the analysis, send the revised analysis out for public review over the summer, and schedule final action for the October 2003 Council meeting. Staff contact is Jane DiCosimo.

VIP Rates

The Council adopted Vessel Incentive Program (VIP) rates for individual vessels for the second half of 2003; these rates have remained unchanged since 1995. The VIP is intended to reduce Pacific halibut and crab bycatch rates in the BSAI and GOA trawl fisheries at the vessel level. The bycatch rates are posted on the NMFS Region website. Staff contact is Jane DiCosimo.
Rockfish Management

NMFS staff presented a description of research activities for 2003 and a preliminary long-range plan for improving rockfish research. NMFS Alaska Fisheries Science Center (AFSC) scientists plan to conduct exploratory studies to improve understanding of the distribution of higher density concentrations (or “patches”) of semi-pelagic rockfish in the Eastern Bering Sea. AFSC is specifically looking to improve the stock assessment of “other species” and rockfish. In 2004, AFSC has requested funds to improve rockfish assessments in 2004.

The Council announced that it would appoint a committee to address target/non-target species management. This committee would likely convene after interagency staff meetings complete technical discussions on possible management approaches. A tentative meeting date and location for the committee is September 19 in Seattle, following the September Groundfish Plan Team meetings. Individuals interested in an appointment to the committee should send a letter to Chairman Dave Benton addressed to the Council office. The Council also indicated its intent to schedule a day-long session to review rockfish biology and management, possibly in December 2003 or February 2004. Staff contact is Jane DiCosimo.

P. Cod Allocation

The Council completed initial review of BSAI Amendment 77, which proposes to continue to apportion the fixed gear share of the BSAI Pacific cod TAC among the fixed gear sectors (hook-and-line catcher processors, hook-and-line catcher vessels, pot vessels, and hook-and-line and pot vessels <60’ LOA). The current allocations will sunset on December 31, 2003. The two major potential actions are: 1) extend and/or modify the BSAI Pacific cod fixed gear allocations currently in place under BSAI Amendment 64, and 2) split the pot share of the BSAI Pacific cod fixed gear TAC between pot catcher processors and pot catcher vessels according to recent catch histories. The Council recommended releasing the document for public review, subject to modifications and additions as noted by the SSC. The initial review draft of the analysis is currently on the Council website, and the public review draft should be available mid-May. Final action is scheduled for June. Staff contact is Nicole Kimball.

Observer Program

The Council reviewed a draft schedule and analytical outline to restructure the North Pacific Groundfish Observer Program based on the recommendations of the Council and the Observer Advisory Committee. The proposed action would be to restructure the Observer Program design and funding mechanism to address the data quality and disproportionate cost issues resulting from the current program structure. Within the analytical outline, the Council reviewed a list of decision points that will be refined and developed into formal alternatives and options for analysis. The primary alternative would propose a new funding mechanism and program structure for all Gulf of Alaska groundfish vessels and processors under which observer coverage would be financed using a combination of user fees and Federal funding. This would include a suboption to extend the new program to cover all groundfish vessels that currently have less than 100% coverage requirements in the BSAI.

The Council directed staff to begin developing a preliminary analysis for review in October 2003. Initial review is currently scheduled for February 2004, with final action in April. Staff contact is Nicole Kimball.

CDQ Program

The Council took final action on a regulatory amendment to allow the ‘other species’ CDQ reserve to be managed as a single reserve rather than as separate allocations to each CDQ group. In conjunction with this action, the Council eliminated the CDQ non-specific reserve, as it becomes unnecessary when the management of ‘other species’ is shifted to the sector level. This action was considered as an alternative method by which to address bycatch species that become highly limiting in the directed CDQ fisheries. The Council also requested that the Secretary adopt an emergency rule to implement this change, recognizing the conservation benefits that will likely result from allowing the groups more operational flexibility related to both the location and the manner in which they fish for cod and other directed species. The Council noted that the CDQ groups have requested this concern be addressed for several years, but staff workload prevented progress on this issue. Staff contact is Nicole Kimball.

NPFMC Tentative Meeting Dates for 2003-2005*

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<td>3/29 Anchorage</td>
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*Meeting dates subject to change depending on availability of meeting space. Any changes will be published in the Council’s newsletter.

North Pacific Fishery Management Council, April 2003
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<td>Al Pollock Closure</td>
<td>Report and action as necessary (T)</td>
<td>SSL Mitigation Committee: Report (T)</td>
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<td>P. cod allocation (Am 77)</td>
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<td>GOA Salmon Bycatch: Discussion Paper (T)</td>
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<td>DPSEIS</td>
<td>Select draft Preferred Alternative</td>
<td>DPSEIS: Progress Report</td>
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<td>Update</td>
<td>Groundfish Specifications: Initial Action</td>
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<td>F40 Recommendations</td>
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**Abbreviations:**
- TAC - Total Allowable Catch
- BSAI - Bering Sea and Aleutian Islands
- IFQ - Individual Fishing Quota
- AFA - American Fisheries Act
- HAPC - Habitat Areas of Particular Concern
- LLP - License Limitation Program
- PSC - Prohibited Species Catch
- MSA - Magnuson Stevens Act
- GOA - Gulf of Alaska
- SSL - Steller Sea Lion
- CV - Catcher Vessel
- CP - Catcher Processor
- GHL - Guideline Harvest Level
- SEIS - Supplemental Environmental Impact Statement
- CDO - Community Development Quota
- IRIU - Improved Retention/Improved Utilization
- SAFE - Stock assessment and fishery evaluation
- VMS - Vessel Monitoring System
- MSST - Minimum Stock Size Threshold
- FMP - Fishery Management Plan
- PGSEIS - Programmatic Groundfish SEIS
- (T) Tentatively scheduled