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# News & Notes

North Pacific Fishery Management Council

February 2009

## Election of Officers

The Council's Advisory Panel unanimously re-elected Tom Enlow from Unisea as Chairman and Lori Swanson of Groundfish Forum and Joe Childers of United Fishermen of Alaska as co-Vice Chairmen. The Council's Scientific and Statistical Committee also re-elected their officers from last year, with Pat Livingston from the Alaska Fisheries Science Center serving as the Chair and Dr. Keith Criddle of the University of Alaska Fairbanks serving as Vice Chair.

## New Appointees

The Council appointed two new members from the Alaska Department of Fish and Game to the Scallop Plan Team. Mr. Ryan Burt will replace Jeff Barnhart who has retired from ADF&G, while Mr. Rich Gustafson will be an additional Plan Team member. Additionally, the Council appointed Jeff Kauffman to the IFQ implementation Committee. We look forward to working with them in the future.



## Council Adopts Precautionary Arctic FMP

At its February 2009 meeting, the Council voted unanimously to adopt a new Fishery Management Plan (FMP) for the Arctic Management Area. The Council selected Alternative 2 and Option 3 as its preferred alternative, which will prohibit all commercial fisheries in the area until adequate scientific information becomes available. The Council partly based its decision on comments and recommendations from its AP, SSC, and Ecosystem Committee, as well as many comments from the public. Written comments also were received from thousands of individuals and groups from throughout the world.

During its deliberations, the Council expressed concern about the potential effects of this action on the reported (but largely anecdotal) small historic fishery for red king crab in the southeastern Chukchi Sea. The Council's decision includes recognition that any fishery in the Arctic Management Area, including a red king crab fishery, could be considered in the future by the Council either through an FMP amendment process or through the Exempted Fishing Permit process. The latter could offer opportunity for exploratory fishing in localized areas to better determine the nature of any crab resource that might be fished in the future. The Council also noted that this action will not affect

future crab fishing in State waters which is managed by the State of Alaska.

The Council also adopted an amendment to the BSAI king and Tanner crab FMP to terminate its geographic coverage at Bering Strait, thereby creating a multi-species FMP for the Arctic Management Area for groundfish and invertebrates. Future consideration of fishery development in Federal waters for groundfish, crab, and scallops would fall under this new Arctic FMP. This action does not affect salmon management (the entire Arctic is closed to salmon fishing under the salmon FMP) nor halibut management (the Arctic is closed to halibut fishing; future consideration of halibut fishing in the Arctic Management Area would be under the authority of the International Pacific Halibut Commission). This action also does not affect any subsistence or personal use fisheries or any fisheries prosecuted or contemplated in State waters of the Arctic.

The Council's action will require preparation of a final draft EA/RIR/IRFA, revised Arctic FMP text, text to amend the BSAI king and Tanner crab FMP, and draft regulations that will implement the Arctic FMP. This package of documents will be submitted to the Department of Commerce for approval by the Secretary. With that approval, the final regulations to implement the Arctic FMP would be published in the Federal Register. The Council anticipates that the new Arctic FMP could be in place in 2010. Staff contact is Bill Wilson.

## Upcoming Meetings

Scallop Plan Team meeting:  
February 19-20, 2009. Hilton  
Hotel, Anchorage

Crab Plan Team meeting and  
data weighting/stock  
assessment workshop: May  
11-15<sup>th</sup>, AFSC, Seattle, WA.  
Note: data weighting/crab  
assessment workshop 12-13.

Annual Catch Limit Workshop,  
May 21-22, Alaska Fisheries  
Science Center, Seattle.

Non-Target Species  
Committee, June 2009, Alaska  
Fisheries Science Center,  
Seattle.

IFQ Implementation Team,  
September/October 2009,  
location TBA.

## Sea Otter Critical Habitat

The Council received a report  
on the proposed designation of  
critical habitat of the Southwest  
Alaska Distinct Population  
Segment of Northern Sea  
Otter. The Council decided to  
send a letter commenting on  
the proposed designation,  
noting that Council-managed  
fisheries do not overlap with  
the proposed critical habitat  
and the Council concurs with  
the relatively narrow definition  
of sea otter critical habitat.  
Comments on the proposed  
critical habitat designation are  
due February 17. See  
[alaska.fws.gov/fisheries/mmm/  
seaotters/pdf/73FR76454.pdf](http://alaska.fws.gov/fisheries/mmm/seaotters/pdf/73FR76454.pdf)  
for more information.  
Staff contact is Bill Wilson.

## AI Pcod Processing Sideboards

At its February meeting, the Council reviewed a discussion paper on the preliminary results of proposed options to establish processing sideboards on catcher vessel deliveries of Pacific cod harvested in the Eastern and Central Aleutian Islands (Areas 541 and 542, respectively). The sideboards are intended to limit the amount of Pacific cod harvested in these areas that can be delivered to processing vessels (catcher processors, floating processors, motherships) that participate in the American Fisheries Act (AFA), BSAI crab rationalization, and BSAI Amendment 80 sectors. The options provide several sets of qualifying years on which to base sideboard amounts and sideboard dates, which are intended to reflect historical processing participation in this capacity.

The paper was revised from the version reviewed in December 2008, based on changes the Council made to the proposed alternatives and options, and requests for additional background information and data. The February paper thus included results of: 1) an exemption for AFA processing vessels from the proposed sideboards, if they had continuous mothership processing participation in the Area 541/542 Pacific cod fishery since the implementation of the AFA, and 2) an option to limit the action to Area 542 only. The paper indicated that only one AFA CP meets the criteria for the exemption, and the vast majority (85%) of the Area 541/542 Pacific cod catcher vessel harvest comes from Area 541.

## GOA AFA CV Sideboards

At its February 2009 meeting, the Council reviewed a discussion paper on the proposed revisions to the GOA pollock and Pacific cod sideboards for non-exempt AFA catcher vessels. The existing sideboards were implemented in 2000, and are based on GOA pollock and Pacific cod catch history by non-exempt AFA catcher vessels during 1995 through 1997. The majority of the sideboard limits have gone unharvested by the non-exempt AFA catcher vessel sector in recent years, and the proposed action would recalculate the pollock and Pacific cod sideboards based on recent (2001-2005 or 2005-2007) catch history by the non-exempt fleet.

The Council had previously reviewed staff discussion papers addressing the proposed action in June 2008 and October 2008, and had directed staff to bring back additional background data and analysis. Specifically, in October 2008 the Council requested that an expanded discussion paper include additional information on the catch history of non-exempt vessels that will be eligible to fish in the GOA after the trawl LLP recency action is implemented. In addition, the Council requested information on the effects of recalculating sideboards on communities, processors, non-AFA participants, and AFA cooperatives.

Based on its review of the discussion paper, the Advisory Panel's recommendation, and public testimony, the Council chose to take no further action on the proposed revisions to the sideboards. The trawl recency action is expected to result in a significant reduction in the number of non-exempt AFA vessels eligible to fish in the GOA. The trawl recency action, in tandem with existing regulations (exclusive fishing seasons, stand downs, and pollock trip limits), may preclude the non-exempt fleet from substantially increasing its GOA pollock and Pacific cod harvests in the future. Staff contact is Jeannie Heltzel.

In February, the Council recommended moving from a discussion paper to initiating a formal analysis of the proposed action. The Council emphasized the general need to ensure that it fully explores the ability to protect communities from potentially negative effects of rationalization programs. The Council also eliminated options that would establish separate processing sideboards for each of the three rationalized sectors, based primarily on the fact that confidentiality rules prevent the analyst from providing the results of any of the options for separate, program-specific sideboard amounts. This is due to the limited number of processing vessels in each sector that have operated as motherships in this fishery during the proposed qualifying years. The remaining options would establish a combined sideboard amount and/or sideboard date that would apply to all three rationalized sectors.

The Council requested that initial review of a draft analysis be scheduled for October 2009, in order to coincide with the review of the ongoing Biological Opinion, which, among other things, addresses the effects of the status quo BSAI Pacific cod fishery on Steller sea lions. At that point, the Council expects to have additional information as to whether the BSAI Pacific cod total allowable catch needs to be allocated separately between the Bering Sea and the Aleutian Islands, as well as any other potential measures that may be established in the BSAI Pacific cod fishery as a result of the Biological Opinion. The current list of alternatives and options is on the Council website. Staff contact is Nicole Kimball.

## GOA B-Season Sideboards for BSAI Crab Vessels

In February 2009, the Council conducted an initial review of an amendment package to exempt crab vessels from GOA Pacific cod sideboards from November 1 to December 31 of each year. This action, if approved, would establish a B season Pacific cod sideboard exemption at the inshore/offshore level of the western and central GOA from November 1 to December 31. To protect existing GOA Pacific cod participants during periods of low available TAC, the Council included two options that would establish a minimum tonnage and/or a percent of TAC that must be available on November 1 for the exemption to apply. At this meeting, the Council delayed further action on the amendment package until the Council takes final action on GOA fixed gear recency and GOA Pacific cod sector splits. The Council delayed action on this amendment package because the GOA Pacific cod sector splits and GOA fixed gear recency actions need to be completed prior to taking any action on the Pacific cod sideboard exemption.

Staff contact is Jon McCracken.

## BSAI Pacific Cod State Water Parallel Fishery

The Council completed initial review of a regulatory amendment which would limit access by Federally-permitted vessels to the BSAI Pacific cod parallel State waters fishery. In 2008, five pot and hook-and-line CPs participated in the BSAI Pacific cod parallel State waters fishery that do not hold the permits, licenses, and endorsements necessary to participate in the BSAI Pacific cod fishery in Federal waters. This vessel activity may be circumventing the intent of previous decisions made by the Council regarding license limitation and endorsements, sector allocations, and catch reporting.

The Council recommended that the analysis be released for public review, with several revisions and additional alternatives. The Council restructured the motion for the proposed action from a single action alternative with 3 suboptions to a total of 5 alternatives. This will allow the Council to choose more than one alternative at final action (i.e., Alternative 2, 3, 4, and/or 5). Alternative 2 would require Federally-permitted pot and hook-and-line CPs to also hold an Amendment 67 Pacific cod endorsement and the appropriate area (BS or AI) endorsement in order to participate in the BSAI Pacific cod parallel State waters fishery. This alternative would complement the December 2008 action by the Alaska Board of Fisheries (BOF) to limit the size of vessels using hook-and-line gear in the BSAI Pacific cod parallel State waters fishery to 58 ft LOA. The BOF action applies to all vessels, including those that do not have an FFP or LLP.

However, the action does not apply to vessels using pot gear. The vessel size restriction will take effect on June 1, 2009.

The proposed Council action also addresses a related issue that developed in 2008, when several pot CPs (including both Amendment 67 endorsed and non-endorsed vessels) continued to fish in the BSAI Pacific cod parallel State waters fishery after the pot CP allocation was fully harvested. This vessel activity occurred during the 2008 B season. The motion includes an alternative to require Federally-permitted pot and hook-and-line CPs to adhere to seasonal closures of their respective sector allocations (Alternative 3). Finally, the motion includes two alternatives (Alternatives 4 and 5) to restrict catcher processors from surrendering and reactivating the Federal fisheries permit (FFP) within a specified time period (1 year, 18 months, or the 3-year term of the permit). This restriction could either apply only to CPs with a BSAI and either a pot or hook-and-line endorsement on the FFP (Alternative 4) or to all CP FFPs (Alternative 5). Under either alternative, the CP designation on the FFP could not be amended during the selected time period. Currently, the FFP may be surrendered and reactivated, and amended, on an unlimited basis, which would allow vessels to circumvent the additional licensing requirements proposed under Alternative 2.

Final action on the proposed amendment is tentatively scheduled for the June 2009 Council meeting. The February 2009 Council motion is posted on the Council website. Staff contact is Jeannie Heltzel.

## EFP for trawl-caught halibut bycatch survivability

The Council reviewed an exempted fishing permit (EFP) application that has been submitted to NMFS, which would research the survivability of incidentally-caught Pacific halibut in trawl fisheries. The Council recommended that NMFS approve the EFP. The project proposes to collect data necessary to construct a reflex action mortality predictor (RAMP) for predicting delayed mortality in individual trawl caught halibut. The experiment would begin on March 1, 2009, and continue until 100 halibut have been sampled, tagged, observed in live holding tanks, evaluated for potential survival, and all recording of the data for the study is carried out. The Council will receive a report on the experiment when completed. Staff contact is Diana Evans.

## Comprehensive Data Collection

The Council received a brief report from the Comprehensive Data Collection committee, which held a meeting during the February Council meeting. The committee was tasked by the Council with developing a data collection program that meets the needs of fishery managers, while minimizing the burden on fishery participants and avoiding redundancies with existing data collection programs. The purpose of the February 2009 committee meeting was to prioritize the data needs identified by the group in three areas – 1) crew, 2) economic, and 3) community and demographic data. The committee also discussed consulting with agencies that collect economic and socioeconomic data to ensure that the group is maximizing the use of existing data sources. The next committee meeting will be a conference call held in mid-April. Staff contact is Jeannie Heltzel.

## BSAI Crab Program

The Council received four staff reports concerning the Bering Sea and Aleutian Islands crab fisheries. The first report was a presentation of a draft analysis of alternatives to allow for an emergency exemption from regional landing requirements for IFQ holders that are unable to comply with regional landing requirements because of unanticipated circumstances. After reviewing the analysis, the Council made several clarifying changes to the alternatives and scheduled the action for a second review at a later meeting. At that time, the Council intends to accept additional testimony from fishery participants and interested parties concerning potential changes to the alternatives. The Council also intends to use the additional review to consider any modifications to the alternatives that might be suggested by NOAA Fisheries to ensure that the exemption can be administered. Currently, this issue is scheduled for Council review at its June 2009 meeting.

The Council also received a report from its Crab Advisory Committee concerning proposals to aid crewmembers in the fisheries and a staff report outlining its workplan for development of discussion papers and analyses requested by the Council at previous meetings. Discussion paper topics include the effects of leasing on crew (and differences in practices in the crab fisheries and other fisheries), possible measures to ensure the complete harvest of the TAC in the Western Aleutian Island golden king crab fisheries (including removal of processor shares and exemptions from regional landing

requirements), and potential extinguishment of processor shares from all fisheries. The Council also tasked staff to prepare an additional discussion paper examining potential changes to rights of first refusal on processor shares to make the right more accessible to community entities. These changes would extend the time that a community entity has to exercise a right of first refusal and perform under that contract, remove any provision under which the right lapses, and examine methods of applying the right only to assets based in the interested community (including processor shares). The right currently applies to all assets included in a transaction, which may include assets with no connection to the interested community. The Council previously directed staff to prepare formal analyses of alternatives to modify the crab program. Complete descriptions of these alternatives in their current form are contained in the Council's December 2009 motion on its website. To ensure that it takes a comprehensive and consistent approach to its decision making, the Council requested that staff prepare discussion papers for Council review prior to preparing the larger analysis.

Lastly, the Council received a brief report concerning progress in refinement of the Economic Data Reporting system, which was adopted as a part of the crab program. Council and NOAA Fisheries staff will conduct an industry workshop on February 17, 2009 at the PSPA offices (1900 West Emerson Place, #205, Seattle, WA) to continue this process. Staff contact is Mark Fina.

## Amendment 80 Cooperative Formation

In February 2009, the Council conducted an initial review of an action to modify Amendment 80 cooperative formation and released the amendment package for public review, which includes six proposed alternatives.

- Alternative 1: (status quo) – a minimum of three unique quota share holders, holding at least nine quota share permits are required to form a cooperative
- Alternative 2: Reduce the number of unique quota share holders required to form a cooperative from three to two or one unique quota share holders
- Alternative 3: Reduce the number of quota share permits required to form a cooperative from the existing 9 permits to some lower range
- Alternative 4: Reduce both the number of unique quota share holders and the number of quota share permits required to form a cooperative (combination of Alternatives 2 and 3)
- Alternative 5: Allow a cooperative to form with a single or collective group of entities that represent 20%, 25%, and 30% of the sector quota share
- Alternative 6: Allow the groundfish retention standard (GRS) to be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.

The Council also modified some of the alternatives: changing Alternative 6 to a sub-option under each of the alternatives, including Alternative 1. The Council also clarified that Alternative 5 does not replace the status quo but instead provides an additional alternative to the existing three unique quota share holders and nine quota share permits required to form a cooperative. Finally, the Council asked staff to include the following information in the analysis before releasing for public review:

- Expanded discussion of the purpose and need from Amendment 79 and Amendment 80;
- Include 2008 catch data for the Am80 cooperative separate from Amendment 80 limit access group;
- A more thorough discussion of GRS including GRS retention by vessel size;
- Expanded discussion of cooperative requirements under other LAPPs;
- Expand the analysis of Alternative 3 to include 7 and 8 quota share permits.

Staff contact is Jon McCracken.

# Trawl sweep gear modification for Bering Sea flatfish fisheries

The Council adopted a problem statement and alternatives for an analysis to require the use of elevating devices on non-pelagic trawl sweeps used in the Bering Sea flatfish fisheries. This action was initially evaluated under BSAI FMP Amendment 89 as part of the Bering Sea Habitat Conservation measures. At that time, the Council adopted the gear modification requirement as part of its preferred alternative, but delayed implementation pending further research to ensure that it would be practicable in the fishery. The sweep modification has now been successfully tested in the affected fleet, and initial review of the analysis is scheduled for June 2009.

As part of Amendment 89, the Council also closed all of the Northern Bering Sea Research Area to non-pelagic trawl fishing, with the understanding that a small subarea east of St Matthew Island, which was important to the flathead sole fishery, might reopen with the implementation of the modified gear requirement for flatfish fishing in the whole of the Bering Sea subarea. Consequently, the proposed analysis also evaluates creating a small "Modified Gear Trawl Zone" east of St Matthew Island, where any vessels fishing with non-pelagic trawl gear would be required to use the modified sweeps, regardless of targeted fishery. Finally, the Council included an option to reevaluate the St Matthew Island Habitat Conservation Area (HCA), to ensure that its current boundary meets the Council's intent to protect blue king crab habitat. The alternatives are listed below, and staff contact is Diana Evans.

Alternative 1: Status quo

Alternative 2: Require non-pelagic trawl vessels targeting flatfish in the Bering Sea to use elevating devices on trawl sweeps to raise them off the seafloor.

Alternative 3: Require non-pelagic trawl vessels targeting flatfish in the Bering Sea to use elevating devices on trawl sweeps to raise them off the seafloor, and adjust the southern boundary of the Northern Bering Sea Research Area (NBSRA) to exclude an area that would be designated as a "Modified Gear Trawl Zone". Anyone fishing with non-pelagic trawl gear in this area must use the modified trawl sweeps required by regulation. The polygon would be delineated on the north by a line at 61° W. latitude, to the east at 168° W. longitude, to the south by the existing NBSRA boundary, and to the west by the St Matthew HCA boundary (which may be revised under the option listed below).

St Matthew Island HCA Option (can be adopted under any of the three alternatives): Adjust the St Matthew HCA boundary to be consistent with the Council's intent to protect blue king crab habitat, based on the best available information.



During staff tasking, the Council approved the development of a small committee in preparation for an amendment to allocate the BSAI Pacific cod sector allocations separately between the BS and the AI, should a split of the BSAI TAC occur in a future specifications process. While a small committee is preferable, the Council noted that each sector should be represented. There are currently separate BSAI Pacific cod allocations made to nine different catcher vessel and catcher processor sectors. The Council noted that prior to developing the analysis for the amendment package, there is a need to understand the outcome of the ongoing Biological Opinion (scheduled for release in August 2009), which, among other things, addresses the effects of the status quo BSAI Pacific cod fishery on Steller sea lions. However, the Council approved initiation of a committee to start evaluating the suite of alternatives and recommend data requests that may be necessary to make progress on this issue this summer. The committee is no-host, as are all Council committees. The intent is to appoint members in April, with a possible meeting by June. **Interested persons should send a letter of interest to the Council (attention Executive Director) by March 31, 2009.** Staff contact is Jon McCracken.

## Central Gulf Rockfish Pilot Program

At its June 2008 meeting, the Council requested staff to prepare a discussion paper concerning potential amendments to the Central Gulf of Alaska pilot program. These potential amendments included provisions to qualify additional persons for the program, changes to the entry level fisheries intended to allow for more complete harvest of the TACs in those fisheries, changes in management of shortraker rockfish in the catcher processor sector, and modifying the basis species for determining maximum retainable amounts for species that are not allocated under the program. Staff presented the requested discussion paper to the Council at its February 2009 meeting.

Based on its review of the discussion paper, the Advisory Panel's recommendation, and public testimony, the Council requested staff to develop a description of alternatives that could be used to create a replacement management program for the Central Gulf of Alaska rockfish fishery for implementation in January of 2012. Alternatives include: 1) no action, under which the fishery would revert to management under the License Limitation Program, 2) the current rockfish pilot program, 3) a variation on the existing program with changes to address issues that arise under the new Magnuson Stevens Act limited access privilege program requirements, and 4) a variation on the existing program with changes to address concerns of various interests. The Council also encourages the public to provide recommendations and comments on possible elements that could be included in the program. The draft alternatives are to be presented to the Council at its June 2009 meeting. Staff contact is Mark Fina.

# Halibut Management Update

**Commercial** The Council noticed its intent in December 2008 to reconsider its previous preferred alternative from June 2006 to remove inactive halibut and sablefish permits and to award inactive halibut (only) quota shares to eligible crew through a lottery if at least 50,000 lb equivalent of QS at the time of implementation. Because 34,000 lb of halibut IFQs were inactive as of December 2008, the lottery would not be implemented. At the February 2009 meeting, a motion to explore a new option to issue inactive QS to a third party, for subsequent reissuance, failed. Thus, rulemaking will proceed to remove inactive halibut and sablefish permits and withdraw those QS from the pool. As a result, each current halibut and sablefish QS holder's shares would increase by an incremental amount.

The Council announced a call for halibut and sablefish Individual Fishing Quota (IFQ) proposals. **Proposals must be received by the Council by June 1, 2009 (a blank proposal form and submitted proposals can be found on the Council halibut web page).** The IFQ Implementation Team will convene in October 2009 to review proposals. The Council will review proposals, Team recommendations, and take action to initiate amendments to the program, as

necessary, at its December 2009 meeting. If amendments are initiated, Council action could occur in 2010 and implementation would occur *no sooner* than the 2011 IFQ fishing season.

**Charter** The Scientific and Statistical Committee reviewed two discussion papers on issues related to the Council's preferred alternative (October 2008) on the halibut catch sharing plan (CSP) during its February 2009 meeting. One paper reviewed approaches for selecting an appropriate maximum size limit when at the lowest tier of halibut abundance; another paper addressed approaches for projecting charter halibut harvests. The SSC provided sufficient guidance for staff to complete the final draft of the analysis on these issues for submission to the Secretary. Additional implementation issues will be addressed by NMFS in preparation for proposed rulemaking.

Consistent with a request of several charter halibut associations in Southeast and Southcentral Alaska, the Council inactivated its charter stakeholder committee. The Council would reconstitute such a committee when and if it became necessary to address issues associated with the charter halibut sector.

The Council has reorganized its halibut management web page to better inform the public of the status of numerous pending Secretarial actions in the charter, commercial, and subsistence halibut fisheries. Staff contact is Jane DiCosimo.



Council meeting attendees at the February meeting.

# Salmon Bycatch

The Council discussed several items in relation to its preliminary preferred alternative (PPA) in the Bering Sea Chinook Salmon Bycatch Management draft EIS/RIR/IRFA. The draft EIS/RIR/IRFA was released on December 3<sup>rd</sup>, 2008. The comment period for the DEIS has been extended until February 23<sup>rd</sup>, 2009. While no action was scheduled for this meeting, discussion of these items at the Council meeting was critical to preparing the Council and the public for final action on Chinook salmon bycatch management measures at the April 2009 Council meeting.

The Council's PPA includes a specified cap level of 68,392 Chinook salmon (annual scenario 1) "if an intercooperative agreement (ICA) is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years". The hard cap in the absence of such an approved ICA (annual scenario 2) would be 47,591 Chinook salmon. Seasonal apportionments, sector allocations, rollover and transferability provisions are equivalent under both PPA scenarios.

Given the schedule for the draft EIS and the fact that the Council's PPA does not include detailed requirements for elements of an ICA, no specific incentive program under the ICA is analyzed in the draft EIS/RIR/IRFA. The analysis includes a description of the general requirements in the Council's PPA and the process for reviewing and approving the proposed ICA. However, only the impacts of the different cap levels in the PPA are analyzed in detail.

The Council requested that the pollock industry develop the specifics of an ICA that meet the requirements of the PPA and present information about their progress to the Council at the February 2009 meeting. Two different incentive programs were presented at this meeting. One program provides incentives through tradable bycatch credits where the individual allocation of credits on an annual basis is related to rewarding low bycatch performance in previous years. Other provisions of the program include specific rules regarding the transfer of credits amongst participants in order to increase the market incentives to achieve lower bycatch. The other program proposes to have individual vessels put up a financial ante that is then redistributed amongst the fleet following the fishing year dependant upon each vessel's success in avoiding Chinook salmon. Both programs propose to continue aspects of the voluntary rolling hot spot (VRHS) program currently being employed by the fleet to avoid areas of highest bycatch. These programs are not intended to be competing proposals but rather programs that sectors of the fleet could choose between for participation. More than one incentive program is possible under a single ICA.

The Council reviewed and commented on several aspects of the current PPA (including the proposed incentive programs) as well as other items in relation to this analysis. The purpose of commenting at this meeting is to alert the public as to some likely areas of focus and discussion in April. The following highlights the comments made by the Council in three broad categories:

## **1. Clarifying amendments to the PPA**

- a. Staff requested clarification on two elements of the PPA in the EIS (page 61 section 2.4.3 of the DEIS regarding formation and composition of the ICA and the potential to exceed the hard cap given the opt out cap provision): The Council noted its intent to provide guidance to NMFS in the event that more than one ICA is submitted. The Council clarified that the PPA allows for the approval of only one ICA, although that ICA could have multiple incentive programs for different groups of participants. However, more than one ICA could be submitted if some participants did not want to participate in an ICA, but did not want an ICA for other participants to be approved. The Council further clarified its intent that the cap is intended to be an absolute hard cap thus consideration will be given at final action to options that ensure the cap will not be exceeded.
- b. Annual report requirements: The Council discussed additional items to include in an annual report from the ICA. The Council also signaled its intent to require the industry to provide an annual audit to evaluate participants' compliance with the requirements of the ICA. This annual compliance audit could be prepared by a 3<sup>rd</sup> party as part of the industry's future annual reports to the Council. In addition, the Council also may request staff or an independent 3<sup>rd</sup> party to assess industry performance under the ICA and whether the Council's bycatch reduction goals were being met. The Council noted that some of the information necessary to perform a 3<sup>rd</sup> party performance assessment may need to be included in the annual report requirements.
- c. Performance standards: The Council discussed possible mechanisms to be included in the PPA that would reduce the cap in subsequent years depending upon annual bycatch levels (for instance "if over a 5 year period there are 2 years where bycatch is above 47,591, then the 68,392 annual cap would automatically be reduced to an annual cap of 47,591 Chinook salmon"). The Council seeks input from the public in April as to additional ratchet down mechanisms as well as input from staff as to the viability of employing this type of measure.

## **2. Guidance to Industry:**

The Council has requested that industry representatives provide final documentation to the Council office by March 13 so that the SSC will have two weeks to review the proposals prior to the start of the March/April meeting.

The Council notes that ideally these materials will be provided by industry in a single, comprehensive package. This final documentation provided by industry must include the following:

- a. Description of the structure of the ICA agreement including information on the rules governing the inter-relationship of the different incentive programs and operation under these programs (transfers, other operational ground rules, etc) between sectors.
- b. Clear description of each incentive program proposed under the ICA agreement. This description should include detailed explanation of how each incentive program will work and the mechanics of the specific programs by sector.
- c. Analysis to demonstrate how well each incentive program will achieve the Council's goals of bycatch reduction.

## **3. Other issues:**

- a. Additional review by SSC: The Council requested further review of the incentive programs by the SSC at the April meeting with the following direction:
  1. Whether the elements of each incentive plan adequately address the Council's objectives in the PPA of:
    - Providing incentive(s) for each vessel to avoid salmon bycatch under any condition of pollock and salmon abundance in all years;
    - Including rewards for salmon bycatch avoidance and/or penalties for failure to avoid salmon bycatch at the vessel level
  2. Whether the programs can be expected to promote reductions in actual individual vessel bycatch rates relative to what would have occurred in absence of the incentive program. Incentive measures must promote salmon savings in any condition of pollock and salmon abundance, such that they are expected to influence operational decisions at bycatch levels below the hard cap.The Council did not request an additional Salmon Bycatch Workgroup meeting at this time.
- b. Ending the pollock fishery in October: The Council noted its interest in discussing this as a management alternative, understanding that it would be necessary to consider after final action on this analysis (i.e. as a separate analysis).
- c. Request for update in April from NMFS and ADF&G staff on progress in evaluating the salmon bycatch sampling plan to collect samples for genetic stock identification research.
- d. Prohibited Species Donation (PSD) program: The Council expressed interest in modifying this program to mandate full participation. Any amendments to the PSD program would be analyzed in the future as a separate action.

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### *(Salmon Bycatch - continued from previous page)*

The Council may modify aspects of its PPA in creating its final preferred alternative at the time of final action. Final action on the Chinook DEIS will occur at the April 2009 Council meeting. At that time the Council will receive several reports on the action as well as public comment prior to selecting its final preferred alternative. The reports for the April meeting will include: a staff report on the analysis (including analysis of the PPA); a report on the comments received during the Council's outreach efforts for this analysis; a summary of the comments received during the public comment period on the EIS and staff comments on addressing them; and final reports from the industry on their proposed incentive-based bycatch reduction programs. Staff contact is Diana Stram.

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## Community & Alaska Native 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, 2008.

Upon review of the workgroup report in February, the Council approved the workgroup's recommendation to initiate a standing committee to provide input to the Council on ways to improve outreach to communities and Alaska Native entities. The committee will have 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 feedback on community impacts sections of specific analyses; and 3) to provide recommendations regarding which proposed Council actions need a specific outreach plan and prioritize multiple actions when necessary.

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. It should also provide a filter for the Council in determining which actions necessitate a specific outreach plan, beyond the Council's regular public process, subject to budget limitations. The Council recommended a small committee of no more than nine members, which includes two Council members, with the intent to appoint members prior to the June 2009 Council meeting. The primary goal is to appoint members with the appropriate expertise, not necessarily specific group or geographic representation. The committee is no-host, as are all Council committees. **Interested persons should send a letter of interest to the Council (attention Executive Director) by March 31, 2009.**

The Council also approved the workgroup's other recommendations to create a regional meeting database and provide direction to the new committee to further discuss the specific outreach strategies identified by the workgroup and in the 2008 staff discussion paper. The entire outreach workgroup report is on the Council website, as is the staff discussion paper. Staff contact is Nicole Kimball.

**DRAFT NPFMC THREE-MEETING OUTLOOK - updated 2/17/09**

March 30, 2009 Anchorage, AK Hilton Hotel	June 1, 2009 Anchorage, AK Hilton Hotel	October 1, 2009 Anchorage, AK Hilton Hotel
SSL BiOp schedule: <b>Update (T)</b>		Status Quo SSL BiOp: <b>Review (T)</b>
GOA fixed gear LLP recency: <b>Final Action</b>		BS&AI P.cod Split: <b>Discuss plan/action as necessary</b>
Am 80 Cooperative Formation: <b>Final Action</b>	GOA P cod sector split: <b>Initial Review</b>	GOA P.cod sideboards for crab vessels: <b>Initial Review (T)</b>
Am 80 Cooperative Report: <b>Review</b>	Am 80 Lost Vessel Replacement: <b>Initial Review</b>	GOA P cod sector split: <b>Final Action</b>
	Permit Fees: <b>Initial Review</b>	AI Processing Sideboards: <b>Initial Review (T)</b>
	CGOA Rockfish Program: <b>Review Alternatives</b>	Am 80 Lost Vessel Replacement: <b>Final Action</b>
	BSAI Crab Regional Delivery Relief: <b>Initial Review</b>	Permit Fees: <b>Final Action</b>
	BSAI Crab Amendments: <b>Discussion Papers</b>	Observer Program Implementation Analysis: <b>Review progress; and action as necessary (T)</b>
MPA Nomination Process: <b>Discuss &amp; action as nec. (T)</b>		BSAI Crab Regional Delivery Relief: <b>Final Action (T)</b>
	BSAI Fixed Gear Parallel Fisheries: <b>Final Action</b>	BSAI Crab Amendments: <b>Discussion papers</b>
BS Chinook Salmon Bycatch EIS: <b>Final Action</b>	BS Chum Salmon Bycatch: <b>Refine Alternatives</b>	Halibut/Sablefish IFQ Proposals: <b>Review &amp; action as nec.</b>
	ACL Requirements: <b>Discuss workplan; action as nec.</b>	CQE Program: <b>Review</b>
Halibut Sorting EFP: <b>Review and approve</b>	BS Bottom Trawl Sweeps: <b>Initial Review</b>	BS Chum Salmon Bycatch: <b>Action as necessary</b>
Bristol Bay Trawl Closure & Walrus: <b>Discussion Paper</b>		ACL Requirements: <b>Action as necessary</b>
GOA Tanner & Chinook Bycatch: <b>Discussion Paper</b>	BSAI Crab: <b>SAFE report/crab rebuilding plan alternatives</b>	BS Bottom Trawl Sweeps: <b>Final Action</b>
	BSAI Skates Complex: <b>Initial Review</b>	St Matthew+Pribilof BKC& opilio rebuilding: <b>Preliminary Review (T)</b>
	AI FEP addendum: <b>Review/Discuss (T)</b>	BSAI Skates Complex: <b>Final Action</b>
HAPC Criteria; 5 Yr EFH Review Methodology: <b>SSC Only</b>	HAPC Process: <b>Action as necessary</b>	BSAI/GOA Squid Complex: <b>Initial Review (T)</b>
	Groundfish PSEIS: <b>Discuss/Review objectives &amp; workplan</b>	Groundfish Proposed Catch Specifications: <b>Approve</b>
Scallop Mgmt: <b>Team report; Review and approve SAFE</b>		EFH 5-Yr Review: <b>Action as necessary</b>
		5 Year Research Priorities: <b>Approve</b>
		Northern BS Research Plan: <b>SSC review (T)</b>

AI - Aleutian Islands  
 GOA - Gulf of Alaska  
 SSL - Steller Sea Lion  
 BOF - Board of Fisheries  
 FEP - Fishery Ecosystem Plan  
 CDQ - Community Development Quota  
 VMS - Vessel Monitoring System  
 EFP - Exempted Fishing Permit  
 BiOp - Biological Opinion  
 (T) Tentatively scheduled

TAC - Total Allowable Catch  
 BSAI - Bering Sea and Aleutian Islands  
 IFQ - Individual Fishing Quota  
 GHl - Guideline Harvest Level  
 EIS - Environmental Impact Statement  
 LLP - License Limitation Program  
 SAFE - Stock Assessment and Fishery Evaluation  
 MPA - Marine Protected Area  
 ACL - Annual Catch Limit  
 HAPC - Habitat Areas of Particular Concern

**Future Meeting Dates and Locations**

March 30 - , 2009 in Anchorage  
 June 1-, 2009 in Anchorage  
 October 1-, 2009 in Anchorage (AP, SSC start on THURSDAY)  
 (Council on Saturday)  
 December 7-, 2009 in Anchorage  
 February 8-, 2010 in Portland OR  
 April 6-, 2010 in Anchorage (start on Tuesday)  
 June 7 - , 2010 in Stika