

North Pacific Fishery Management Council

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April 2017 Newsletter

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Appointments

The Council appointed Davin Holen to the newly formed Bering Sea Ecosystem Plan Team. Holen is currently the Coastal Community Resilience Specialist at Alaska Sea Grant. Tyson Fick was appointed to the Pacific Northwest Crab Industry Advisory Committee (PNCIAC) as a non-voting member. Fick is based out of Juneau, and is currently the executive director of the Alaska Bering Sea Crabbers. We welcome them both to their new roles.

C1 Scallop SAFE and Plan Team Report

The Council reviewed the 2017 SAFE report for Alaska weathervane scallops. The Council's SSC set the ABC at 1.161 million pounds of shucked scallops, a level equivalent to 90% of the OFL, and consistent with the ABC control rule for scallops. While the ABC is specified federally for the entire stock, guideline harvest levels (GHLs) are established by ADF&G for the State's scallop registration areas and districts. Constraining harvest to the GHLs is facilitated by State monitoring of fishery CPUE, and districts are closed to scallop harvest when catch rates fall below established minimum performance standards.

More than 85% of the total Alaska scallop harvest occurs in the Yakutat and Kodiak registration areas. Catch rates have been variable among those areas with increases occurring in Yakutat, but decreases in Kodiak. Declines have been strongest in the Shelikof District of Kodiak and the State lowered GHLs

there by about 30% (105k lbs to 75k lbs) in the 2015/16 season. While overall declines have occurred in statewide scallop harvest over the past seven years, revenue has been stable. The stock status of Alaska weathervane scallops is not viewed as a conservation concern since scallops are distributed in many areas that have been closed to fishing to protect crab populations and in areas not defined as commercial beds.

Staff contact is Jim Armstrong.

C2 Salmon FMP Amendment

The Council was presented with a discussion paper that provided a preliminary review of the steps needed to impose federal jurisdiction over portions of three traditional salmon net fishing areas currently managed by the State of Alaska. These net areas include federal waters in Cook Inlet, Prince William Sound, and the South Alaska Peninsula.

The Council's existing Salmon FMP divides federal waters off Alaska into two management areas, East and West, with a boundary line at Cape Suckling. The FMP delegates management of salmon sport fishing and commercial trolling in the East Area to the State and prohibits all commercial salmon harvest in the West Area. Commercial salmon fishing in federal water portions of the traditional net areas would be prohibited since they partially overlap with federal waters of the West Area but these areas are specifically excluded from the federal FMP. This arrangement was facilitated by the Council through Amendment 12 to the Salmon FMP in 2012 recognizing the State's superior ability to respond to in-season data by quickly and continually adjusting run-specific harvest measures.

In 2013, Cook Inlet commercial salmon fishermen and seafood processors desiring federal management of their fisheries filed a lawsuit challenging Amendment 12 and its implementing regulations. Although the Federal District Court did not support their claim, they appealed to the Ninth Circuit Court which overturned the initial finding in 2016. Adding these three net areas (not just Cook Inlet) to the Federal FMP is, therefore, a necessary response to the Ninth Circuit Court's determination that their exclusion is contrary to the MSA.

The Council acted on this issue by directing staff to provide further analysis and to work with ADF&G to develop alternatives to amend the Salmon FMP. The Council provided a preliminary range of alternatives that included 1) no action, 2) cooperative Federal and State management with as much delegation to the State as possible under the MSA, and 3) full federal management of federal water portions of the three net areas.

Under any Council action on this issue, management of salmon fishing in state waters will remain under full jurisdiction of the State of Alaska. After their review of the requested further analysis, the Council intends to form a stakeholder workgroup to ensure public access and input during development of the amendment.

Staff contact is Jim Armstrong.

C3 Pollock ICA/IPA Reports and Salmon Genetics

The Council received genetics reports on the stock of origin of Chinook and chum salmon bycatch in the 2015 Bering Sea pollock fishery, the GOA pollock fishery, GOA rockfish (and arrowtooth) CV trawl fishery and the GOA non-pollock CP trawl fisheries. The Council requested that the salmon genetics inter-agency working group hold a public workshop to facilitate industry feedback on appropriate spatial and temporal resolution or other analyses to facilitate industry bycatch avoidance. The Council also requested that the workgroup consider a feasibility study to collect adipose fin status and otoliths in the Gulf of Alaska rockfish fishery to help inform the relative contributions to overall bycatch from hatcheries. Additional requests for further analyses are contained in the SSC minutes and the Council motion available online.

The Council also received annual reports from the pollock industry on their 2016 incentive plan agreements (IPA) for Chinook salmon avoidance in the Bering Sea. A report on the chum salmon avoidance by the pollock fleet under the inter-cooperative agreement (ICA) was also presented. Following this year, in accordance with regulatory changes under amendment 110, chum salmon bycatch avoidance will be incorporated into sector-specific IPAs.

Staff contact is Diana Stram.

C4 Co-op Reporting

At the April meeting, the Council reviewed cooperative reports for the Amendment 80 Program, Central Gulf of Alaska Rockfish Program, American Fisheries Act Program, and BSAI Crab Rationalization Program. As part of the cooperative programs, cooperatives have provided annual written reports detailing the use of the cooperative quota or addressing other specific areas of Council interest. These reports create a dialogue between the Council and industry groups outside of what can be discerned from just available statistical data. The Council expressed their appreciation to the cooperative managers for work gone into the written reports and the initiative to provide oral presentations. The Council underscored the importance of participation to those cooperatives in the crab program that chose not to submit. The Council made no requests for additional information to be included in the cooperative reports. Copies of the cooperative reports are available on the Council website.

Staff contacts are Jon McCracken and Sarah Marrinan.

C5 Central GOA Rockfish Program Review Workplan

The Council reviewed the Central Gulf of Alaska Rockfish Program work plan and recommended that staff proceed with the proposed development of an initial review document. The program review document will include recommendations outlined in the SSC and AP minutes and discussions to the extent possible. Currently the program review document is scheduled to be presented at the October 2017 Council meeting.

The proposed Central GOA Rockfish Program review is required under Section 303A(c)(1)(G) of the Magnuson-Stevens Fishery Conservation Act. That provision states that all Limited Access Privilege Programs must include a formal and detailed 5 years after implementation of the program. The program review document is intended to fulfill the Magnuson-Stevens Fishery Conservation Act requirements.

Staff contact is Jon McCracken.

C6 EFH Amendments

The Council took final action in April to modify the Council's BSAI Groundfish, GOA Groundfish, BSAI King and Tanner Crab, Salmon, and Arctic FMPs to update descriptions and maps of Essential Fish Habitat (EFH), and to update recommendations for non-fishing activities that may affect EFH. The Council reviewed an Environmental Assessment (EA) that examined the potential impacts to the human environment from 8 actions to update EFH definitions in the Council's FMPs, update recommendations for non-fishing activities, consider initiating a process to identify Habitat Areas of Particular Concern (HAPC), and update EFH research priorities in the FMPs. The Council elected to take no action to initiate the HAPC process, or to update EFH research priorities. The Environmental Assessment concluded that there were no significant impacts to the human environment from any of the alternatives analyzed for the 8 actions. The Council motion passed 10-0, with one recusal.

The 2017 update to EFH incorporated model-based definitions and maps of EFH for the BSAI Groundfish, GOA Groundfish, BSAI King and Tanner Crab, Salmon, and Arctic FMPs, and incorporated results from the Fishing Effects model to assess the impacts of commercial fishing on EFH. These new

models make use of considerable new data available since the last EFH review in 2010, and incorporate the Catch-In-Areas (CIA) database to describe fishing effort with greater precision than previously allowed. The Ecosystem Committee, AP, and SSC all recommended updates to EFH, and recommended that the analysis be accepted as initial and final review. The action taken by the Council concludes the EFH review, the next review is scheduled for 2022.

Staff contact is Steve MacLean.

C7 Halibut Abundance-based PSC Limits

The Council has tasked an inter-agency workgroup of NMFS AKR, NMFS AFSC, IPHC, and Council staff to develop abundance-based approaches for BSAI halibut PSC limits, building upon previous work by IPHC staff. The workgroup has met numerous times and has produced two different discussion papers (in April 2016 and again in October 2016) to provide information necessary to establish abundance-based PSC limits as well as to provide draft index and control rule formulations for Council consideration. Per Council direction, two different stakeholder workshops have also been held, the most recent in conjunction with the February 2017 Council meeting. The Council reviewed the recent discussion paper which builds upon these previous papers with direction as provided by the Council and the SSC in October. This discussion paper addressed the Council's October requests for further development of indices and control rules as well as incorporated feedback from the workshop held in February 2017.

The Council made several requests for the workgroup to incorporate into an expanded discussion paper, including much of the feedback received from the SSC. These include suggestions on alternative approaches for estimating recruitment, stock status of halibut, providing additional rationale and analysis for each proposed index as well as an analysis of the step-wise inclusion of each index in combination for the proposed abundance-based management (ABM) alternative examples provided. As an interim step towards the preliminary analysis of these indices by the workgroup in October, the workgroup will provide draft measurable objectives and performance metrics building upon feedback from the February workshop for review and consideration in June. These will include those draft metrics by which the workgroup would analyze the proposed indices as well as a methodology to analyze the combined indices (for October). The workgroup will also provide some additional information requests regarding the characteristics of the individual indices as well as an outline of the information to be included in the expanded discussion paper for October to allow for further feedback on these aspects at the June meeting.

Staff contact is Diana Stram.

C8 CDQ Ownership Caps

The Council took final action on a housekeeping amendment package that would revise the American Fisheries Act (AFA) Program and the Crab Rationalization (CR) Program ownership attribution regulations and the Crab Fisheries Management Plan to provide for the different requirements for the CDQ groups, as distinguished from other program participants, which is mandated by the Magnuson-Stevens Act (as amended by the Coast Guard Act). Specifically, this action would remove the application of the "10-percent" rule for the CDQ groups and replace it with the proportional "individual and collective" rule. Since the 2006 amendment to the Magnuson-Stevens Act mandating the use of the individual and collective rule for CDQ groups, NMFS implemented this modification in practice by using the individual and collective rule but has not revised the AFA or CR Program regulations or the Crab FMP. This action would revise the regulations and the Crab FMP to make them consistent with the Magnuson-Stevens Act. It would not change current management practice.

Staff contact is Sarah Marrinan.

C9 Electronic Monitoring

The Council reviewed the Electronic Monitoring (EM) Workgroup report from their March 2017 meeting. In addition to discussing how the 2017 program is working, a workplan for giving public input on the statement of work for an EM contract, and planning for the transition of the current EM pre-implementation program to an integrated Observer Program, the Workgroup also reviewed the EM Integration action proposed rule and the scope of the 2018 EM deployment pool. The Council [motion](#) addressed two areas:

- The Council requests that the agency develop an EM program for 2018 that is generally similar to EM deployment in 2017, except that the Council supports expanding the size of the EM pool in 2018 to accommodate up to 120 longline vessels and up to 45 pot vessels, provided there is funding to support this pool size.
- The Council directed staff to submit comments to the agency on behalf of the Council on the EM Integration Proposed Rule, in line with the six areas highlighted by the [consensus of the EM Workgroup](#).

The Council also heard in testimony that there is continued interested in applying EM to the trawl fisheries. The Council has previously issued a statement in support of pilot projects testing EM in the GOA trawl fisheries, in June 2016. The Council encourages proposals for testing EM in the Bering Sea pollock fishery, which will build largely on the ongoing use of EM for compliance monitoring of full retention in the west coast whiting fishery, to also consider how that work could apply to the use of EM in the GOA pollock fisheries, or even to bottom trawl fisheries in both areas.

Staff contact is Diana Evans.

C10 Lead Level 2 Observers

The Council selected a preliminary preferred alternative in an analysis to address the potential for a shortage of fixed-gear lead level 2 (LL2) observers for deployment on freezer longline vessels. The majority of freezer longline vessels operate under monitoring requirements that require them to have at-sea scales and carry a single LL2 observer onboard at all times when the Pacific cod fishery is open in the BSAI. Vessel owners and observer coverage providers have reported challenges with LL2 observer availability, the consequence of which can be that the vessel has to delay fishing (with attendant cost).

The Council's preliminary preferred alternative would allow sampling experience on trawl catcher processors to count toward qualifying for a fixed gear LL2 endorsement, with the addition of a fixed-gear-specific training class. This alternative would open up the number of eligible observers available to deploy on freezer longline vessels, while ensuring that the vessels continue to be monitored by experienced observers. The Council also expanded the application of these alternatives to all fixed gear vessels that have a LL2 requirement.

Staff contact is Diana Evans.

Observer Partial Coverage Selection Rates

In October 2016, the Council highlighted its concern about the low 2017 [partial coverage observer selection rates](#), and requested that NMFS begin to consider approaches to address them. During staff tasking at this meeting, the Council expanded on that request by establishing a Council process to develop options to increase observer coverage rates, through the Observer Advisory Committee. The Council noted that the schedule for providing input to the statement of work for the next partial coverage observer provider contract is set, and therefore any recommendations that should be reflected in the contract need to be developed before October 2017. The Council requests that recommendations focus on increasing

economic efficiencies in the partial coverage program, making operational changes that increase the utility of current coverage levels, and increasing revenues for funding the program.

Staff contact is Diana Evans.

Vacancies on the OAC

The Council is looking to fill vacancies on its Observer Advisory Committee (OAC). In particular, the Council is interested in appointing an active observer, and will also consider individuals with expertise in CDQ fisheries and/or processors. Interested persons should contact Diana Evans at the Council office by May 10, ideally with a view to being able to attend the next OAC meeting in Seattle on May 23-24, 2017.

D1 BSAI Crab Binding Arbitration Formula

The Council considered a discussion paper on the non-binding price formula that is part of the Arbitration System in the Bering Sea/ Aleutian Islands crab rationalization program. The discussion paper reviewed the current criteria used by the non-binding price formula arbitrator to aid the Council in determining whether operational cost changes to the participants in the crab fisheries should be considered in setting the non-binding price formula.

The Council had extensive discussion on the type of action that was appropriate in response to this discussion paper. A motion was made to send a letter to formula arbitrator, which would have stated that the formula arbitrator can consider operational costs under the existing standards for arbitration. This motion failed. Some Council members stated that they believed that the formula arbitrator already has the ability to consider operational costs under the existing standards for arbitration. They were concerned that sending a letter could be misconstrued as justification for the inclusion of a certain operational cost, rather than a clarification that appropriate operational costs could be considered under the existing standards. Other Council members considered this to be a change to the policy interpretation of the standards, which may require more extensive analysis and a regulatory amendment package. Some Council members also expressed concern about the legal interpretation of the current arbitration standards and the formula arbitrator's ability to consider operational costs.

Staff contact is Sarah Marrinan.

D2 BSAI Tanner Crab Custom Processing Cap

At this meeting, the Council reviewed a discussion paper that evaluated additional solutions to the *C. bairdi* crab IPQ use cap issue. The Council recommended no further action on this agenda item at this time. The discussion paper provided a brief analysis of three options: 1) raise the *C. bairdi* crab IPQ use cap to 40 percent; 2) convert Class A IFQ shares to Class B IFQ shares; and 3) apply exemption only in years when capacity to process is not sufficient (i.e., when there are less than four processors). The provided discussion paper evaluated these options under a scenario where Amendment 47 was repealed and one of these options would replace it. Staff contact is Jon McCracken.

D3 BS Fishery Ecosystem Plan

The Council received a report from staff about progress with developing the Bering Sea Fishery Ecosystem Plan (FEP). The report addressed how the Council's [preliminary outline for the FEP](#), adopted in December 2015 is consistent with more recent national guidance from NMFS, in the form of an [Ecosystem-based Fishery Management \(EBFM\) Roadmap](#), and Lenfest, which recently published a [report on Building Effective Fishery Ecosystem Plans](#). Dr. Phil Levin gave a presentation on the Lenfest report at the meeting.

The Council's Bering Sea FEP Team is preparing the core FEP document and a review of the Council's current EBFM approach (which is the Council's first action module) tentatively for review in October. The Team will continue to liaise with the Ecosystem Committee as the work progresses.

D4 Programmatic Groundfish Objectives

The Council conducted its annual review of the Programmatic Groundfish Management Policy, as required under the GOA and BSAI Groundfish FMPs. The management policy was added to the FMPs through the 2004 Programmatic SEIS and reflects the Council's vision for management of these fisheries from an ecosystem based management perspective. The Council's anticipation that management of the groundfish fisheries will always be a dynamic process was built into the management policy and so annual review was identified as a necessary tool to ensure that management continues to be adaptive to changes in the fisheries and ecosystem. More specifically, annual review allows the Council to evaluate the adequacy of the Policy relative to current issues and concerns such that revisions, if necessary, can be identified. It also allows the Council to review its numerous actions and statements and whether those are fulfilling the Policy. Finally, it provides a framework for revision to the Council's workplan for the coming year.

The 2004 PSEIS included an exhaustive review of Alaska groundfish fisheries and the components of the ecosystem affected by those fisheries. The policy itself is comprised of a management approach statement, nine general priorities, and 45 management objectives. Each of these components was discussed as a part of the review. The Council found that its Policy continues to guide development of actions that are consistent with the vision identified during its development: Management that is judicious and responsible, based on sound scientific research and analyses, proactive rather than reactive, and adaptive to changing conditions. The Council also found numerous areas of activity outside of the Groundfish FMPs that were developed using the framework established by the Groundfish Management Policy. These include the AIFEP, the Arctic FMP, and current the progress on the BSFEP. The programmatic workplan, provided at every Council meeting, continues to serve as a bridge between the Policy and current Council activities. Although the Council anticipates that the Management Policy will likely need to be revised at some point as circumstances continue to change, this year's annual review confirmed the ongoing legitimacy of the Policy relative to current priorities and circumstances.

Staff contact is Jim Armstrong.

E Staff Tasking

In addition to discussing the relative priority of previously tasked projects, the Council initiated new actions and clarified direction and tasking for its various committees. The Council also took the following actions:

- Tasked staff to prepare a discussion paper that provides a synthesis of population and vital rate information for northern fur seals, to better understand current trends and impediments to population recovery.
- Tasked staff to prepare a discussion paper that evaluates participation in the Bering sea Pacific cod trawl catcher vessel fishery in response to a potential need to limit entry and participation.
- Initiated an analysis of evaluating increasing the GOA catcher vessel Chinook salmon PSC caps.
- Established a Council process for developing options for increasing observer coverage rates in the Partial coverage categories, beginning with recommendations from the OAC.
- Directed staff to send letters regarding: support for strengthening the UAF Quantitative Fisheries program, requesting information on the appointment process for commissioners and advisors to the North Pacific Fisheries Commission, support for the AFSC budget to provide for continued

abundance survey efforts, and information for the CCC to focus discussion on conflict of interest
recusal determinations.

Motions are posted on the Council's agenda. Staff contact is David Witherell.

Upcoming Meetings

Bering Sea Fishery Ecosystem Plan Team: April 24-26, Homer, AK

Crab Plan Team: May 2-5, Juneau, Alaska, Federal building

Observer Advisory Committee: May 23-24, AFSC, Seattle, WA

Three Meeting Outlook

(attached)

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 4/19/2017

June 5-13, 2017 Juneau, AK	October 2-10, 2017 Anchorage, Alaska	December 4-12, 2017 Anchorage, Alaska
Joint Meeting with IPHC Lead Level 2 Observers: Final Action 2016 Observer Annual Report: Review; Action as necessary OAC Report EFH Consultation Report Social Science Planning Team: Update BSAI YFS TLA Fishery limited entry: Final Action Allocation Review Triggers: Discussion Paper AFA/non-AFA small sideboard elimination: Discussion Paper Area 4 Halibut IFQ Leasing: Final Action Halibut Abundance-based PSC limits (candidate performance metrics): Action as necessary Best Scientific Information Available: Report Stock Assessment Improvement Plan: Report CPT Report; ABC/OFL for 3 stocks: Final Action Squid to Ecosystem Component Category: Final Action GOA Crab habitat conservation measures: Disc paper 5-year research priorities: Finalize	Alaska Climate Integrated Modeling (ACLIM): Update (T) Deep Sea Coral Program Report Northern fur seal synthesis: Discussion paper 2017 Observer and EM Annual Deployment Plan; Observer Committee and EMWG Reports Observer disembark location: Initial Review Halibut Decksorting EFP: Review and approve (T) BSAI Crab SAFE and ABC/OFL 6 stocks: PT Report; final specs Groundfish Harvest Specifications: PT Report; Initial Specs Fixed Gear CV Rockfish Retention: Discussion paper GOA Rockfish Program Review: Review and Approve Charter Halibut Annual Permit Registration: Initial Review Mixing of guided and unguided halibut: Initial Review Halibut Abundance-based PSC limits: Discussion paper IFQ medical lease provision: Discussion Paper IFQ beneficiary designation provision: Discussion Paper IFQ small unfishable quota: Data review IFQ quota migration: Data review Bering Sea FEP: Initial Review (T) Salmon FMP Amendment: Action as necessary WGOA Pcod A season halibut PSC rates: Discussion Paper WGOA pollock C/D season timing Chinook PSC: Disc paper WGOA pollock trip limits: Discussion paper	BS cod trawl CV participation: Discussion paper (T) Stranded Cod in GOA Trawl B Season: Discussion paper (T) Groundfish Harvest Specifications: PT Report; Final Specs GOA CV Chinook PSC limit adjustments: Initial Review 2018 Charter halibut management measures: Final Action Charter Halibut Permit Ownership Caps: Discussion paper (T) Charter Halibut Permit Latent Capacity: Discussion paper (T) <div style="background-color: yellow; text-align: center; padding: 2px;">ITEMS BELOW NOT YET SCHEDULED</div> Remove WAI Red King Crab from FMP: Initial Review Bering Sea Snow Crab PSC Limits: Initial Review Observer Insurance Requirements: Disc paper for Reg Am Clarify LLP CV and CP Requirements (NMFS)

AI - Aleutian Islands
 AFA - American Fisheries Act
 BiOp - Biological Opinion
 BSAI - Bering Sea and Aleutian Islands
 BKC - Blue King Crab
 BOF - Board of Fisheries
 CQE - Community Quota Entity
 CDQ - Community Development Quota
 EM - Electronic monitoring
 EFH - Essential Fish Habitat
 EFP - Exempted Fishing Permit
 EIS - Environmental Impact Statement
 FEP - Fishery Ecosystem Plan
 FLL - Freezer longliners
 GOA - Gulf of Alaska
 GKC - Golden King Crab
 GHF - Guideline Harvest Level

HAPC - Habitat Areas of Particular Concern
 IFQ - Individual Fishing Quota
 ICA - Inter-cooperative Agreements
 IPA - Incentive Program Agreements
 LLP - Limited License Plan
 MRA - Maximum Retainable Allowance
 PSC - Prohibited Species Catch
 RKC - Red King Crab
 RQE - Recreational Quota Entity
 SIR - Supplemental Information Report
 SSC - Scientific and Statistical Committee
 SAFE - Stock Assessment and Fishery Evaluation
 SSL - Steller Sea Lion
 TAC - Total Allowable Catch
 TLAS - Trawl Limited Access Sector
 YFS - Yellowfin sole
 VMS - Vessel Monitoring System

Future Meeting Dates and Locations

June 5-13, 2017, Juneau
 October 2-10, 2017, Anchorage
 December 4-12, 2017, Anchorage
 February 5-13, 2018, Seattle
 April 2-10, 2018, Anchorage
 June 4-12, 2018, Kodiak
 October 1-9, 2018, Anchorage
 December 3-11, 2018, Anchorage
 February 4-12, 2019, Portland
 April 1-9, 2019, Anchorage

(T) = Tentative