

# North Pacific Fishery Management Council

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APPROVED: \_\_\_\_\_

DATE: 6/11/13

## MINUTES

213th Plenary Session  
North Pacific Fishery Management Council  
Anchorage Hilton Hotel, Alaska

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1. Public Attendance Register
2. Time Log
3. AP Minutes
4. SSC Minutes
5. Enforcement Committee Minutes
6. Observer Advisory Committee Minutes
7. Newsletter

MINUTES  
NPFMC Meeting  
April 2013

The North Pacific Fishery Management Council met in Anchorage, Alaska in April, 2013. The following Council, SSC and AP members, and NPFMC staff attended the meetings.

Council Members

Eric Olson, Chair  
John Henderschedt, Vice Chair  
Jim Balsiger  
Cora Campbell/Nicole Kimball  
Sam Cotten  
Craig Cross  
Ed Dersham  
Duncan Fields

Dave Hanson  
Roy Hyder  
Dan Hull  
Doug McBride  
Bill Tweit  
CAPT Phil Thorne/LT Tony Kenne

NPFMC Staff

Gail Bendixen  
Sam Cunningham  
Jane DiCosimo  
Diana Evans  
Peggy Kircher

Steve MacLean  
Jon McCracken  
Chris Oliver  
Maria Shawback  
Diana Stram  
David Witherell

Scientific and Statistical Committee

The SSC met from April 1<sup>st</sup> through 3<sup>rd</sup> at the Hilton Hotel, Anchorage AK.

Members present were:

Pat Livingston, Chair  
*NOAA Fisheries—AFSC*

Robert Clark, Vice Chair  
*Alaska Department of Fish and Game*

Jennifer Burns  
*University of Alaska Anchorage*

Alison Dauble  
*Oregon Dept. of Fish and Wildlife*

Sherri Dressel  
*Alaska Department of Fish and Game*

Anne Hollowed  
*NOAA Fisheries—AFSC*

George Hunt  
*University of Washington*

Gordon Kruse  
*University of Alaska Fairbanks*

Seth Macinko  
*University of Rhode Island*

Steve Martell  
*International Pacific Halibut Commission*

Franz Mueter  
*University of Alaska Fairbanks*

Jim Murphy  
*University of Alaska Anchorage*

Lew Queirolo  
*NOAA Fisheries—Alaska Region*

Terry Quinn  
*University of Alaska Fairbanks*

Kate Reedy-Maschner  
*Idaho State University Pocatello*

Farron Wallace  
*NOAA Fisheries—AFSC*

Members absent were:

Vacant  
*Wash. Dept. of Fish and Wildlife*

Vacant  
*US Fish and Wildlife Service*

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Advisory Panel

The AP met from April 2-4, at the Hilton Hotel, Anchorage, Alaska.

The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen	Becca Robbins Gisclair	Andy Mezirow
Kurt Cochran	John Gruver	Joel Peterson
<del>John Crowley</del>	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Neil Rodriguez
Tom Enlow	Craig Lowenberg	Lori Swanson
Tim Evers	Brian Lynch	Anne Vanderhoeven
Jeff Farvour	Chuck McCallum	Ernie Weiss

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

## **A. CALL TO ORDER**

Chairman Eric Olson called the meeting to order at approximately 8:06 am on Wednesday, April 3, 2013.

Mr. Bill Tweit participated in the entire meeting in place of Phil Anderson, WDF Director.

The agenda was approved as written, with a brief discussion about Steller sea lion issues. It was recommended to move approval of the minutes to the staff tasking agenda item.

## **B. REPORTS**

The Council received the following reports: Executive Director's Report (B-1); NMFS Management Report (B-2); ADF&G Report (B-3); USCG Report (B-4); USFWS report (B-5); and Protected Species Report (B-6).

### Executive Director's Report:

Chris Oliver reviewed his written report and reviewed logistics for the meeting. He briefly summarized various meetings attended, specifically the North Pacific Fisheries Commission which was held in China. Mr. Oliver noted that the Managing our Nation's Fisheries (MONF) conference, which will be held in Washington DC in May, is now full, and he specified items which may come up at the Council Coordination Committee meetings held in conjunction with the MONFIII conference. There was brief discussion regarding a policy directive and a NEPA sub-committee which is a subset of the Council's Coordination Committee, which will work on commenting and tracking the issue.

Dave Little, president of the FLL Coalition, and Bill Orr gave an update on negotiations of the Greenland turbot allocation and the plan for the 2013 season. He noted there have been many meetings between the FLL fleet and the AM 80 fleet, and the plan is that there will be no directed fishing for turbot at the May 1 opening. The trawl sector has agreed to delay its ATF fishing until after June, and that those fisheries would cease at the end of August. They requested to have NMFS open directed fishing to leftover turbot, at which time it would be opened to fixed gear only. He noted details will be refined at a later date and he will keep the Council informed of future agreements.

### NMFS Management Report

Glenn Merrill briefed the Council on the status of FMP amendments. Additionally, he noted that as part of the coop reporting actions that the Council has requested, the reporting issues will need to comply with the Paperwork Reduction Act. There was discussion regarding ways the Council can request feedback that does not require PRA approval. Mr. Merrill noted he would have more information at the next meeting. There was brief discussion regarding the Sea Share Salmon donation program, and it was agreed it would be discussed under a later agenda item. Mary Furuness gave an update on in-season management items and answered questions from the Council.

### ADF&G Report

Karla Bush (ADF&G) provided the Council with a review of the State fisheries of interest to the Council and answered general questions from the Council Members.

There was discussion regarding ADF&G's request for individual State of Alaska fishery managers to have access to current VMS data. Ms. Kimball noted that they are allowed access to the data, but not in real time, and are requesting direct access. Mr. Hyder gave the Enforcement Report on this agenda item

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noting that there are ongoing discussions between NMFS' regional staff and NOAA OLE headquarters. Without access to current VMS data, Alaska managers may need to close fisheries earlier. Mr. Hyder strongly recommended pursuing the issue by sending a letter to NOAA OLE, which enforces the cooperative nature between NMFS, OLE, and NPFMC, and the shared collaborative nature of fishery management, and encourages reinstatement. Mr. Hyder, and the Enforcement Committee, noted that access to the VMS data in real time is not just for convenience, but an important part of effective management. There was brief discussion regarding to whom and where the letter would be sent that would be most effective, and it was agreed that Sam Rauch, Acting Assistant Administrator for Fisheries, would be one of the recipients.

USCG Report

Capt. Thorne reported on reductions in budget in the USCG. He noted that while the USCG is still committed to enforcement and safety in the North Pacific fisheries, reductions in capacity and resources will have to be expected. Capt. Thorne introduced Lt. Tony Kenne who reported on USCG activities from December to March 2013 and provided a written report. There was brief discussion regarding deck loading and various interpretations.

USF&W Report

Doug McBride noted there have been no new issues to report on since the February meeting.

Protected Species Report

Steve MacLean reviewed his written report. There was brief discussion regarding tracking data on Steller sea lions, and noted a lengthier discussion regarding sea lions will be under the agenda item C-3. He discussed coded wire tag tests in Kodiak and results from that testing.

John LePore, NOAA General Counsel, discussed four ongoing legal cases and answered questions from the Council.

Public comment was taken on all B items.

COUNCIL DISCUSSION/ACTION

**Mr. Fields moved to send a letter requesting ADF&G have real time access to VMS data. The motion was seconded by Mr. Tweit.** Chairman Olson noted that Mr. Hyder may be able to provide insight on the letter as Chairman of the Enforcement Committee. **The motion passed without objection.**

The Council discussed cost recovery from limited access programs and the applicability of fees. NMFS is drafting a secretarial review draft, and there was discussion regarding a public comment period and timeline. Mr. Merrill noted that the Agency is working with Darrell Brannan on this issue, and it was generally agreed that it will be on the Council's agenda in June. Mr. Merrill noted that there will be public hearings and workshops, but that there will be other opportunities to comment.

Mr. Fields expressed concern about the 600 person registration limit on attendees in the Washington DC MONFIII conference and suggested future planning should be more inclusive.

## **C-1 Habitat Issues**

### **C-1 (a) Report from NMFS on the EM strategic plan**

#### *BACKGROUND*

*During the Council's October 2012 review of the 2013 annual deployment plan, the Council requested specific evaluations be included in the first year report on the restructured observer program, scheduled for June 2013. The Council also asked that NMFS develop a strategic plan for electronic monitoring (EM), a draft of which is also planned for June 2013. In preparation for the substantive discussion the Council is anticipating in June, the Council (last December) asked that NMFS provide an outline or framework of both the first year report and the EM strategic plan, for discussion in April. The Council clarified that the intent of receiving these outlines at this meeting is to provide feedback as to whether the appropriate analytical method and required data to evaluate the Council's requests will be included in the June first year report and draft EM strategic plan.*

Diana Evans introduced the agenda item, and Farron Wallace and Martin Loefflad gave the staff report on the Electronic Monitoring strategic plan. Ms. Evans updated the Council on the on the Observer Advisory Committee meeting that took place April 1, and reported on their recommendations.

#### COUNCIL DISCUSSION/ACTION

##### **Dan Hull moved the following:**

**The Council requests the agency to complete the Electronic Monitoring Strategic Plan for review and adoption at the June 2013 Council meeting with the following revisions.**

**The Council requests the matrix (p. 4-7) in the Electronic Monitoring (EM) strategic plan be revised to include a broad list of tools and a relative ranking of the ability of those tools to meet the monitoring objectives, similar to those identified in the "Fisheries Monitoring Roadmap" document.**

**The Council requests the implementation section (p. 13) include the following:**

- 1. Funding options, including whether fees collected under the Observer Program are applicable to EM development and implementation, or whether outside funds are going to be necessary.**
- 2. Timelines and implementation schedules to meet the Council's objective to implement EM in the 40' – 57.5' fixed gear IFQ and Pacific cod fisheries.**
- 3. Specific to the actions identified under Goal IV, a description of how the agency will coordinate and collaborate with an EM Working Group (described below) to inform a) the design and execution of pilot projects (including 2014) and b) the evaluation of alternative EM approaches, with OAC review,.**
- 4. Include a description of the EFP process and what steps stakeholders would have to follow to propose the use of an EFP to achieve particular goals or strategies in the strategic plan.**

**The Council also approves formation of an EM Working Group to evaluate alternative EM approaches, with a consideration for tradeoffs between achieving monitoring objectives, timelines, and other factors (e.g., costs, disruption to fishing practices). The EM Working Group will be**

**guided by the Electronic Monitoring Strategic Plan that the Council is scheduled to adopt at the June 2013 Council meeting. The motion was seconded by Mr. Henderschedt.**

Mr. Hull spoke to the motion noting that this document can change with new observer data, tests of EM technologies, and timelines. The document can be revised to meet goals and objectives. He noted that revising the structure of the matrix will provide a more complete view of monitoring tools and their abilities. Mr. Hull noted that the motion incorporates the OACs recommendation and stakeholder testimony. Additionally, it is important to have a collaborative approach with respect to pilot projects, and for NMFS to be clear with timelines, goals and objectives. Although the OACs recommendation for an additional committee was not included, there is benefit to having a workgroup assist in many of the issues.

Mr. Hull stated the Council has clearly expressed seeing development of EM as expeditiously as possible, and he answered questions from the Council members about his motion.

There was general discussion regarding the various logistics of the working groups or sub-committee groups. Mr. Hull clarified that instead of the Council working out details, NMFS could draft a strawman and timeline with a working group to present to the Council as part of the strategic plan. Discussion continued regarding timeline of actions. It was noted that the workgroup would meet relative to Council decision points. Mr. Fields opposed stating that the workgroup is a “small boat” work group.

**Mr. Fields moved to amend to add an item C that would read: Development of an EM deployment plan for implementation no later than January 1, 2016. The amendment was seconded by Mr. Cotten.** Mr. Fields spoke to his motion noting that that Council has heard from federal legislators, stakeholders, and the public that EM needs to be implemented as part of the observer program, and it is time to clearly set a deadline to deploy EM. Mr. Henderschedt agreed with motion, but cannot support it due to lack of information regarding a deadline date. He stated a strategic plan should inform an implementation strategy. There was discussion regarding details and a deadline in the initial stages of a program, and **Mr. Fields withdrew his motion with the concurrence of a second.**

Discussion continued on the main motion. Mr. Henderschedt noted his support for the motion and having seen the pilot programs and ways that the outline can be strengthened. Mr. Tweit also noted his support for the motion including implementing a full suite of EM tools while involving a working group with a broad range of sectors. Mr. Hyder noted his agreement with Mr. Tweit, and agrees a variety of input is preferable in designing a program.

Mr. Fields stated that the Council will need to address other issues, (tenders, waivers, etc.) at a later date as the program gets closer to deployment. Mr. Cotten noted that the public and stakeholders may view this process as slow and cumbersome. Ms. Kimball appreciated the OACs work, is supportive of an EM working group, and looks forward to reviewing the document in June.

**The motion passed without objection.**

Chairman Olson noted that tasking for the OAC’s June Council meeting will be discussed under the D2 agenda item.

Ms. Kimball reminded the Council about ADF&G’s policy regarding waivers for observers on board a vessel, and that more information is available on the Department’s website.

**C-2 (a) BSAI flatfish specifications flexibility**

*BACKGROUND*

*For Council review is an analysis for a proposed action that would allocate the ABC surplus (i.e., the difference between acceptable biological catch (ABC) and total allowable catch (TAC)) for flathead sole, rock sole, and/or yellowfin sole, among the Amendment 80 cooperatives and CDQ groups, using the same formulas that are used in the annual harvest specifications process. These entities would be able to exchange their quota share of one of the three species (flathead sole, rock sole, and/or yellowfin sole) for an equivalent amount of their allocation of the ABC surplus for another (flathead sole, rock sole, and/or yellowfin sole). The approach is intended to increase the opportunity for maximizing the harvest of these species, while ensuring that the overall 2 million mt optimum yield, and ABCs for each individual species, is not exceeded. The analysis also includes options to restrict flexibility in the exchange of yellowfin sole, if the analysis shows that there is a potential negative impact of the approach on users of yellowfin sole in the Bering Sea Aleutian Islands trawl limited access sector.*

*The analysis was distributed to the Council in early March. At initial review in February 2013, the Council added an additional alternative (Alternative 3), which is evaluated in the March draft of the analysis. Staff also noted, at initial review, that the implementation of Alternatives 2 and 3 for CDQ groups needed to be further articulated, which is also addressed. These are the primary substantive changes that are included in the March draft, which also includes other clarifications and additional discussion of prohibited species catch usage, as requested at initial review.*

Diana Evans gave the staff report on this agenda item and answered questions on the issue. Lori Swanson gave the AP report and the SSC did not discuss this issue. Public comment was heard.

**COUNCIL DISCUSSION/ACTION**

**Mr. Henderschedt moved that the Council adopt alternative 3, along with option 1, as its preferred alternative. Additionally, the Council requests draft Amendment 80 annual cooperative reports, which would include flatfish exchanges, cooperative transfers, and actual harvests, to be submitted to the Council no later than December 1 of each year. The motion was seconded by Mr. Cross.**

Mr. Henderschedt spoke to his motion stating that the motion is similar to the AP's recommendations and that the purpose and needs statement speaks to challenge of achieving while not exceeding OY, and the dynamics of specifications process. Results and impacts of allocations on various stakeholders and the uncertainty of the catch composition along with other dynamics are mitigated by alternative 3. He continued, stating the motion provides the maximum ability to address challenges without constraining the Council and without putting additional operational burden on NMFS. Additionally, it would allow the Council to annually address socioeconomic or ecologic concerns. He does not expect that more flexibility for the Amendment 80 fleet will negatively impact the CDQ flatfish fishery. Mr. Henderschedt identified specific examples for the public record that illustrated how economic, social and conservation concerns could be addressed. Mr. Henderschedt answered questions of clarification from the Councilmembers.

**Mr. Fields moved to amend the motion by including in the requested reports a retrospective indication of the Amendment 80 catch capacity. The motion was seconded by Mr. Cotten.** Mr. Fields spoke to his motion, and stated that his intent would be to measure platforms of opportunity from one year to the next as an indicator of capacity, rather than just raw tons that go through a facility. The amendment would allow the Council to view and judge the buffer. There was brief discussion on timing,



and it was generally agreed this amendment would be part of the draft report. **The amendment passed without objection.**

Mr. Fields spoke to the motion noting it supports the National Standards of conservation and management of preventing overfishing while achieving optimum yield.

Mr. Merrill also supports the motion, and highlighted the changes NMFS will need to make in the catch accounting system and he would want to have in place by Oct 2015, for the 2016 TAC setting process in December 2015.

**Mr. Tweit moved to amend, which was seconded, that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c). Therefore, the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. The motion was seconded.** Mr. Tweit noted that the Council typically chooses this method of approving regulations when the outcome is fairly certain from discussions during final action. **The amendment passed unanimously.**

**The amended main motion passed unanimously by roll call vote.**

### **C-2(b) Final action on AFA vessel replacement GOA sideboards**

#### *BACKGROUND*

*On October 9, 2010, the Coast Guard Authorization Act of 2010 was signed into law. Section 602 of the Coast Guard Act addresses the **replacement** and **removal** of vessels eligible to participate in the Bering Sea pollock fishery under the American Fisheries Act (AFA). An initial review analysis was prepared and presented at the February 2013 Council meeting to clarify AFA vessel replacement provisions of the Coast Guard Act and to prevent AFA vessels that are replaced or rebuilt from increasing fishing effort beyond historical catch levels in the Gulf of Alaska. At that meeting, the Council released the document for public review. The Council also selected Alternative 2 as the preliminary preferred alternative along with the vessel removal provision, which would extinguish the sideboard exemption for AFA sideboard exempt vessels.*

Jon McCracken gave the staff report on this agenda item and reviewed the analysis. Lori Swanson gave the AP report on this item, and public comment was heard.

#### COUNCIL DISCUSSION/ACTION

**Mr. Cross made moved the following preferred alternative, which was seconded, forward for final action as written below:**

**Alternative 2 (status quo) – AFA vessel owners are allowed to rebuild or replace their vessels, as provided in the Coast Guard Act. AFA vessel owners may participate in GOA with a replacement or rebuilt vessel as long as the replacement or rebuilt vessel does not exceed the MLOA specified on the GOA LLP groundfish license assigned to the vessel at the time of fishing in the GOA by the vessel. If an AFA vessel owner removes an AFA vessel that is exempt from sideboard limitations, the sideboard exemption is extinguished and the exemption cannot be transferred to another vessel.**

**Vessel removal provisions**

**Upon removal of an exempt vessel, the sideboard exemption is extinguished and cannot be transferred to another vessel.**

Mr. Cross spoke to his motion stating that this motion was a recommendation from the Advisory Panel. He noted that for the non-exempt fleet, all sideboard requirements are still in place that protect exempt boats, of which there are 15 exempt GOA vessels and non-AFA trawl vessels. The vessels will have all the limits and stand downs, and the motion does not limit fishing power or horsepower. Mr. Cotten noted this action would not affect participation in the GOA as he originally had thought, and will be supporting the motion.

Mr. Merrill stated the motion re-affirms NMFS interpretation of the USCG Act and by including additional restrictions on the GOA, as alternatives for consideration, this gave the Council time to investigate why those restrictions are not necessary to address capacity. The motion would provide a clear regulatory framework for replacement of vessels. Ms. Kimball noted her support of the motion stating that from public comment she is convinced constraints that are already in place for the AFA vessels in the GOA are sufficient to limit capacity.

**Mr. Tweit moved to amend, which was seconded, that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c). Therefore, the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. The motion was seconded.** Mr. Tweit noted that the Council typically chooses this method of approving regulations when the outcome is fairly certain from discussions during final action. **The amendment passed unanimously.**

Mr. Fields noted the motion addresses many of the National Standards, especially the aspect of Safety at Sea. He continued, citing National Standard 6 and that conservation and management measures should take into account and allow for variations among and contingencies in fisheries resources and catches.

**The main amended motion passed unanimously by roll call vote.**

**C-3 (a) SSL Preliminary Draft Environmental Impact Statement (EIS)**

*BACKGROUND*

*On March 8, 2013 NMFS released a preliminary draft of the SSL Protection Measures for Groundfish Fisheries in the BSAI Management Area EIS. The Preliminary Draft EIS was available for download from the Council website on March 8, and electronic copies on USB drives were sent to those who requested them. NMFS staff is present to provide presentations on significant chapters of the Preliminary Draft EIS.*

*The SSLMC met on March 21-22, 2013 in Anchorage to review the Preliminary Draft EIS and to devise a recommended PPA. The minutes from the SSLMC meeting include a detailed table which outlines the recommended PPA from the SSLMC. SSLMC Chairman Cotter was present to present the recommended PPA.*

Steve Maclean introduced Melanie Brown who reviewed the Draft EIS. Ms. Brown, along with Josh Keaton presented the analysis of Alternatives 1-4 and the EIS, and answered questions from the Council. Mike Downs presented the community impacts chapter of the EIS. Steve MacLean and Larry Cotter presented the Steller Sea Lion Mitigation Committee's recommendations. The AP gave its report and the SSC had given its report earlier. Public comment was taken.

#### COUNCIL DISCUSSION/ACTION

**Mr. Tweit made the following motion:**

**NMFS has indicated its goal is to work with the Council to ensure a robust, science driven and transparent process in the development of the Court ordered EIS. NMFS Protected Resources has also indicated its intent is to produce an accompanying BiOp that is transparent, objective, evidence-based, and compliant with applicable law. The Council applauds NMFS intent, and notes that the NEPA/EIS process is a critical component to meeting both this objective as well as the court order to take a "hard look" at the action and involve the public in the decision making process. With this in mind, the Council moves the following:**

**The Council adopts for analytical purposes the draft Preliminary Preferred Alternative (PPA) recommended by the SSLMC with the clarifications made by the AP. The Council is adopting this PPA to facilitate continued preparation of the DEIS and the draft Biological Opinion (BiOp).**

**As part of this motion the Council endorses the comments made by the Scientific and Statistical Committee concerning both the PDEIS and the proposed BiOp analytical methods (C-3c), and recommends that they be fully addressed in the DEIS and associated RIR as well as the BiOp.**

**Furthermore, the Council wants to reinforce its previous comments about the need to have all of the relevant information available for review and comment prior to making a final decision on a preferred alternative. Because this information is currently not available, the Council believes it is premature to release a DEIS for public review, and to schedule a final decision on a preferred alternative. The analytical methodologies and metrics used in the EIS to evaluate the environmental effects of the alternatives, and the metrics used in the BiOp to determine JAM, must be consistent and available for review by the SSC, the Council, and the public throughout this process in order to make informed decisions and comply with NEPA and other relevant law.**

**In making these recommendations, and after review of the Preliminary Draft EIS (PDEIS), the Council also notes the following:**

**1. At present the PDEIS omits key metrics—namely, which criteria and methodologies will guide the agency's ESA "jeopardy" and "adverse modification" ("JAM") determinations. Those criteria and methodologies are central to defining the scope of "reasonable" alternatives, and the environmental effects of those alternatives, in the EIS. Neither the Council nor the public have any way of determining whether the alternatives are "reasonable" under NEPA when the relevant metrics are not available for Council or public view. NMFS must clearly identify those metrics in both the DEIS and the BiOp before requiring the Council to make any further decisions regarding preferred alternatives.**

**2. The PDEIS continues to rely on the findings and conclusions of the 2010 FMP BiOp, but does not adequately address the findings and recommendations of the independent scientific peer reviews conducted on behalf of NMFS by the Center for Independent Experts ("CIE") and the Independent Scientific Review Panel convened by Alaska and Washington (collectively, the "Independent Reviews" or "Reviews"). The PDEIS refers to these reviews, but fails to succinctly incorporate or respond to their findings and recommendations regarding the FMP BiOp. At**

**minimum, the DEIS should contain a stand-alone section identifying the findings of the 2010 BiOp, the findings and recommendations of the Independent Reviews, and NMFS response to each controversial issue identified by the Independent Reviews. This information is essential to understanding the analysis of environmental effects of the proposed alternatives and to comply with NEPA.**

**3. Important components of the PDEIS analysis rely on unpublished studies and studies conducted and/or completed after the December 14, 2012 cut-off date announced by NMFS for scientific information to be used in the analysis. Many of these reports are either “in preparation” or “in press”, and up to now have been unavailable to the SSC and the public. Many of the analyses and findings of these reports appear to be quite controversial. If the reference materials are dated after the cutoff date or are not complete, the public is unable to evaluate the analysis or the environmental effects of the alternatives. Moreover, the heavy reliance on unpublished and incomplete studies for critical chapters of the PDEIS is inconsistent with the agency’s scientific integrity policy, risking a repeat of many of the criticisms leveled at the 2010 FMP BiOp by the Independent Reviews.**

**As a final point the Council wants to acknowledge the hard work of NMFS staff in putting together the PDEIS and related analyses, and to express our appreciation for their dedication to completing this task in a professional and timely manner. The motion was seconded.**

Mr. Tweit spoke to the motion noting that it is based on the observation that the document has significant deficiencies as a draft EIS that will serve as a basis of public review and decision-making. The purpose of NEPA is to provide direction before decisions are made and actions are taken. The preliminary draft EIS must function as an EIS first, and the Council should not be asked to make a decision on a 2010 biological opinion. Mr. Tweit also noted that a peer review process is an important tool for dealing with controversial science, and he thanked the agency for the thorough socioeconomic impacts and stated that the environmental impacts would benefit from the same attention.

Mr. Tweit remained concerned that there is no analysis of effects on the SSL population demographics among the alternatives, and that criteria has not been specified that will be used to determine jeopardy or adverse modification.

Ms. Campbell stated her support of the motion, and is also concerned regarding the reliance on the 2010 biological opinion in which the science has been found to be flawed. She stated that information is then not useful. The SSC has referred to the difficulty in making a decision due to lack of better information. Ms. Campbell urged NMFS to have updated information on the effects of the alternatives and a biological opinion that takes into account independent reviewers comments.

Dr. Balsiger appreciated the motion and finds no difficulty in the Agency’s ability to comply with the motion. He did state, however, court process and determination could dictate NMFS’ priority.

Mr. Oliver briefly discussed timing, and it was agreed that the motion should not bind the Council or NMFS in any way.

Mr. Fields noted his support for the complicated motion.

**The Council passed the motion unanimously.**

### **C-3 (c) BS and AI Pacific Cod ABC/TAC**

#### *BACKGROUND*

*In December 2012, the Council requested a discussion paper on the implications of pending SSC action to set separate ABCs in 2014 for Bering Sea and Aleutian Islands Pacific cod, particularly in the context of current alternatives in the Steller sea lion EIS. The Council, also concerned with shoreside processing protections in context of the Steller sea lion EIS, requested the discussion paper include an updated summary of the December 2009 AI Pacific cod processing sidebar analysis.*

Jon McCracken gave the staff report on this agenda item and answered questions from the Council. The AP gave its report, and the SSC had addressed this agenda item earlier in its minutes. Public comment was taken.

#### COUNCIL DISCUSSION/ACTION

**Commissioner Campbell made the following motion, which was seconded:**

**The Council requests a discussion paper to evaluate the impacts of allocating a Pacific cod directed fishing allowance (TAC minus CDQ and ICA) in Area 541/542 to the catcher vessel sector, with a regionalized delivery requirement to shoreplants in the Aleutian Island (AI) management area. The paper should include a discussion of a potential waiver to the delivery requirement in the event that there is insufficient shoreside processing capacity in the AI as well as discussion of the provisions for and experiences under the Western Aleutian Island golden king crab regional delivery requirements implemented in the BSAI crab rationalization program.**

**The paper should assume that the current BSAI Pacific cod sector allocations are maintained under a BS and AI TAC split and an Area 541/542 catch limit would be in proportion to abundance, based on the best available information in the annual stock assessment process.**

**The paper should also explore the need for and impacts of measures to avoid stranding AI TAC, such as allowing CP activity after a certain date or at higher TAC levels. Data should be provided on historical catch and processing distribution across the various sectors (gear and operational type) in Areas 541, 542, and 543, as well as a discussion of current processing capacity and activities in Adak and Atka.**

Ms. Campbell spoke to her motion, saying the Council has previously considered various approaches to protect historical processing in communities in the Aleutians, and it is time to consider it again given the pending TAC split in the Aleutians, and that the amount of cod available is not enough to meet the needs of every sector. A discussion paper will be helpful in determining impacts of the split, and other alternatives that would meet Council goals are welcome.

Mr. Henderschedt noted as the Council looks at the issue of community protections, he will be focused on realistic actions and expectations relative to the cod resource. Adak and Atka should be reviewed separately as they have developed under different circumstances.

John LePore, of NOAA GC, stated he will be working with staff at reviewing regional delivery requirements and other issues to ensure compliance with National Standard 4, that allocations are fair and equitable.

**The motion passed without objection.**

## **C-4 Scallop Management**

### *BACKGROUND*

*The Scallop Plan Team met in Kodiak on February 19-20, 2013 to review the status of the weathervane scallop stocks in Alaska, to prepare the Stock Assessment and Fishery Evaluation (SAFE) report and to recommend an acceptable biological catch (ABC) level to meet Annual Catch Limit (ACL) requirements. The SAFE report was mailed to you on March 12th. The SAFE report provides an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.*

Diana Stram gave the staff report on this issue. The SSC had given its report earlier, and the AP gave its report. Public comment was taken.

### COUNCIL DISCUSSION/ACTION

**Ms. Kimball moved to approve the Scallop SAFE report and set the ACL/ABC to 1.161 million pounds of shucked meats, and an OFL equal to 1.29 million lbs. Mr. Hull seconded the motion.**

Ms. Kimball spoke to her motion, noting that it consistent with SSC, PT, and AP and recommendations, and consistent with the control rule that ABC =90% of OFL. Scallops are not overfished. She noted that although it wasn't included in the motion, she supports the SSC and PT comments that a workshop be held on data-poor stocks. **The motion passed with no objection.**

## **C-5 IFQ Program CQE halibut/sablefish small block purchase restrictions**

### *BACKGROUND*

*The Council approved the Community Quota Entity (CQE) Program as an amendment to the halibut and sablefish IFQ Program in 2002 (GOA Groundfish FMP Amendment 66), and the program was implemented in 2004. The CQE Program was developed in order to allow a set of small, remote coastal communities located in the Gulf of Alaska to purchase halibut and sablefish catcher vessel quota share, in order to maintain access to these fisheries. The Council initially reserved quota share that had been issued as blocks of less than a certain size for purchase by individuals. In December 2012, the Council passed a motion to consider an amendment that would lift the restriction on the purchase of small blocks by CQEs.*

*The RIR analyzes a no action alternative and an action alternative (Alternative 2) with three options. Each option would allow CQEs to purchase any size block of halibut or sablefish quota share (QS), thus granting them access to the small blocks that are reserved for individuals under the status quo. The options differ in whether CQEs would be permitted to purchase small blocks of QS from any seller (Option 1), from any seller who resides in an eligible CQE community (Option 2), or from any seller who resides within the CQE's own community (Option 3). The Council could select only one of the three options. Selecting any option of the action alternative would not alter other restrictions on CQE purchase of halibut and sablefish QS. These persisting limitations include: location restrictions on where certain CQEs can purchase QS, limits on CQE block holdings, and special provisions that limit CQE purchase of vessel-size Category D ( $\leq 35'$  LOA) halibut QS in management Areas 2C and 3A.*

Sam Cunningham gave the staff report on this agenda item and answered questions from the Council. The AP gave its report, and the SSC had given its report earlier. Public comment was taken.

#### COUNCIL DISCUSSION/ACTION

**Mr. Fields moved the following modified problem statement and Alternative 2, Option 1 as its preferred alternative. Mr. Cotten seconded the motion.**

*Responsive to National Standard 8, the North Pacific Fishery Management Council established the Community Quota Entity (CQE) program to encourage sustained participation in the Halibut and Sablefish Quota Share Program by residents of smaller Gulf of Alaska fishery dependent communities. CQEs were prohibited from purchasing smaller "sweep up" blocks of quota shares because of concerns that CQE quota purchases could negatively impact quota share price and availability. Concerns about CQE purchase and market impacts on price and availability have not been realized and participation by CQEs in the marketplace has been limited.*

*The purpose of lifting block restriction for "B" and "C" class quota is to incrementally allow more CQE access to QS and thereby facilitate for the sustained participation by CQE community residents in the Halibut and Sablefish IFQ Program. The need for this amendment is to further address the problem of continued decline in the number of halibut and sablefish IFQ holders in small GOA fishery dependent coastal communities and to incrementally provide for better access for these fishermen through their local CQE to halibut and sablefish resources.*

#### **Alternative 2**

**Option 1 Allow CQE communities to purchase any size block of halibut and sablefish quota share.**

Mr. Fields spoke to the motion stating that it is a relatively small incremental opportunity for the purchase of CQE quota share. Currently, CQE's continue to be limited in total block share to 10 blocks. The impacts are not significant, and it even if CQE's maximized their small block quota, there would still be a large percentage of quota share (QS) available to entry level and small boat fishermen. He continued, stating that this action is an important progressive step in the evolutionary process that the Council goes through as it makes new management programs, and as it evaluates programs over time.

Mr. Hull is supportive of the motion, and stated that CQEs do not have a financial advantage over individuals, and cannot use quota as assets for collateral. He noted that the impacts are minimal and it is important to give the CQE program a chance to succeed. Given that only a few CQEs have acquired quota and that an immediate dramatic increase in CQE quota ownership is not expected, the preferred alternative should not be considered a threat to the entire IFQ program. The Council will continue to receive annual reports from CQEs, and will monitor for any potential impact that expanded QS ownership might have on other individual participants in the future.

Ms. Kimball noted she will be supporting the motion, and that Option 1 is the only meaningful benefit for communities. Restrictive regulatory measures need to be lifted for the benefits to be realized.

**Mr. Tweit moved to amend that the Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with Section 303(c). Additionally, the Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions. His amendment was seconded.** Mr. Tweit spoke to his motion noting that the Council is familiar enough

with this motion that the Executive Director and Chairman will be able to review the motion and alert the Council should there be any cause for concern. **The amendment passed without objection.**

Mr. Henderschedt noted he was uncomfortable with the way the main issue has changed. He had been more strongly supportive that members should keep quota in that community should they choose to sell. However, the impacts of this action on the QS market are small. The Council should keep a very close watch on the impacts of this action so none of the access to 2<sup>nd</sup> generation quota, which this quota was intended to support, goes away.

**The amended motion passed by roll call vote 10/1 with Hyder in opposition.**

### **C-6 (a, b, c) Cooperative Reports**

#### *BACKGROUND*

*Three Cooperative programs subject to Council management require that cooperatives submit an annual year-end cooperative report summarizing their fishing activities from the preceding year. Due to the volume of these materials, a few copies of the complete reports from the various cooperatives will be made available at the meeting, and full copies are available from the Council office.*

#### *(a) Amendment 80 Co-op reports*

*Implemented in 2008, the Amendment 80 Program is a limited access privilege program (LAPP) that allocates a portion of total allowance catches (TACs) for Atka mackerel, Pacific ocean perch, and 3 flatfish species (yellow sole, rock sole, and flathead sole), along with an allocation of prohibited species catch (PSC) quota for halibut and crab, in the Bering Sea/Aleutian Islands, to the Amendment 80 sector. The Alaska Groundfish Cooperative report was mailed to you March 14, 2013. The Alaska Seafood Cooperative is posted as of March 28, 2013. Cooperatives will provide a summary report to the Council at this meeting. In February, the Council requested that the cooperatives, when giving their reports in April, also discuss halibut release survival.*

#### *(b) CGOA Rockfish Co-op reports*

*Cooperatives participating in the Central GOA of Alaska Rockfish Program also provide annual reports of their fishing activities in that program. Several cooperatives formed in the offshore sector and in the inshore sector. Reports from the I.S.A. Rockfish Cooperative, North Pacific Rockfish Cooperative, OBSI Rockfish Cooperative, Star of Kodiak Rockfish Cooperative, Western Alaska Fisheries Rockfish Cooperative, Global Rockfish Cooperative, and Pacific Rockfish Cooperative were mailed to you January 8, 2013. The FCA Cooperative report was mailed to you January 22, 2013. The Best Use Cooperative report is posted on Council web site. Cooperatives will provide a summary report to the Council at this meeting.*

#### *(c) AFA Co-op reports*

*Each year, the AFA Bering Sea Pollock fishery cooperatives submit year-end reports summarizing their fishing activities from the preceding year and cooperative agreements for the upcoming year (copies of these reports are available upon request). This requirement is interpreted such that the cooperatives submit information only if and to what degree such agreements have been modified from existing agreements. Co-op representatives will provide a joint, summary report to the Council at this meeting.*

Representatives from each of the Cooperatives gave reports.

Amendment 80: Jason Anderson, Alaska Seafood Cooperative, Alaska Groundfish Cooperative presented a written report.



Rockfish Cooperatives: Julie Bonney, (7 shoreside cooperatives for rockfish), Mike Szymanski, Best Use Cooperative.

AFA Co-op reports: Stephanie Madsen and Ed Richardson – Pollock Conservation Cooperative, and High Seas Catcher’s Cooperative; John Gruver – AFA CV Intercooperative Report.

## **C-6 (d) Cooperative Reports and Salmon PSC**

### *BACKGROUND*

*Under Amendment 91 to the BSAI Groundfish FMP, AFA sector representatives are now required to provide an overview of their Chinook salmon bycatch reduction efforts under individual incentive program agreements (IPAs). Representatives will provide their IPA reports from the 2012 fishing year at this meeting. Written copies of these reports are not due until April 1, however some sectors have submitted those which are posted on the web. Additional reports from other sectors will be provided at the meeting as received. In conjunction with initial review of the Chum PSC management measures EA/RIR/IRFA in December 2012, the Council requested that each sector provide a proposal detailing how they would incorporate a western Alaska chum salmon avoidance program within their existing Chinook IPA for Council review. At this meeting in conjunction with reports on their Chinook IPA performance in 2012, sector IPA representatives are requested to provide a progress report toward meeting the Council intent of proposed program inclusion by the October 2013 meeting. Representatives from the Inter-cooperative Agreement (ICA) for chum bycatch avoidance will also provide a report on bycatch avoidance measures under the rolling hot spot (RHS) program in 2012. This report is a requirement of the status quo chum bycatch avoidance program implemented under Amendment 84 which conveys an exemption to the current Chum salmon savings area (CSSA) closure in the Bering Sea.*

Karl Haflinger and John Gruver discussed the rolling hotspot program for chum avoidance, and also gave an update on the IPA for the CV fleet. Stephanie Madsen and Ed Richardson reported on the IPA for the CP sector.

## **C-6 (e) Salmon Genetic Stock Composition analysis**

### *BACKGROUND*

*In conjunction with action by the Council under Amendment 91 to the BSAI groundfish FMP, the Council requested annual reports on the genetic stock composition of the salmon bycatch by species in the BSAI (and GOA once available). A report of the genetic stock composition of the samples taken from the 2011 trawl fisheries bycatch of Chinook in the BSAI and GOA fisheries is available as well as a report of the genetic stock composition of the chum salmon bycatch samples taken from the 2011 Bering Sea Pollock fishery. Dr. Jeff Guyon of the Alaska Fisheries Science Center Auke Bay Laboratory will be available to provide a report on the 2011 genetic results at this meeting.*

Dr. Jeff Guyon gave a report on the 2011 genetic stock composition and answered questions from the Council. Public comment was taken.

## **COUNCIL DISCUSSION/ACTION ON ALL C-6 ITEMS**

Chairman Olson reminded the Council that no action is required on this agenda item, but that does not preclude the Council from making recommendations. There was brief discussion regarding requirements

and deadlines regarding the coop reports, and it was generally agreed that the Council can request other information to make the reports more robust, should it be necessary. Mr. Olson stated that there is a lot of information the coops can use to inform the public, and they must make a meaningful effort to describe what the Council has implemented. Mr. Henderschedt reminded the Council that the reports are defined in regulations, and should have a comprehensive structure should the Council wish to change the format or schedule.

Discussion continued, and it was generally agreed that if the Council has had questions in the past, the cooperatives have been responsive. Ms. Campbell noted that the Council should not need a regulatory amendment to get information, but should be able to ask for it. The timing issue may be a problem, and she noted it would be more informative to get the reports earlier to allow the public to read the information and ask questions.

Mr. Fields noted his main concern is evaluating the effectiveness of the coops, and in all levels of abundance, avoiding Chinook bycatch. Part of the reporting annual review may require the Council to point out, or focus on, additional information, and possibly in a less formal way. Chairman Olson noted the discussion may continue during staff tasking, either at this meeting or at a later date, to outline the logistics of the reporting process and set minimum standards.

Action was deferred to the Staff Tasking portion of the agenda.

#### Genetic stock analysis

Mr. Fields stated better and more genetic information is always helpful and voiced his concern about minimal information on GOA Chinook. He will look towards new, better, more robust genetic work, and encouraged the Council to expand the information available on GOA Chinook. The Council expressed thanks for the effort of the scientists for identifying salmon genetics in BS and AI and GOA, and presenting them in a way a reader can understand. The Council also recognized the researchers and thanked them along with the science centers for developing and implementing sampling protocol.

### **D-1(a) Establishing Transit Corridors through Walrus Protection Areas**

#### *BACKGROUND*

*In June 2012, NOAA Enforcement, through the Council's Enforcement Committee, brought forward an unintended consequence of a recent Council action that affects the ability of vessels with FFPs to tender for the Togiak area herring fishery. Until recently, vessels with FFPs were permitted to "surrender" their FFP which allowed them to transit the Walrus Protection Area around Round Island during tendering, with the expectation that they could reapply for their FFP when they completed tendering. However, recent regulations prevent those vessels from being issued an FFP more than once in any three year period. As a result, those vessels tendering the Togiak area herring fishery risk being out of compliance with federal regulations if they transit the Walrus Protection Zone during tendering, or must surrender their FFPs for an extended period. This also creates a difficult situation for NOAA Enforcement of either not enforcing an existing federal regulation or citing vessels for an unintended consequence of an existing regulation.*

*At the June 2012 meeting, the Council directed staff to analyze options for remedying this problem and extended the scope of the issue to include the Walrus Protection Area at Cape Newenham, salmon tenders, and Amendment 80 vessels delivering yellowfin sole to processors in Togiak Bay.*

*At this meeting, the Council will review the preliminary draft of the Environmental Assessment, for that action, and may provide additional direction to providing opportunities for those vessels to transit the walrus protection areas.*

Steve MacLean gave the staff report on this agenda item and answered questions from the Council. The AP gave its report, and the SSC did not address this issue. Public comment was taken.

#### COUNCIL DISCUSSION/ACTION

**Mr. Henderschedt moved, which was seconded, that the Council task staff with developing one or more alternatives to the existing transit corridor alternatives (i.e., open or transit areas, modification of regulations to allow surrendering of FFP for the specific purpose of tendering operations in the round island area) in consultation with the appropriate agencies and potentially affected stakeholders.**

**By way of comment on NOAA Fisheries OLE enforcement priorities, the council notes that it has identified an unintended consequence of previous Council action affecting tender vessels operating in this area and suggests that enforcement of transit restrictions on tender vessels transiting this area be assigned a low enforcement priority.**

Mr. Henderschedt spoke to his motion noting that after reviewing recommendations from the Enforcement Committee, AP and SSC, more suitable alternatives exist to transiting in the Round Island area. He stated a work group is not necessary, but input from stakeholders and other agencies, as well as input from NOAA's Office of Law Enforcement, should be considered when drafting the alternatives.

There was brief discussion regarding the effect of this motion on other sectors, and it was agreed that staff would address these along with conservation gains as part of the alternatives.

**The motion passed without objection.**

#### **D-1 (b) Bering Sea Sablefish TAC Specifications**

##### *BACKGROUND:*

*In December 2012, the Council initiated a discussion paper to identify issues associated with the Bering Sea sablefish total allowable catch (TAC) and optimal yield (OY). The Bering Sea/Aleutian Islands Groundfish FMP apportions 50% of the Bering Sea sablefish TAC to the fixed gear sector and 50% to the trawl sector. The Council typically sets the sablefish TACs equal to the acceptable biological catch (ABC) in an effort to maximize the individual fishing quota and community development quota allocations to sablefish quota share holders. The sablefish TACs subsequently are apportioned to the IFQ/CDQ fixed gear fisheries and sablefish trawl fisheries under the authority of the FMP and Federal regulations.*

*In recent years (2010-2012), about half of the fixed gear allocation and <10% of the trawl allocation has been harvested. Given the relatively low catches of sablefish by the trawl sector, the Council may wish to reallocate unused sablefish trawl allocation to the sablefish fixed gear sector to increase the amount of sablefish available for by each IFQ holders; and/or any other BSAI groundfish TAC(s) to increase total groundfish yield under the 2 million mt OY. At this meeting, the Council will review the discussion paper and take action as necessary.*

Jane DiCosimo gave the staff report on this agenda item. Lori Swanson gave the AP report, and public comment was taken.

COUNCIL DISCUSSION/ACTION

**Mr. Henderschedt moved, which was seconded, that the Council encourage Bering Sea sablefish industry stakeholders to work together to identify additional potential management approaches to increase yield under the OY. Industry should report their suggested management approaches to the Council at the October 2013 meeting for consideration.**

Mr. Henderschedt spoke to the motion, noting that he is uncomfortable putting more staff time into the issue. Allowing the stakeholders who are more familiar with the subject discover reasonable approaches and reporting back to the Council is the more efficient solution to managing the fishery and achieving OY.

Mr. Fields noted his support of the motion, and recommended Council involvement, if necessary, after the October report. Mr. Cross noted his agreement.

**The motion passed without objection.**

**D-1 (c) Retention of Area 4A halibut in BSAI sablefish pots**

*BACKGROUND:*

*In December 2012, the Council considered a proposal that had been submitted to the International Pacific Halibut Commission (IPHC). The IPHC had requested a Council recommendation before it considered the proposal for adoption during its annual meeting. If adopted, the IPHC would redefine legal gear for harvesting commercial halibut to include (sablefish) pots (single or longline) as legal gear in Area 4A. The result would allow fishermen who use pot gear for sablefish in the Bering Sea and Aleutian Islands to retain IFQ halibut in Area 4A. If adopted, the proposal also would require Federal rulemaking.*

*The Council requested expanded discussion paper examine the following issues:*

- 1. Determine whether there is overlap in the spatial and/or temporal distribution of halibut longlining and sablefish pot fishing in the portion of Area 4A to which this proposal would apply.*
- 2. Discuss the potential need for the following regulations:*
  - a. Requiring the removal of sablefish pots from the fishing grounds upon completion of the harvest of the vessel's sablefish IFQ, and at the end of the season.*
  - b. Requiring radar reflectors or other gear markers at both ends of a longline pot string.*
  - c. Prohibiting "pot sharing" while pots are in the water.*
  - d. Prohibiting the modification of sablefish pot tunnels.*
- 3. Discuss the physical and market condition of halibut incidentally caught in sablefish pots.*
- 4. Provide a discussion of the experiences and lessons learned by the industry and managers in Areas 2A and 2B from allowing the retention of halibut incidentally caught in sablefish pots, including retention caps.*

*The action before the Council is whether to send a letter to the IPHC to recommend the proposed action. As proposed, direct action by the Council likely would be required to amend Federal regulations to allow sablefish (i.e., groundfish) pots as legal gear for the retention of halibut, however the Council may wish to wait to initiate the required analyses until after the IPHC indicates an interest in this proposal. Action also may be required by the Alaska Board of Fisheries. The IPHC has taken no position on the proposal; to date it only has forwarded the proposal to the Council to gauge the latter's support for moving the proposal forward in the IPHC process. If adopted by the IPHC, the proposed action could be*

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*implemented in IPHC regulations to coincide with NMFS rulemaking at a later time, “. . . pursuant to regulations promulgated by NMFS and published in 50 CFR Part 300.”*

*Adult sablefish depth distributions range from approximately 200 m to 1000 m; the majority of fishery effort is between 300-600 m. Sablefish pot gear is set at similar depths as longline gear in the Bering Sea and the Aleutian Islands. Adult halibut are caught primarily from 25 m to 275 m but have been caught as deep as 550 m. Juveniles of both species are generally found in nearshore areas and are rarely encountered by the sablefish pot fishery. From 2002-2008, the average catch of halibut in the sablefish pot fishery in the Bering Sea and Aleutians was 0.24lbs/pot. It is likely the majority of sablefish pot effort occurs in deeper depths than those inhabited by both adult and juvenile halibut.*

*Additional supplemental information on spatial/temporal overlap between halibut IFQ longline fishing and sablefish IFQ pot fishing is attached as supplemental.*

Jane DiCosimo gave the staff report on this agenda item. Roy Hyder gave the Enforcement Committee report, and Lori Swanson gave the AP report. There was no public comment.

#### COUNCIL DISCUSSION/ACTION

**Dan Hull moved that the Council send a letter to the IPHC along with the expanded discussion paper, stating that the Council supports the proposed action to allow IFQ halibut in Area 4A to be retained in BSAI IFQ sablefish pots. The motion was seconded.**

Mr. Hull spoke to his motion noting that fishermen with the right gear and in the right area should have the option to retain halibut to reduce regulatory discards. The IPHC will re-define legal gear to include groundfish pots, and could set an MRA for halibut caught incidentally in sablefish pots, or allow retention of all halibut caught in sablefish pots. The Enforcement Committee noted there should be no enforcement or compliance issues. **The motion passed without objection.**

#### **D-2 Staff Tasking**

Chris Oliver reviewed the items the Council had marked for discussion under this agenda item, including approval of the minutes, tasking for the Observer Advisory Committee, and recommendations from the Ecosystem Committee. Discussion continued regarding additional items councilmembers wanted to review or to take possible action. Mr. Oliver and Mr. Fields discussed possible co-op report guidelines and what the Council will look for in those annual reports, in addition to how the Council will request information.

Mr. Henderschedt stated that rather than addressing the Council management priorities relative to research priorities at this meeting, it is best suited as an agenda item at a later meeting.

There was brief discussion on the Steller Sea lion EIS timeline. Dr. Balsiger noted that NMFS is under a court-ordered deadline, and will review the Council's requests to determine how it will fit into the schedule. Mr. Oliver reviewed the 3 meeting outlook, and letters the Council requested to be drafted.

Mr. Henderschedt noted that the Council should be very clear in regards to its expectations and plans with GOA trawl bycatch management roadmap.

Lori Swanson gave the AP report on this agenda item, the SSC did not discuss this issue, and public comment was heard.

#### COUNCIL DISCUSSION/ACTION

**The Council moved to approve the minutes with changes noted by Mr. Cotten. There was brief discussion regarding intent in another portion of the minutes, but there were no changes. The motion passed unanimously.**

**Ms. Campbell moved, which was seconded, to requests a report on Chinook salmon bycatch in the Bering Sea pollock fishery, which includes the following:**

- 1. A review of the status of Alaska Chinook salmon stocks, including subsistence, sport, and commercial fishery restrictions and whether escapement goals have been met.**
- 2. A report of genetic stock identification (2011) along with stock-based adult-equivalency (AEQ), run reconstruction, and PSC harvest rate analyses for Chinook salmon stocks. The AEQ analysis should include an estimate of the impacts to each specific stock grouping of bycatch at the current cap levels (47,591 and 60,000) and actual bycatch levels in 2011 and 2012.**
- 3. In order to evaluate fishing and bycatch performance under Amendment 91, the following items should be included from 2003 - 2013 (to date):**
  - o Numbers and rates of bycatch taken by month, by sector**
  - o Use of salmon excluders, by sector and season (or month if available)**
  - o Variability between bycatch rates per vessel within each sector (2011 – 2012),**
    - consistency year-to-year in vessels ranking relatively high and relatively low in performance rankings**
- 4. Description and/or presentation of the incentive mechanisms contained within the IPAs.**

Ms. Campbell spoke to her motion, noting that it is important to have an opportunity to evaluate this issue in the most recent context of the directed salmon fisheries and with the most recent genetic information and AEQ analysis. She noted that the motion is similar to the AP's motion, and tracks the SSC recommendations, with the addition of the sport fisheries in the background information. Additionally, the motion asks staff to use the recent genetic stock composition information from 2011 to conduct an updated AEQ analysis to estimate the bycatch impacts on (aggregated) salmon stocks. Ms. Campbell specifically noted that the Council will be evaluating the efficacy of the current program in light of new information, programs, and performance, and it is a responsibility of the Council to review programs and examine efforts periodically. Ms. Campbell answered questions of clarification from the Councilmembers.

Ms. Campbell noted this paper was not to explore alternatives ways to set caps, but that staff is asked to compile information and bring a report back. Discussions continued on timing issues.

Mr. Dersham noted he supports the motion, and that reported information that has been requested is appropriate.

**Mr. Henderschedt moved to amend, which was seconded, under item 3, to add a fourth bullet point that states: Description and/or presentation of the incentive mechanisms contained under the IPAs.**

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Mr. Henderschedt spoke to his motion, noting that it is essential that Council understand how these incentive plans are designed. Experience with implementing plans and other questions that arise are best explained with those who operate within the IPAs. Representatives of each IPA should be invited to give a brief presentation of the workings and elements of their agreements. **The amendment passed without objection.**

Mr. Hull noted that reports can be applied on a regular basis if they are deemed helpful. Mr. McBride noted that the reports have the potential of being more surgical, and can look at stocks of greatest concern. Mr. Tweit urged the Council to avoid being lulled into complacency, and to take an opportunity to consider whether current cap levels are appropriate. Mr. Olson stated his support for the motion, and stated that it remains one of the high-priority items.

**Amended main motion passed without objection.**

Mr. Fields suggested distributing a letter in response to various entities as to the Council's actions on salmon bycatch. He noted it may be proactive to revive the rural outreach committee.

Cooperative reports

**Mr. Hull moved to have staff develop a discussion paper describing what is currently required by regulation of what is required in a coop report, and how requests for information can be done without triggering the paperwork reduction act. The motion was seconded.**

Mr. Hull spoke to the motion, noting the Council can use the reporting format to inform the Council of the way the coops are working. Mr. Henderschedt noted that while the motion is specific to coop reports, it was generally agreed that the discussion paper will cover all stakeholder-generated annual reports. **The motion passed without objection.**

Observer Advisory Committee

Mr. Hull specified he has three recommendations for tasking on the OAC; 1. Review the EM strategic plan and provide comments and recommendations to the Council; 2. Review NMFS's report of the first months of the Observer Program and provide comments and recommendations. 3. Develop a set of recommended priorities and criteria for considering proposed regulatory amendments.

Mr. Hull stated that the Committee's primary focus should be on strategic planning, not necessarily on the implementation. An EM workgroup can be more involved in the actions and strategies in future months. He noted the Council needs to be clear as to whether or not it intends to initiate an analysis of proposed regulatory amendments in June, and if so a detailed review of the proposals will be done by the OAC at its September meeting. Mr. Hull noted that the Committee doesn't have the time to do a broad, general review of many issues that have been brought up by stakeholders at OAC meetings, and suggested that the Advisory Panel may be more suitable to address larger issues. It was generally agreed the Chairman would review future AP agendas for observer items.

Research Priorities

Mr. Henderschedt stated the Council should provide the SSC with management actions they can use to guide the SSC in ranking research priorities. He proposed a discussion on each agenda item as to how the prioritization of the action will affect current and future management actions, and how other parts of the Council process may benefit from establishing those priorities.

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There was general discussion, and Mr. Tweit noted that the Council has developed existing tools, and a short review of the evaluation processes currently in place may help respond to the SSC and assist the Council in prioritizing actions.

Mr. Fields noted his concern regarding the lack of ethnographic and sociological evaluation priorities, especially should the Council move towards ranking priorities through the plan teams. Chairman Olson noted, and it was generally agreed, that this will be a part of the discussion in June.

Ecosystem Committee

**Mr. Tweit moved, and it was seconded, that Council:**

- 1. Task the Crab Plan Team with reviewing issues with gravel mining and impact of NSRKC habitat, and provide update on status and knowledge of that habitat and distribution.**
- 2. Exercise its authority, under Section 305 of the MSA, to comment directly to the COE on its concerns with respect to the permitting of commercial mining operations in waters deeper than 30 feet in Norton Sound, copying the EPA and DEC as appropriate, as well as concerns regarding the cumulative impacts of the increasing scale of recreational mining activity in the area.**
- 3. Recommend Ecosystem Committee meeting hold a one day meeting in June to: a) make recommendations on the Bering Sea canyon reports; b) discuss issues coming out of the Managing our Nations Fisheries Conference; 3) review Dr. Fluharty's report with respect to the North Pacific; and 4) planning and preparation needed for a late summer 3 day workshop to draft a workplan to implement additional steps to ecosystem based management**

Mr. Tweit spoke to his motion, noting that the rationale has been presented in the Ecosystem Committee minutes. There was general discussion regarding commenting on mining activities, and Mr. Tweit noted that in order to be prepared, the Council, and the plan teams, should have the most updated information should concerns be raised in the future. **The motion passed unanimously.**

Co-op Reports

Mr. Oliver clarified that the letter the Council distributed to the cooperatives in February requesting they voluntarily provide an annual report detailing measures the cooperative is taking to facilitate the transfer of quota share to active participants (including crew members and vessel owners) and available measures it is taking to address high lease rates and crew compensation. There was brief discussion, and Commissioner Campbell noted that the current request should be sufficient initially, and the Council may want to provide further direction and request more information after the initial round of reports. Mr. Fields remains concerned about the lack of crew compensation comparison year to year, and is underscoring the issue. Mr. Olson noted that the Council is not precluded from requesting further information in future reports.

ACDC Red King Crab

**Mr. Cotten moved, which was seconded by Mr. Fields, that Council send the Area O red king crab proposal as presented by ACDC to the Crab Plan Team for review at its upcoming meeting.**

Mr. Cotten noted that having the Plan Team review the proposal is the appropriate course. **The motion passed without objection.**

Tendering in GOA

**Mr. Fields moved, which was seconded, that the Council develop a discussion paper on the issue of tendering of trawl-caught groundfish in the Western, Central, and West Yakutat areas of the Gulf of Alaska.**



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Mr. Fields noted this issue arose in public testimony - Kodiak Island Borough distributed a handout relative to recent impacts due to changes in tendering behavior. A discussion paper would provide a comprehensive view of tendering activity in Western Alaska and provide a basis for discussion and action on related issues. There was discussion on the range of related topics and concern was expressed that another discussion paper may distract focus on other GOA issues.

**Mr. Cotten moved to amend the original motion to change words “discussion paper” to “report.” The amendment was seconded.** Mr. Cotten noted staff should develop the report as part of other processes and compile the information in a report format, as it is largely specific as to events that have already occurred. There was brief discussion, and the **amendment passed without objection.**

Discussion ensued on the amended main motion. Mr. Henderschedt commented he would be interested in items relating to how tendering activities are viewed under MSA, how trips are defined, and the authority of the Council under MSA to regulate tenders. **The amended motion passed without objection.**

Miscellaneous items

Mr. Cotten inquired about an “informal working group” on ROFRs and if the Council will schedule a report in June. Mr. Olson noted it will be put on the June agenda and further action may be taken at that time.

Mr. Cotten also had a question regarding CDQ halibut allocations, and it was generally agreed that allocations were set by legislation. NOAA GC will follow up should there be further interest.

Mr. Fields had a comment on the reporting of the genetic assessments and requested expediting GOA Chinook genetics, and Dr. Balsiger noted that he can explore a scheduling change.

Chairman Olson adjourned the meeting at 1pm, and thanked everyone for their efforts.

# MEETING ATTENDEE SIGN-IN SHEET

April, 2013 N.P.F.M.C. MEETING

PLEASE REGISTER ATTENDANCE FOR MEETING RECORDS

PLEASE PRINT - THANK YOU!

NAME	AFFILIATION
BRENT PAINE	UCB
Todd Loomis	Ocean Peace, Inc
Matt Upton	US Seafoods
Danny Parker	Arctic Storm
Paul Mac Goyr	At-Sea Processors Assoc
Sarah Melton	Franklin's Fish LLC
Simeon Swetzel JR	City of St. Paul
Bob Alvarez	FWS
Frank Kelly	City of UTA Alaska #1 Fishing Boat
Linda Kotch	Kotch & Assoc.
Jeff Stephan	UFMA - Kodiak
Heather McCarty	McCarty & Associates, Juneau
MIRE PACIFELLI	Univ of Alaska Fairbanks
MARCOS AGON	WESTWARD FISHING CP
JOE PLESHA	TRIDENT SEAFOODS
Mary Beth Tooley	O'Hara Corp
CRAIG CROSS	ASF
MARK GLIBSON	ALASKA BERING SEA CRABBERS



**Time Log**  
**North Pacific Fishery Management Council**  
**Meetings held in Anchorage, Alaska at Hilton Hotel**  
**April 3-8, 2013**

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**April 3, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:00:33	8:05:25	Call to Order
0:00:49	8:05:40	Review of Agenda
0:15:13	8:20:01	Dave Little, Bill Orr
0:15:23	8:20:08	Update on Turbot
1:26:06	8:30:34	Glenn Merrill and Mary Furuness
1:22:40	9:26:56	Karla Bush
1:25:20	9:29:38	ADF&G Report
1:35:53	9:40:18	Hyder: Enforcement Report re: access to VMS data by ADFG
1:58:19	10:02:24	McBride - nothing to report
2:20:04	10:24:23	USCG Report
2:20:32	10:24:35	LT Kenne and Capt Thorne
2:45:01	10:48:50	Steve MacLean, Protected species report
2:54:53	10:58:47	Donna Parker, Brent Paine - Public comment
3:17:27	11:21:01	Action on B items
3:47:32	1:10:28	C-1 Observer Restructuring
3:48:41	1:11:43	Farron Wallace and Martin Loefflad
7:16:13	4:07:43	Diana Evans
7:16:27	4:37:52	Public comment
7:16:31	4:38:02	Dan Falvey, Linda Behnken
7:47:06	5:08:21	Tracy Mayhew
7:52:11	5:13:23	Paul Grundholt
7:55:16	5:16:27	Rhonda Hubbard
7:59:31	5:20:40	Recess

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**April 4, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:00:12	8:05:05	David Polushkin
0:09:20	8:14:07	Julie Bonney
0:15:35	8:20:19	Jeff Stephan
0:21:31	8:26:17	Kenny Down
0:27:19	8:31:58	Todd Loomis
0:36:43	8:41:20	Xenon Cusman
1:16:08	9:20:31	Dan Hull Observer motion C1
2:25:28	10:29:26	C-2 (a) Flatfish Flexibility - Diana Evans
3:10:47	11:14:23	Lori Swanson, AP report
3:13:32	11:17:06	Jason Anderson
3:13:47	11:18:09	Public Comment
3:16:22	11:19:54	Mary Beth Tooley
3:22:11	11:25:39	Bill Orr
3:27:05	11:30:32	Paul Peyton
3:36:02	11:39:32	Stephanie Madsen
3:47:16	11:50:34	Matt Updon
3:52:37	11:56:10	Angel Drodnica and Todd Loomis
4:00:32	1:19:49	Donna Parker
5:17:11	1:19:57	Henderschedt motion on C-2 a
5:57:01	1:59:36	C-2 (b) AFA vessel replacement - Jon McCracken
6:39:28	2:41:43	Lori Swanson AP report
6:41:39	2:43:50	Public Comment
6:41:44	2:44:08	Julie Bonney
6:46:38	2:48:45	Don Ashley
6:48:33	14:50:34	Brent Paine
7:06:58	15:08:54	Cross motion C-2 b
7:19:15	15:21:11	Pat Livingston, remainder of SSC minutes
8:29:03	16:30:23	Recess

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**April 5, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:00:02	8:05:22	C-3 SSL - Steve Maclean
0:03:17	8:08:28	Melanie Brown
0:06:09	8:11:17	Josh Keaton
1:15:38	9:20:17	Mike Downs
2:19:35	10:23:54	Melanie Brown
3:09:15	11:13:13	Steve MacLean and Larry Cotter
3:51:03	13:24:37	C-3 (c) Jon McCracken
4:17:11	13:50:34	AP report on C-3
4:42:48	14:16:01	Public Comment
4:43:06	14:16:19	Dave Wood
4:56:01	14:29:07	John Warrenchuck
4:56:05	14:29:10	Mike Levine
5:28:51	15:01:42	Dave Fraser
5:28:53	15:01:44	Larry Cotter
5:51:10	15:23:53	Todd Loomis
5:51:13	15:23:56	Clem Tillion
6:00:40	15:33:20	Linda Kozak
6:03:55	15:37:34	John Gauvin
6:15:22	15:47:55	Chad See
7:09:49	16:42:00	SSL motion

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**April 6, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:06:48	8:41:16	C-5 CQE Block limits
0:10:57	8:45:18	Sam Cunningham
1:49:45	10:23:30	C-5 AP report, Lori Swanson
1:54:00	10:27:41	James Skonberg
1:54:05	10:27:44	Public comment
1:56:26	10:30:05	Gene Anderson
1:58:47	10:32:24	Al Catty
2:01:07	10:34:44	Chuck McCallum
2:07:08	10:40:43	Darren Muller
2:12:23	10:45:55	Conrad Peterson
2:15:48	10:49:33	Hermann Squartsoff
2:23:33	10:57:01	Duncan Motion
2:52:09	11:25:29	C-4 Scallop Management
2:52:57	11:26:12	Diana Stram
3:10:36	11:43:44	AP report
3:10:41	11:43:51	Action on C4
3:12:55	13:09:00	C-6 (a,b,c) Jason Anderson
3:24:51	13:20:25	Julie Bonney
3:51:04	13:46:27	Mike Szymanski
4:15:19	14:10:32	Stephanie Madsen
4:15:25	14:10:37	Ed Richardson
4:17:47	14:13:00	John Gruver
4:39:32	14:34:40	Karl Haflinger, John Gruver
4:50:11	14:45:15	Joun Gruver
5:18:22	15:13:29	Stephanie Madsen and Ed Richardson, IPA
5:54:01	15:48:32	Jeff Guyon
5:54:06	15:48:45	C-6 (e)
6:31:45	16:26:04	Ken Trons, public comment

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**April 7, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:00:31	9:06:00	C-6 Jeff Guyon Salmon Genetics
0:07:01	9:12:23	Public comment: Art Nelson
0:13:07	9:18:24	Art Ivanoff
0:18:36	9:23:53	Becca Robbins Gisclair
0:30:54	9:36:06	John Lamont
0:37:36	9:42:43	Julie Bonney
1:21:29	10:26:26	D-1 (a) Transit Corridor, Steve MacLean
2:16:32	11:21:04	Roy Hyder Enforcement Committee Report
2:21:55	11:26:26	AP report, Lori Swanson
2:27:14	11:31:38	Vince Oshea
2:36:15	11:40:33	Todd Loomis
2:41:38	11:45:59	Henderschedt motion
2:54:05	13:07:18	Jane DiCosimo D-1(b)
3:26:58	13:39:56	Lori Swanson, AP report
3:27:58	13:40:54	Chad See
3:28:02	13:40:58	Public Comment
3:55:33	14:08:29	D-1 (c) BS TAC
3:55:55	14:08:40	Jane DiCosimo
4:41:06	14:53:35	Roy Hyder, enforcement report
4:41:41	14:54:11	Lori Swanson, AP report D-1c



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**April 8, 2013**

<b>Time on Tape</b>	<b>Time of Day</b>	<b>Subject</b>
0:00:02	8:35:59	D-2 Staff Tasking
0:00:07	8:36:01	Chris Oliver
0:30:28	9:06:13	Lori Swanson, AP report
0:45:22	9:21:08	Public Comment, Clem Tillion
0:52:15	9:27:52	Roy Ashenfelter
0:57:25	9:33:00	John Jemewouk
1:00:43	9:36:19	Art Nelson
1:07:04	9:42:32	Sky Starky
1:19:37	9:55:00	Frank Kelty
1:23:08	9:58:40	Simeon Swetsoff, Ernie Weiss, Frank Kelty
1:30:14	10:05:32	John Gruver
2:01:58	10:37:04	Stephanie Madsen
2:11:54	10:46:59	Henry Mitchell
2:17:07	10:52:13	Becca Robbins Gisclair
2:45:57	11:20:47	Action on Staff Tasking D-2
4:31:44	1:00:00	Adjourn

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director



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## FINAL ADVISORY PANEL MINUTES APRIL 2-4, 2013

The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen	Becca Robbins Gisclair	Andy Mezirow
Kurt Cochran	John Gruver	Joel Peterson
<del>John Crowley</del>	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Neil Rodriguez
Tom Enlow	Craig Lowenberg	Lori Swanson
Tim Evers	Brian Lynch	Anne Vanderhoeven
Jeff Farvour	Chuck McCallum	Ernie Weiss

Minutes of the February 2013 meeting were approved.

### **C-2 (a) Final action on BSAI Flatfish Specification Flexibility**

The AP recommends the Council adopt Alternative 3, Option 1 for final action.

*Motion passed 16/3 with 1 abstention.*

#### Rationale:

- *This action will help achieve OY as well as reducing some of the pressure during TAC setting.*
- *Alternative 3 gives the Council the ability to decide how much of the ABC surplus may be traded, presumably using National Standard 1 criteria which allow adjustment of the ABC for any relevant economic, social, or ecological factor.*
- *Option 1, limiting the number of trades, will limit the burden on NMFS in-season management.*

The following motion failed 8/11 with 1 abstention.

The AP recommends the Council delay final action. The AP recommends a preliminary preferred alternative 3. The analysis needs to further analyze the effects on the CDQ sector of increasing the A80 harvest through flatfish flexibility. This will largely be qualitative:

1. A more thorough review of the fleet's harvest of CDQ allocations in the past is needed, including a more thorough discussion of the reasons for under harvest.
2. A more thorough discussion of the incentives and constraints on A80 fleet capacity, including but not limited to the effects of the Coast Guard reauthorization act of 2010 and alternative compliance on the fleet's current annual harvesting capacity;
3. A poll of A 80 companies to ascertain their level of interest in adding new capacity as opposed to replacing existing capacity and how far along they are in actually building that new capacity.

Further the AP recommends the Council expand the analysis to include a column in Tables 9 and 10 (page 21) showing how many pounds of halibut PSC have been used. Also, a description of how any of the alternatives and options may affect PSC usage.

*Minority Report: Minority Report: The minority acknowledged that the additional analysis would be largely qualitative. The analysis simply asserts that increased efficiency and new capacity will offset any expansion in the A80 harvest and continue to make CDQ quotas desirable. But the incentives around fleet capacity need to be more fully identified and articulated before their probable effects on CDQ harvest can be identified. The analysis needs to describe the anticipated effects alternative compliance and the Coast Guard Reauthorization Act of 2010 requirements on this aging fleet before any assertion can be made regarding fleet capacity. Building new, classed vessels does not necessarily lead to increased capacity. There are also many potential pitfalls to adding new capacity as well as likely constraints that are not identified or discussed in any way. Signed by: Anne Vanderhoeven, Jeff Farvour, Neil Rodriguez, Ernie Weiss, Chuck McCallum, Jerry Downing, Becca Robbins-Gisclair and John Gruver.*

### **C-2 (b) Final action on AFA Vessel replacement GOA sideboards**

The AP recommends the Council adopt Alternative 2 with the vessel removal provisions as follows, for final action.

Alternative 2 (status quo) – AFA vessel owners are allowed to rebuild or replace their vessels, as provided in the Coast Guard Act. AFA vessel owners may participate in GOA with a replacement or rebuilt vessel as long as the replacement or rebuilt vessel does not exceed the MLOA specified on the GOA LLP groundfish license assigned to the vessel at the time of fishing in the GOA by the vessel. If an AFA vessel owner removes an AFA vessel that is exempt from sideboard limitations, the sideboard exemption is extinguished and the exemption cannot be transferred to another vessel

Vessel removal provisions: Upon removal of an exempt vessel, the sideboard exemption is extinguished and cannot be transferred to another vessel.

*Motion passed 15/5.*

#### Rationale:

- *This motion allows for a vessel owner to comply with the AFA vessel replacement provision of the Coast Guard Act, vessel owners may now replace, rebuild, or remove a vessel from the fishery.*
- *Vessels that remain in the GOA fishery will still be constrained by the current regulations that AFA vessels are operating under:*
  - *300,000 lb daily trip limit,*
  - *sideboard restrictions*
  - *125 ft MLOA*
  - *cannot exceed MLOA on LLP*
- *Vessel owners will be able to rebuild or replace vessels that will more efficient, safer, optimal platforms for operating in the adverse conditions that they face on a daily basis while fishing in either the Bering Sea, Aleutian Islands or Gulf of Alaska fisheries.*

### **C-3(a) Steller Sea Lion EIS - Initial review; select PPA**

The AP recommends the Council accept the SSLMC recommended PPA for the EIS, with the following clarifications for the measures for the pollock fishery in Table 1 on page 7 of the action memo:

- 2<sup>nd</sup> column (Area 543 Closures) should read, “Critical habitat closed except an area outside of 0-3 nm haulouts and 0-**20** nm from rookeries at Shemya, Alaid, and Chirikof.”
- 4<sup>th</sup> column (Area 542 Closures), first entry should read, “Critical habitat closed 0-**20 nm** at rookeries and haulouts west of 178 degrees W. long.
- The last entry under the 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> columns (Catch and Participation Limits for Areas 543, 542 and 541) should be reworded so that it’s clear that the percentages are of the overall ABC that can be taken in the A season.

The AP also concurs with the comments on the Draft EIS noted by the SSLMC on pages 4-5 of their minutes provided in the notebooks. *Motion passed 19/1.*

### **C-3(c) BSAI Pacific cod ABC/TAC Split**

The AP requests that the Council move forward an analysis of community protection measures in the Aleutian Island Pacific cod fishery to mitigate the combined impact of the re-direction of excess processing capacity by rationalized sectors into the AI cod fishery and impacts of the BSAI cod split in the context of the SSL protection measures in the AI cod fishery.

The analysis should include an option that would allocate the Directed Fishing Allocation (after CDQ and ICA) for areas 541 and 542 to CVs with a regionalized delivery requirement to shoreplants in the Aleutian Island management area. In the event that no shoreplant is operating in AI area or insufficient capacity is available, the regional shorebased delivery requirement would be waived.

This option would maintain the current P. Cod sector allocation percentages in the Bering Sea only. Area 541/542 would be a CV only allocation. (Area 543 would be CP or MS only as per the preliminary preferred alternative under the SSL EIS.)

If the 541/542 DFA exceeds:

- 2,500 tons
- 5,000 tons
- 10,000 tons

CPs would be allowed to harvest up to 50% of any additional DFA tonnage after April 30th.

Additional alternatives would include Alternatives 2 and 3 from the SSL EIS for Pacific cod, updated to the most current year.

*Motion passed 14/6.*

#### Rationale:

- *Establish community protection for Adak and Atka*
- *Promote stability in the region by minimizing the race for fish between user groups.*
- *Simplify management measures for RAM (less stranded fish)*

Minority Report: *A minority of the AP felt that it is premature to address allocative issues in the Aleutian Islands Pacific cod fishery, and that when addressed this should be a separate action from the BSAI cod split. The SSL EIS and BiOp are still under development and the resulting actions are unknown. Further, the Board of Fish is considering an increase in the state water cod GHJ which may address some*

community concerns. *Until these actions are resolved, the need for and impacts of the proposed allocations cannot be determined and sectors with significant history may be severely harmed. Signed by: Ruth Christiansen, Andy Mezirow, Joel Peterson, Lori Swanson and Anne Vanderhoeven.*

#### **C-4 Scallop SAFE**

The AP recommends the Council approve the Scallop SAFE report and set the ACL/ABC to 1.161 million lbs of shucked meats per the SSC and Plan Team recommendations. *Motion passed 20/0.*

#### **C-5 Initial Review/Final Action on CQE halibut/sablefish block restrictions**

The following motion failed 10/10:

The AP finds the Council document provides a good foundation for Council action and for informing the public and recommends that the Council adopt Alternative 2, Option 1.

*Rationale FOR giving CQE's the opportunity to purchase any size blocks:*

- *Allows greater flexibility to a program having difficulty gaining traction.*
- *Keeps restrictions in place – limited to ten blocks of halibut, five blocks sablefish per management area.*
- *To grow, CQEs will eventually need to sell smaller D shares in favor of larger blocks, maintaining individual entry level purchase availability.*
- *Increasing available quota in communities for residents will preserve culture, increase financial opportunities.*
- *The CQE's do not have a competitive advantage in the market place as shown by the fact that they have not purchased much quota. The ability to purchase small blocks is not going to suddenly give the CQE's the feared huge competitive advantage either.*
- *Option 2 is not acceptable because as a group the CQE communities have had a significant loss of halibut quota since the implementation of the program and this would lock the group into that depressed state. Each community wants to hold on or increase the quota holdings they have and being forced to buy small blocks only from CQE community members is too limiting.*
- *The ultimate goal of the CQE program is private, not public, ownership of the resource through anchoring access to the halibut and sablefish fisheries permanently in the community so that residents who want to go out and fish halibut or sablefish can always find an opportunity to do so.*

*Rationale AGAINST expanding the CQE program:*

- *Increases competition between two disenfranchised groups, entry level and communities, for fishing quota and opportunity.*
- *Goes against an IFQ program goal to maintain an owner-operated fleet, and turns it into a leasing program.*
- *Proposed action goes beyond the problem that initiated this action.*

#### **D-1 (a) Preliminary review analysis to create vessel transit lane near Round Island**

The AP recommends the Council create a workgroup to develop other alternatives to address comments from the SSC, Enforcement Committee and stakeholders. The workgroup should include: agencies, tender operators, the Am 80 fleet, the Walrus Commission and local communities potentially affected by changes in vessel traffic. *Motion passed 20/0.*

The AP recommends the Council re-state the Purpose and Need Statement to allow analysis of a new alternative for dropping the "no FFP" (Amendment 17) requirement for vessels transiting the Walrus Protection Areas. *Motion passed 14/6.*

**D-1 (b) Discussion paper on Bering Sea sablefish TAC specifications**

The AP recommends that the Council encourage industry stakeholders to work together to identify additional potential management approaches to reallocate unused sablefish trawl allocations to increase yield under the OY. Industry should report their suggested management approaches to the Council at the October 2013 meeting for consideration and analysis. *Motion passed 20/0.*

**D-1(c) Expanded discussion paper on Retention of 4A halibut in BSAI sablefish pots**

The AP recommends that the Council send a letter to the IPHC recommending the proposed action. *Motion passed 20/0.*

Rationale:

- *Fishermen holding halibut IFQ while targeting sablefish with pots in the identified area should have the ability to retain the halibut to reduce regulatory discards. The action will increase conservation of the halibut resource through reduced discard mortality.*

**D-2 Staff Tasking**

The AP recommends the Council initiate a discussion paper on BSAI Chinook salmon including the following:

- Status of Alaska Chinook salmon stocks, including subsistence and commercial fishery restrictions and whether escapement goals have been met.
- Updated genetic stock identification information from 2010-2011 and 2012 if available.
- An updated AEQ analysis utilizing the most recent genetic stock identification information. The AEQ analysis should include an estimate of the impacts to each specific stock grouping of bycatch at the current cap levels: 47,591 and 60,000.
- An analysis of bycatch performance under the current Amendment 91 incentive plan agreements in 2011 and 2012.
- Information about the numbers and rates of bycatch taken by month over the most recent 10 year time frame.
- Availability and feasibility of abundance indicators which could be used to design an abundance based cap (e.g. run forecasts, previous years run assessments, juvenile abundance indicators).

*Motion passed 11/9.*

Rationale:

- *Conditions have changed significantly since Amendment 91 was adopted: Chinook salmon stocks throughout Western Alaska have declined dramatically, with federal fishery disasters declared for 2008-2012 for the Yukon River and 2011-2012 for the Kuskokwim River.*
- *Recent genetic stock identification based on improved sampling indicates a higher proportion of Western Alaska stocks in the bycatch than previously thought (73% in 2010 and 2011).*
- *While we do not know the cause of the current Chinook salmon declines, in-river fisheries have been severely restricted and amounts necessary for subsistence have not been met on the Yukon or Kuskokwim Rivers in recent years and we must responsibly manage other sources of mortality such as bycatch.*

- *Under the current conditions of Chinook salmon abundance a few hundred more fish makes a difference and a few thousand more fish could mean making escapement goals.*
- *Given the changed conditions it is imperative on us as managers to take a look at the current state of the runs and the bycatch impacts and investigate possible solutions.*

The AP recommends the Council develop a discussion paper on the issue of tendering of trawl-caught groundfish in the Western, Central, and West Yakutat areas of the Gulf of Alaska. *Motion passed 20/0.*

The AP recommends that the Council initiate a review of the Charter Halibut Permit (CHP) program with particular attention to the practice of transferring Non-Transferable CHP's in Areas 3A and 2C. *Motion passed 20/0.*

The AP recommends that the Council send the Area O red king crab proposal as presented by ACDC to the Crab Plan Team for review at its upcoming meeting. *Motion passed 20/0.*

The AP respectfully requests that any agenda items regarding the newly restructured observer program also be included on the AP's agenda. *Motion passed 20/0.*

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director



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Certified: \_\_\_\_\_

Date: \_\_\_\_\_

**REPORT  
of the  
SCIENTIFIC AND STATISTICAL COMMITTEE  
to the  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
April 1<sup>st</sup> –3<sup>rd</sup>, 2013**

Pat Livingston, Chair  
*NOAA Fisheries—AFSC*

Robert Clark, Vice Chair  
*Alaska Department of Fish and Game*

Jennifer Burns  
*University of Alaska Anchorage*

Alison Dauble  
*Oregon Dept. of Fish and Wildlife*

Sherri Dressel  
*Alaska Department of Fish and Game*

Anne Hollowed  
*NOAA Fisheries—AFSC*

George Hunt  
*University of Washington*

Gordon Kruse  
*University of Alaska Fairbanks*

Seth Macinko  
*University of Rhode Island*

Steve Martell  
*International Pacific Halibut Commission*

Franz Mueter  
*University of Alaska Fairbanks*

Jim Murphy  
*University of Alaska Anchorage*

Lew Queirolo  
*NOAA Fisheries—Alaska Region*

Terry Quinn  
*University of Alaska Fairbanks*

Kate Reedy-Maschner  
*Idaho State University Pocatello*

Farron Wallace  
*NOAA Fisheries—AFSC*

Members absent were:

Vacant  
*Wash. Dept. of Fish and Wildlife*

Vacant  
*US Fish and Wildlife Service*

## **C-3 (a) Discussion paper on BS and AI Pacific cod ABC/TAC split**

Jon McCracken (NPFMC) presented a discussion paper on splitting Pacific cod OFL and ABC between the Eastern Bering Sea and Aleutian Islands. Public testimony was provided by Dave Fraser (Adak Community Development Corporation), Jon Warrenchuk (Oceana) and Clem Tillion (Aleut Enterprise Corporation).

This paper was requested by the Council because the SSC informed the Council that it will be setting separate Pacific cod OFL/ABCs for the Aleutians and the Eastern Bering Sea. The current white paper explores some of the consequences of doing so. The SSC appreciates the clear presentation of the issue, the detailed summary of catches by area and sector, and an outline of the TAC-setting process necessitated by the split. We note that there are some obvious implications of this action for the SSL EIS, but that these implications will be explored and analyzed in the SSL EIS and the upcoming BiOp.

The paper also discusses Pacific cod sideboards that have been proposed previously as described in the document to protect shoreside processing opportunities, particularly in Adak. The discussion touches on



some of the economic and social issues that will be important when/if the Council moves forward with the proposed sideboards. The SSC notes that the design of the economic RIR and RFA will be crucial and highly dependent on the guidance provided by the Council in the form of a Purpose and Need Statement and the suite of alternatives. **Of particular significance to the analysis of economic and socioeconomic implications attributable to managing a Pacific cod split are the interactions between AI sector Pacific cod sideboard limits and efforts to facilitate a viable shore-based processing sector in the Aleutian Island communities of Adak and perhaps, Atka.**

As this analysis proceeds, it should include more focus with respect to the state of processing at the Adak facility. The Adak facility is critical to the management options and outcomes for the Aleutian Islands fisheries, following a Pacific cod ABC split. The structure of management alternatives depends upon the presumed operation of the onshore Adak facility, and the Adak facility's viability depends upon the provisions of the alternative selected (e.g., sideboard limits, responsive/flexible delivery rules). Finally, the SSC notes that constraints of both State and Federal confidentiality rules may impose substantial barriers to fully characterizing the implications of competing alternatives, in the context of SSL EIS actions.

### **C-3 (b) Initial review of Steller Sea Lion EIS**

Melanie Brown (NMFS-AKR) presented the SSL EIS, Ben Muse (NMFS-AKR) presented the RIR/IRFA, and Michael Downs (AECOM) presented the community impact analysis. Public testimony was received by Jon Warrenchuk (Oceana), Chad See (FLLC), Simeon Swetzof (self), John Gauvin (Alaska Seafood Cooperative) and Dave Fraser (Adak Community Development Corp.).

### **EIS**

Overall, the EIS is well written and organized, and provides a balanced treatment of the issues. The text is clear, mostly up to date, and provides the reader with a full picture of the strengths and weaknesses of the data available. This is an excellent compendium of information on the interactions of fishing and SSL. However, the document is long and difficult to navigate. This could be improved with a few slight changes. We recommend that the document include bookmarks for all chapters and major sections within chapters and that references to figures and tables in the text are hotlinked and/or have the page number provided so that moving back and forth from text to figures/tables is easier for the reader. In addition, some consistency in the location of figures and tables relative to the text would be helpful. Currently some tables and figures are inserted in the text, and some compiled at the end of a section. In addition, all figures should have legends that explain the color codes being used (and that figures display correctly if printed in black and white, to the extent possible). Finally, throughout the document there is a need for a careful check to ensure that references cited in the text are listed in the References Cited section. Since many references cited are in press, in preparation, or in the grey literature, it would be helpful to identify the web site from which these papers can be downloaded.

A central concept of the SSL EIS is the potential for prey competition between SSL and the fishery. This remains the core contentious issue, as documenting direct impact of the fishing industry on prey availability to SSL remains elusive. It is important to remember that competition, in an ecological sense, involves the use of a common limiting resource by two or more entities (individuals, demes, populations, species). In this instance, an unequivocal demonstration that the shared resource is limiting has yet to be documented either by direct or indirect methods (a negative correlation in prey use or demographics between the two potentially competing entities). Recognition of this could be accomplished by including reference to potential competition unless competition has been established (e.g., page ES-2 line 2) within the document.

The lack of clear proof of competition is central to many of the criticisms of the 2010 BiOp raised by independent reviews, and this EIS acknowledges these concerns both in the executive summary and in how it treats the evaluation of alternatives. However, as a result, the alternatives are only ranked as least

to most likely to cause impact to SSL populations, and no assessment of the magnitude of the impact is provided (e.g., Alternative 4 is more likely to have an impact than Alternative 1, but whether Alternative 4 is 10% or 80% worse than Alternative 1 is not assessed). The SSC appreciates the difficulty of doing anything more than ranking the alternatives, but the approach does make it difficult to evaluate the potential for a Jeopardy/Adverse Modification (JAM) finding should any alternative other than Alternative 1 move forward as the preliminary preferred alternative (PPA).

Assessing competition and the potential for JAM due to the changes proposed in Alternatives 2 through 4 clearly requires better information on seasonal and regional foraging behavior by SSL, and on spatially and temporally specific impacts of fishing activities on fish abundance and distribution (both within and outside the current critical habitat (CH) boundaries). Unfortunately, many of the data needed to make such assessments appear limited or absent. Consideration of the potential for exposure might be improved if the EIS were to include some evaluation of the sample size of telemetered sea lions needed to estimate total habitat range (by season, sex, rookery) so that the sample size of the current data could be compared to this. Such a discussion might also include treatment of how physical features of the habitat (bathymetry, current structure) influence the probability of that area being used by SSLs, as well as whether SSLs in the Western Distinct Population Segment (WDPS) are known to change their foraging locations in response to seasonal prey movements or concentrations (pages 5-27 to 5-32). Ultimately, information on the proportion of foraging by SSLs (by age and sex classes) that occurs within CH in each region (and the resulting increase in foraging activities that occur in CH opened to fishing under Alternatives 2-4) would be helpful. Similarly, information on changes in the abundance of pollock, cod and Atka mackerel by SSL region in the Aleutians should be included.

Relative to the sections on assessing causes of the ongoing population changes in the different regions, and whether changes can be linked to prey availability (within and outside CH), the SSC recommends that correlations between SSL abundance and regional prey density be considered. In addition, the SSC notes that examining the coincidence between changes in SSL population trends with the date of CH protection and regime shifts might inform analyses of impacts of fishing on CH or SSL population trends. Similarly, it would be helpful if the issue of density-dependent population change could be investigated. Perhaps the rapid growth of the WDPS east of Samalga Pass relative to population growth in SE Alaska is due to a rebound of the WDPS from being depressed relative to its prey base by some other mechanisms. Some comparison of population growth rate (Figures 5-2 through 5-10) by region in the WDPS relative to the theoretical  $r_{max}$  for SSLs, as well as to the growing Eastern DPS would be useful.

The SSC requests that the EIS include more detail on the age and/or size of the fish targeted by both the fishery and SSL. In addition, addressing the effects of fisheries impacts on forage fish and their habitat would be useful (e.g., fishery impacts on sand lance and sand lance habitat relative to ongoing cormorant declines, page 6-39).

The EIS includes consideration of the potential for fishing activities to have an indirect impact on SSLs via disturbance effects, and recognizes that one of the goals of the CH designations is to reduce this potential. In considering the potential for increased disturbance effects, should CH be opened to fishing under Alternatives 2-4, it might be useful to assess whether the Kanaga Island/Ship Rock haulout progressed to be a rookery in the presence of fishing activity nearby, or if the shift occurred after exclusion areas were imposed.

The seabird Chapter (6) is somewhat superficial, and needs work, particularly the sections on the impacts of the different alternatives, and the treatment of the current literature and terminology. For example, instead of using a new set of terms (e.g., page 6-25, Table 6-4) to describe seabird foraging methods, the chapter authors should use terms developed by Ashmole. In addition, the literature cited section needs to be updated to acknowledge the many papers now available on the distribution, abundance and feeding ecology of seabirds in the Aleutian Islands, and other endangered species such as the spectacled eider. The distribution maps need updating; they appear to reflect only data obtained before the mid-1980s.

Some additional care should be given to the consideration of disturbance to seabird colonies by fishing activities, and the fact that the impact of disturbance may vary by season. Table 6-5 should mention the impacts of night lights on storm-petrels, auklets and possibly murrelets, as there are accounts of massive strikes at night in Unimak Pass when auklets crash onto boats in the fog. Clarification of bycatch rates would be helpful. For example, are the numbers presented in Table 6-11 and on page 6-34 extrapolated from the observed boats or are they the raw numbers? Inclusion of information on the trends in bycatch rates and cumulative mortality estimates by seabird species would also be helpful.

The document ends with a section of research needs that does a good job of highlighting key needs relative to assessing the fishing impacts within the BSAI area as well as data gaps in the SSL literature. Research needs relative to seabirds and other marine mammals are not discussed, as the stated focus of this EIS is the impact of the fisheries on Steller sea lions. While the focus of this chapter is on 'data that would be useful to have' the SSC notes that data gaps identified in reviews of the previous BIOP are consistently included.

### **RIR/IRFA**

Overall, the SSC was impressed with the scope of the analysis within the RIR and the manner in which SSC comments from October 2012 were addressed. The methods used in the analysis were appropriate given data and modeling limits, and were consistent with those presented to the SSC in October.

Based upon earlier SSC comments, the analysts dropped the use of variable cost data from the economic impact estimates. Although the SSC has long advocated for the use of cost data in analyses, in this particular case, the omission of cost data was appropriate because there was no meaningful way to estimate how the different alternatives would impact costs.

The SSC has concerns about how the revenue-at-risk and harvest-at-risk tables are presented. Given the lack of cost data, economic models of price impacts, and models of fishing behavior, this "at-risk" approach provides potentially useful information about the share of the historical catch that was harvested in areas that would be variously open under the different alternatives. However, these values should not be labeled as impacts in the table headings or in the discussion. To be appropriately labeled as estimated impacts, this analysis would need to include other factors such as changes in costs, prices, and fishing behavior. These additional factors are acknowledged in the analysis (e.g., page 8-88). The SSC recommends that the tables be labeled "Estimated Harvest at Risk" and "Estimated Gross Revenue at Risk" (e.g., Table 8-48 to 8-50, among many others). The discussion should be modified similarly. For example, page 8-89 contains the assertion "(Table 8-54) provides estimates of the reduction in retained catch associated with Alternative 1," which could be modified to "(Table 8-54) provides estimates of the retained catch that were historically harvested in areas that would be closed under Alternative 1." On page 8-89 is the statement, "Actual reductions in retained catch range between..." The values are not actual reductions, rather, they are estimates of the historical catch that was harvested in areas that are closed under the status quo and may be opened variously under the proposed alternatives to Alternative 1.

One way to deal with these concerns would be to include a separate section dedicated to a discussion of the concepts of revenue-at-risk and harvest-at-risk, including a rationale for the approach, its strengths and weaknesses, its role in estimating impacts to industry and net benefits to the Nation. Throughout the document, whenever this approach is used, there should be a cross-reference to this discussion. For the most part, this information is contained in various parts of the document, but it is not compiled in a single spot that is easily cross-referenced.

On a related note, gross revenue at risk should not be described as a cost to industry. For example, page 8-138 and Table 8-73 describe gross revenue at risk as the "Monetary Cost of Production Shortfalls." As already noted, these should be described as "Gross revenue at risk."

In multiple places, the document contains a discussion of the potential price impacts on Atka mackerel and Pacific cod. Although industry reports price impacts, on page 8-15, the analysis indicates that a statistical analysis of prices suggests otherwise. At subsequent points in the document, there appears to be more weight given to the anecdotal industry reports than the statistical analysis. During the presentation, the analyst indicated that there were concerns about the statistical model, and that the reports from industry were deemed more credible. Given this discrepancy and the potential for confusion about which sources to use, the document would benefit from a clearer discussion of this issue.

The summary on page 8-107 incorrectly states that the sector will not incur the costs of the harvest. In making adjustments to gross revenue at risk, however, the relevant adjustment is in changes to harvest cost. Similar summaries earlier in the document (e.g., page 8-98) correctly note that changes in variable costs should be deducted. These summary sections should use consistent language, where appropriate.

To the extent that new entrants are constrained by quota (e.g., pages 8-88 and 8-98), it is conceivable that existing fishery participants could benefit from an increase in the value of quota shares.

On page 8-89, the impacts are described as “significant.” This sentence should be deleted. The term is not meant to imply statistical significance, nor “significance” under EO12866 or RFA. Rather, it is a subjective assessment about the size of the impacts. This raises the question of what the threshold is for determining whether a value is significant. Subjective assessments of the values in a table are not necessary and should be removed.

With respect to the community impacts in Chapters 8 and 10, the analysts effectively addressed every concern and suggestion previously made by the SSC in connection with this proposed action. They have produced an impressive product, given the data gaps for these communities and a tight timeline; including moving analytical treatment of the community of Atka to a more central location in the analysis, broadening the definition of community, thoroughly evaluating Adak’s economic and social vulnerabilities, and carefully separating fishery engagement from dependency and vulnerability. In the subsistence hunting descriptions, the reasons for the decline in harvest are generally believed to be linked to the population of SSLs or to confusion among hunters about regulations. This section should also acknowledge that uncertainty about hunting regulations may affect reporting of harvest. It should include information describing changes in the population of SSL subsistence hunters in Atka. There were 92 people in Atka in 2000 (46 males and 46 females), and only 61 in 2010 (36 males and 25 females); this could indicate a loss of resident hunters.

**Overall, the highest priority improvements to be made to the document before release for public review are: 1) improvements to navigating the document, 2) provide a definition of competition, and 3) appropriately characterizing the revenues and harvests at risk, as noted above.**

### **C-3 (c) Update on BiOp analytical methods**

Brandee Gerke (NMFS-AKR) provided an overview of the analytical methods that will be used in the 2014 Biological Opinion for Groundfish Fisheries (BiOp). Public testimony was received by Jon Warrenchuk (Oceana), Chad See (FLLC), John Gauvin (Alaska Seafood Cooperative), and Dave Fraser (Adak Community Development Corp.). The SSC appreciated the opportunity to review and consider these plans.

NMFS plans to limit their update to focus on the BSAI Action Area, with specific emphasis on the implications of proposed actions on Steller sea lions and their critical habitat, because the proposed alternatives in the draft EIS do not impact harvest strategies in the Gulf of Alaska. NMFS will continue to consider trends in three sub-populations within the AI region (western, central and eastern). While the boundaries for these three regions may make sense during the period of breeding and pupping, it is less clear whether these boundaries are appropriate during the winter.

NMFS plans to compile and summarize all of the existing tagging and tracking information for the region to inform the new BiOp. The SSC notes that this summary may provide an opportunity to assess whether the proposed sub-population partitions are appropriate in the winter season. The SSC suggests that the analysts consider the relationship between sample size (number of animals tagged) and the resulting estimates of habitat use (by season, sex, habitat features, etc.), and work towards identifying how many animals might need to be tagged in order to reliably characterize population level use. The sample size may be larger than can be achieved in the short term. However, such an analysis may provide a good basis to evaluate the completeness and reliability of the current data to inform an assessment of habitat use patterns.

The SSC recognizes that the EA-RIR for Steller sea lion protection measures and the BiOp are being developed in parallel and that the two documents are related. However, the planned timing may not be adequate to inform the Council about which alternatives avoid jeopardy and adverse modification to critical habitat. Due to the compressed timeline, it will be useful for the BiOp to provide clear guidance on the thresholds associated with these two critical designations. To the extent that this BiOp is also being developed in response to concerns with the previous BiOp and the external reviews of that document, the SSC requests that the new BiOp carefully works through the external review criticisms and either directly addresses the concerns raised or clearly explains why they were not accommodated.

NMFS outlined the suite of quantitative and qualitative evaluations that will be used to evaluate the risks associated with different options regarding proposals for time-area closures and regional TACs in the AI. The quantitative analyses include an updated and revised Population Viability Analysis (PVA), and a simulation study to examine the utility of pup/non-pup ratios as indicators of birth rates under different assumptions regarding key parameters. These analyses will inform the risk assessment. **The SSC would like to be briefed on the details of these quantitative studies at the June Council meeting.** The SSC encourages NMFS to consider the comments provided on previous PVA models used in earlier BiOps as a potential guide for construction of the updated model, as well as the limitations of using a diffusion versus vital rates approach. As the PVA methodology rests on an unpublished method, the SSC would appreciate being provided with a copy of the Johnson and Fritz manuscript, as well as any other unpublished/grey literature used in the development of the BiOp and its underlying analyses.

The planned risk assessment will consider the exposure to disturbance, direct mortality, and nutritional stress resulting from the proposed action and the expected response(s). Exposure to nutritional stress will be evaluated based on seven key questions, which were paraphrased as follows: a) What prey are consumed? b) Does a prey species represent more than 10% of the seasonal diet? c) What is the spatial overlap? d) What is the temporal overlap? e) What is the depth of proposed removals? f) What size of prey will be removed? g) What amount of prey will be removed? The SSC noted that these seven issues do represent a necessary condition for competition. However, they do not necessarily represent a sufficient condition for competition, as that also requires that the resource be limited (although such limitations may be confined to certain times or locations). If the available resources are not limited, then fishing and successful foraging by sea lions could co-occur. The proposed harvest rate analyses may be able to inform this issue since they will consider rates of removal over time, evidence for replenishment of resources, and rates of removal relative to available biomass in the region. In addition, an evaluation of the expected interannual variability in available prey due to fluctuations in year-class strength and shifts in spatial distribution due to shifts in oceanography might be considered as part of the baseline. The SSC also noted that the response schematic did not consider the potential impact of shifts in prey diversity as a potential nutritional stress exposure factor. In the development of the ‘weight-of-evidence’ conclusions, the SSC cautions the analysts to consider alternative explanations for changes in life history parameters, particularly where the results of such changes may mirror those of nutritional stress.

The SSC acknowledges that the frequency of occurrence (FO) of prey may have inherent biases related to the amounts and size spectrum of prey consumed, and that some of these biases cannot be removed by

correcting for factors such as differential retention or digestion of hard parts. However, these biases are unlikely to lead to the conclusion that there is significantly more overlap between target species and SSL diet than actually exists. The agency is supplementing diet assessment with alternate methods (FFA, Stable Isotopes, prey DNA) but given the short time frame proposed for this analysis, the SSC agrees that the FO data represents the most spatially and temporally complete information available.

Possible responses of SSL populations to potential competition with fisheries include: changes in birth rate, changes in pup and adult growth rates, and changes in survival. The SSC noted that the proposed analysis only addresses birth and survival rates, and that changes in individual growth rates are not assessed. The SSC requests an update on the information regarding individual growth rates, should such data exist. With respect to population growth rate, the SSC requests an analysis of the growth rate relative to  $r_{max}$  so the rates by sub-area can be compared to rates observed in recovered or recovering populations. With respect to the evaluation of pup/non-pup ratios that will inform the assessment of vital rates, the SSC encourages the analysts to consider whether detection probability of pups might vary by haulout, season, or total population size.

The SSC supports the plan to compile a chronology of actions and population level responses as a qualitative evaluation of the efficacy of existing measures. In this analysis, it is essential to account for changes in the environment ('regime shifts') as confounding factors.

NMFS identified the need for winter surveys and dedicated assessments of local abundance and distribution of SSL and their prey. The SSC concurs that these are high priority research activities that would provide useful information for future BiOps.

#### **C-4 Scallop SAFE**

A presentation of the Scallop SAFE and February 2013 Scallop Plan Team Report was given by Diana Stram (NPFMC). She was accompanied by three members of the Scallop Plan Team. Brad Harris (Alaska Pacific University) presented an ongoing study of boring worms and mud blisters on scallops in Kamishak Bay. Ken Goldman and Rich Gustafson (ADF&G) provided information on survey gear, studies of selectivity and discard mortality, and an ongoing age-structured analysis in Kamishak Bay. There was no public testimony.

**The Scallop Plan Team recommended setting the 2013/14 scallop ACL equal to an ABC of 1.161 million pounds of shucked meats and OFL equal to 1.29 million pounds. The ACL is estimated using the maxABC control rule of 90% of the OFL, which includes discards. The SSC supports the Plan Team's recommended OFL and ACL for 2013/2014.**

The SSC appreciates efforts by the Plan Team to address the many questions and comments from the SSC in March 2012. Many of the SSC's questions and comments have been addressed in this year's SAFE. Lack of staff and funding has led the Plan Team to defer others (comments 3, 5, 12, 17, 18, 19, 22, 23, 26, and 28). The SSC appreciates the Team's attempts to schedule work on those in the future as possible.

This year, the SSC offers the following additional comments:

1. Last year, the SSC noted the closure of the Alaska Peninsula area since 2009-10 and Kayak Island west bed since 2010/11 owing to conservation concerns. Now, the Kayak Island east bed has been closed since 2012/13. District 16 has experienced declining catch-per-unit-effort (CPUE) since 2000/01 and the size distribution for the 2011/12 fishery implies a lack of recruitment (few scallops < 110 mm SH, Fig. 3-5), although the fishery remains open. Once last year's catch data are finalized, it might be worth taking another look at this district (p. 39-40). Also, guideline harvest levels (GHLs) for Yakutat, Kodiak-Shelikof, and Dutch Harbor were reduced from 2011/12 to 2012/13. The main beds in Yakutat (1-4 and B) that make up a majority

of the harvest are also showing a decline in CPUE over the last few years (p. 34). Over the same time, the statewide total of area-specific GHs declined from 495,900 to 417,500 pounds. Although the statewide OFL and ABC appear to be precautionary (as justified in the SAFE) and the State of Alaska appears to be taking appropriate management action (by reduced GHs, fishery closures) the SSC has concerns about these declines in fishery CPUE.

2. The above concerns formed the basis for the SSC's comments last year (comments 3, 5, and 28) regarding the need to reevaluate scallop fishery management, including biological reference points (e.g., natural mortality,  $F_{OFL}$ ), target harvest rates, utility of Productivity Susceptibility Analysis, etc. In response, the Plan Team recommended a workshop on data-poor stocks to encourage evaluation and discussion of issues related to scallop stock assessment and management, as well as possible extension to other data-poor stocks in Alaska. **The SSC supports the Plan Team's proposal for a workshop on assessment and management of data-poor stocks.** The Pacific Fishery Management Council has some relevant experience on assessment and management of data-poor stocks. Alternative management strategies, such as rotational harvest, may be worthy of consideration. Experience with rotational harvest of shellfish resources in some other regions of the world suggest that such a rotational harvest strategy might lead to higher long-term yields. The cycle of rotation and target harvest rates should reflect recruitment cycles and full fishing mortality that may include cryptic mortality associated with dredge fisheries.
3. **The SSC appreciates the Scallop Plan Team's initial attempts to apply the stock structure template to weathervane scallops, as reported in the minutes of the February Plan Team meeting.** The SSC believes that continued work on this is critical, especially given the variability in growth rates, morphometrics and CPUE trends by region. **The SSC looks forward to the Team's further work on this project, including the review planned for the upcoming stock structure workshop in April 2013.** The Team should consult a recent scallop genetic study (Gaffney et al. 2010; CJFAS 55:2539-2547), although the stock units for management are likely to be smaller than population units. Also, weathervane scallops in Alaska may form a metapopulation, as was proposed for the Atlantic and other sea scallops.
4. The SSC wishes to clarify comment #6 in last year's review. For Kayak Island and Kamishak Bay, abundance estimates are generated by dredge fishery-independent surveys. Elsewhere, CPUE remains the primary index of abundance. Consider estimating statistical relationships (correlation/regression) between fishery-independent abundance estimates and fishery CPUE for Kayak Island and Kamishak Bay. The strength of these relationships could shed light on the validity of CPUE-based indices used elsewhere in the state.
5. Fig. 2-7 on p. 28 suggests that small Tanner crab dominate the bycatch in Yakutat and Shelikof Districts, whereas a broader size distribution that includes mature crab constitutes the bycatch in other districts. The SSC suggests that the Scallop Plan Team consider the merits of an "adult equivalents" approach to the bycatch cap enumeration, such as has been attempted for salmon PSC in the Bering Sea. Namely, should the bycatch of 40 mm CL Tanner crab count equally to a bycatch cap as 140 mm CL adult crab?
6. The SSC appreciates the information resulting from both fishery independent surveys in the tables on p. 43 and 50 in the SAFE, but it also might be useful to include some of this information graphically, such as estimated abundance with confidence intervals over time.
7. The SSC notes that discards were very low in the Bering Sea area in 2011/2012 (p. 71). It could be useful to see a comparison of discarded biomass over time among areas.
8. Some SSC comments from last year addressed ecosystem considerations (e.g., comments 18 & 19 on fishing effects and predators). To this list, the SSC wishes to add a request for brief discussion of climate change and ocean acidification and their potential to affect the scallop stock in section 4.2 Ecosystem effects on the stock (p. 80). There have been some interesting, recent findings on effects of ocean acidification on bivalves in the Pacific Northwest. Also, this issue was highlighted in the presentation received by the Plan Team.

9. In the Kodiak Southwest district, the fishery in the 2011/12 season encountered quite a few older scallops (p. 65). Is there any evidence of maternal effects (e.g., as in certain rockfish species), where older scallops contribute disproportionately to recruitment? This is probably unknown, but could be added as a future research priority.
10. The SSC was somewhat surprised to hear about the exploratory fishery in the Alaska Peninsula in 2012/13 (p. 68), given the recent poor CPUE in this district. The additional description about this exploratory fishery in the Unimak Bight area in the Scallop Plan Team minutes was helpful and should be included in the SAFE document.
11. The SSC is very supportive of ongoing research by Dr. Harris on boring worms and mud blisters. The SSC wishes to emphasize the importance of analyzing results with respect to age of affected individuals. This will be important when trying to evaluate whether these infections affect mortality.
12. The SSC is very supportive of ongoing research by ADF&G Central Region staff on gear selectivity of the sledge-dredge, scallop discard mortality, and development of an age-structured analysis for scallops in the Kamishak District. The SSC looks forward to reviewing results from these studies.
13. From the perspective of the SAFE's economic report, the very small number of participants in the scallop fishery, and the substantial operational concentration and affiliations among even these few entities, makes reporting more than aggregate catch amounts and aggregate gross receipts legally impossible (without securing a formal waiver from each member of the participating fleets). Even when, as the analyst reported, data on operational economics have been volunteered by one fishery participant, these cannot be reported without 100% cooperation and concurrence. Functionally, State and Federal confidentiality constraints make any disaggregate data reporting impossible for the Federal scallop fisheries. Unfortunately, the SSC is not able to recommend a solution to this problem other than continuing to seek voluntary waivers on confidential data from fishery participants.

#### **C-5 Initial Review/Final Action on CQE halibut/sablefish block restrictions**

The SSC received a presentation of the RIR/IRFA from Sam Cunningham (NPFMC). Public testimony was offered by Herman Squartsoff (Ouzinkie Community Holding Company(CQE)), Gene Anderson (Village of Ouzinkie), Chuck McCallum (GOAC3), Darren Muller (Ouzinkie Native Corp.), and Duncan Fields (Cape Barnabas, Inc., Old Harbor CQE).

The action alternative (with options) would modify the original CQE Pacific halibut IFQ and sablefish IFQ Program to relax constraints on quota share (QS) purchases by Community Quota Entities (CQEs). Originally, the Council was concerned that CQEs might exercise disproportionate and destructive market power, leading to excessive control over small (especially 'blocked') QS in the halibut and sablefish fisheries. To date, excessive concentration of QS ownership by CQEs has not been a problem and, indeed, the original restrictive provisions imposed upon CQE access to certain forms of QS, have been found to be counter-productive in achieving the Council's principal objectives for CQEs in these fisheries (i.e., maintenance of QS holding in remote rural communities, maintaining entry level opportunities, development of small community-based QS assets). As such, the action alternatives (listed as one alternative with three distinct "options") would, to a greater or lesser degree, relax the offending constraints on CQEs, with the expectation that small, remote, fishery dependent communities will more likely realize the benefits envisioned by the original "Purpose and Need" statement of the Council.

The draft RIR/IRFA before the SSC is concise and clearly prepared, given the stage of development of the amendment action. The draft identifies the empirical evidence supporting the asserted purpose and need statement, reasonably attempts to interpret available data, and draws from that interpretation some initial conclusions about the relative economic performance, social welfare effects, and distributional impacts associated with the three action choice.



The SSC believes that several discussions of “efficiency implications” have been mischaracterized. The analyst should reexamine interpretation of action alternative outcomes with respect to economic efficiency. The SSC is concerned with the way some of the welfare changes are characterized with respect to net benefit to the Nation. These arguments could be enhanced, elaborated, or extrapolated, especially in light of the public testimony, discussed below.

The SSC received informative testimony from the public that added substantially to our understanding of the evolution of the CQE Program and the unanticipated consequences that have emerged from original provisions limiting access of CQE entities to some forms of QS. From this testimony has come a recognition that previously adopted program changes, such as increases in the size of ‘sweep up’ amounts from 3,000 lbs. to 5,000 lbs., have had implications for CQE success. Some consideration for these effects is warranted.

The document’s treatment of impacts on communities, small entities, etc., is incomplete, as one would expect, given the Council has not selected a Preferred Alternative. This presents a disconnect in the draft, where the author has forged ahead with preparation of aspects of the analysis, in the absence of the information and guidance necessary to do so. That will have to be corrected before finalizing the IRFA.

The SSC notes that a *CQ Entity* is not identical to a *CQE-qualified community*. Indeed, the interests and objectives of each may not be identical in all respects. Maintaining this distinction is important in understanding the distribution of impacts. There are several deficiencies or errors of a substantive nature in both the RIR and IRFA that need to be resolved before final release. These include clarifying or removing misleading tables and statements (e.g., latent vessel treatment). Furthermore, each CQE community has different features, histories, facilities, and locations that affect capacity to participate in the CQE program. It would be useful if the document could include a few examples demonstrating this range. Characterizing details of social science studies on the CQE and IFQ programs, as opposed to passive reference currently found in the document, would begin to address socioeconomic and cultural issues involved in the prospects for success of this program. The SSC believes these shortcomings in the analysis can be readily corrected in short-order. **The draft represents a technically sound analytic basis for informing the public and the Council of the economic and socioeconomic implications of the competing alternative actions.** However, the SSC noted the difficulty they are placed in when presented with a document that is presented for Initial review/Final Action. Ideally, we would hope there is a sufficient timeline for improvements to be made to the document before Final Action is taken. In this case, we note that the draft could be finalized in a reasonably short time if the Council takes Final Action at this stage.

#### **C-6 (e) Salmon genetics update**

Jeff Guyon (NMFS-AFSC) gave an overview of genetic stock composition analyses of chum salmon sampled from the 2011 pollock fishery PSC in the Bering Sea, and Chinook salmon sampled from the 2011 pollock fishery PSC in the Bering Sea and the Gulf of Alaska. Public testimony was provided by Arni Thomson (Alaska Salmon Alliance).

This (2011) was the first year of implementing a systematic sampling protocol, with a 1-in-10 and 1-in-30 sampling rate for Chinook and chum salmon, respectively. Observers successfully implemented this approach with genetic tissue samples taken from 3.2% of chum salmon and 9.7% of Chinook salmon PSC. There was strong coherence spatially and temporally between the PSC of Chinook and chum salmon and the number of individuals sampled, with the exception of samples from the GOA region where opportunistic sampling was employed. Overall composition estimates of Chinook salmon PSC from the Bering Sea in 2011 did not differ substantially from previous years, with Alaska-origin fish making up the majority of the PSC samples (>60% in 2011). The analyst did note that the composition of 2011 chum salmon PSC in the Bering Sea differed from previous years in that there were lower proportions of Asian stocks and higher proportion of Eastern GOA/PNW stocks. An opportunistic sample

of Chinook salmon PSC taken from the 2011 pollock fishery in the GOA continued to indicate the presence of GOA, Canadian, and PNW stocks in the PSC.

The SSC appreciates the hard work done by the fishery observers to plan and implement the new sample design and thorough reporting of results by the analyst. We also have the following recommendations for the collection, analysis, and reporting of genetic stock composition data:

- Although there appears to be consistency among years, it remains unclear how much bias there is in stock composition estimates from 2005-2010 in relation to the improved information obtained in 2011. A graduate student at UAF is working on an analysis that examines and attempts to correct for bias in Chinook salmon stock composition from the Bering Sea. We would like to see the results of this work once it is available and support this type of analysis for chum salmon PSC in the Bering Sea.
- The sample design for chum salmon resulted in many samples that were not analyzed. Only 1,472 of 6,102 samples taken were used in the analysis. A reassessment of the 1-in-30 sampling approach should be undertaken and the sampling rate revised accordingly.
- We would appreciate a statement of the objective(s), as well as the intended use and the application of the genetic tissue sampling and stock composition estimates in the introduction sections of the two reports. Specifically, an explanation of how these data are critical in the adult equivalent analyses would be helpful. The introduction of the reports should also underscore the importance of this information in many fishery management realms, including the Pacific Salmon Treaty and State of Alaska terminal salmon fisheries.
- As was summarized for the chum salmon PSC report, we would like to see, if possible, finer spatial and temporal stratification of stock composition for Chinook salmon in the Bering Sea.
- For genetic information to aid in the reduction of salmon PSC, it will have to be analyzed and reported on much more rapidly than has been achieved to date. Efforts should be made to achieve a more efficient turnaround of collecting and processing samples.
- Efforts should be made to update the current genetic baseline for chum salmon so that it includes populations in Cook Inlet. These populations are not in the baseline used to estimate stock composition for 2005-2011. Also, we look forward to an updated baseline for Chinook.
- **The SSC recommends that a comprehensive report of genetic stock identification along with stock-based adult-equivalency, run reconstruction, and PSC harvest rate analyses be produced for selected stocks of Chinook salmon to better inform the Council of the efficacy of its efforts to reduce Chinook salmon PSC in the Bering Sea pollock fishery.**

#### **D-1 (a) Preliminary review vessel transit corridors near Round Island**

The preliminary draft EA/RIR/IRFA was presented by Steve MacLean (NPFMC). Public testimony was provided by John Gauvin (Alaska Seafood Cooperative).

This is a preliminary review of a draft EA/RIR/IRFA that analyzes the potential impacts of a proposal to establish one or more transit corridors through the Pacific walrus protection areas at Round Island and Cape Newenham. These are intended to allow vessels with Federal Fisheries Permits (FFP) to transit through the areas while participating in state-managed herring and salmon fisheries in Togiak Bay, Cape Peirce and Cape Newenham area, and Security Cove. This action was expanded to include transit for Amendment 80 vessels participating in the yellowfin sole fishery that deliver product to processors in Togiak or in the Hagemester roadstead. Component nine of the GOA FMP Amendment 83, implemented in September 2011, prevents vessels from surrendering their FFP and reapplying for it within a three year period. As a result, vessels that temporarily gave up their FFP in order to transit through these areas are now at risk of either being out of compliance with federal regulations, or at risk of losing their FFP if they choose to surrender their federal permit. The proposed action is intended to remedy these unintended consequences, while continuing to manage the potential disturbance of walrus in northern Bristol Bay due to fishing activities.

Overall, this draft was well-organized and as complete as it can be at this point. The SSC commends the author on the efforts made thus far. It is apparent from this preliminary draft that the highest priority moving forward should be to further refine the alternatives by making some key decisions. The SSC wishes to note at the outset of its review that the early assertion in this draft that “*a corridor is necessary...*” appears to prejudge the range of solutions and alternatives that could be considered to address the identified problem. At this stage in development, an inclusive examination of available strategies seems desirable (e.g., take action to exempt FFP holders operating as a tender in the Togiak fisheries from Amendment 83 provisions during that period).

However, if transit corridors are to be proposed, the immediate decision points include, but are not limited to, the latitude and longitude coordinates, track, and size of any transit corridor(s), whether or not the corridor(s) should be charted, and which vessels should be allowed to transit through these protection areas. Input from industry, as well as the Enforcement Committee, will be critical to both refining the alternatives and informing the analysis. Additionally, the Council may want to consider if/how to incorporate tender vessels with FFPs that need to access Kulukak Bay, where a large portion of the state managed herring fishery is prosecuted. Until the alternatives are further developed, it is difficult to comment in detail on the approach taken in the analysis or to discern potential impacts of those alternatives.

In addition to the proposition that a transit corridor through currently protected habitat is necessary to alleviate potential time and /or fuel costs associated with longer transit times for FFP vessels participating in state fisheries, there seems to be an implicit preference embedded in this draft to allow an increase in vessel transit disturbance of presently protected walrus sites (resulting from establishing new corridors), in order to extend protection from disturbance to a potential or developing haulout on Hagemeister Island associated with the current (i.e., status quo) traffic patterns. Similarly, the potential reduction of current disturbance levels of FFP vessels avoiding walrus protection areas by transiting through state waters, closer to haulout sites, is not emphasized, though it is mentioned. However, once the alternatives are refined, these tradeoffs in the movement of the fleet and potential shifts in disturbance should be expanded upon and clarified.

The entire draft would benefit from a careful proof-read, as several errors distract from the message being presented (e.g., FFP is referred to as FMP). A figure showing the current transit pathways and the proposed transit corridors (should such be identified and charted) should be included in future versions.

*Environmental Assessment:* The SSC’s main comments on the content of the EA are centered on Section 3.0, Affected Environment. For Section 3.2.1 on the herring fishery, it would be useful to include timing of the fishery in past years, as there are seasonal changes in walrus distribution in this area and variable timing of the fishery could result in different impacts. Inter-annual variability in tendering participation, including those with FFPs, is also essential to establish a baseline of potentially impacted vessels. Further investigation is required to determine the potential for both the state-prosecuted salmon fishery and the northern Bristol Bay halibut fishery to be impacted by this action. Currently, the description of these two fisheries is not sufficient and will need to be substantially expanded. Additional information should include details on landings, timing of each of these fisheries, and vessel participation.

The Marine Mammals section (3.3) is well organized and well written. Information on the methodology of the ADF&G surveys on Round Island would be useful to incorporate, as the draft relies heavily on this dataset. Updated observer data for incidental mortality of walrus, if this is available, should be included as well (Table 3-2, pg. 24). Finally, the discussion of each of the walrus haulout locations *separately* makes it difficult to assess the overall walrus population trend in northern Bristol Bay. A section synthesizing this information would be a helpful addition.

In both Section 4.0 (Environmental Effects) and within the RIR, there should be an expanded treatment of the cumulative impacts of the potential selection of both Alternatives 2 and 3, especially once the Council has provided some more guidance on the details of those alternatives. While the document suggests that risk of disturbance from opening transit corridors is low, opening both corridors would expose a larger proportion of the local population to disturbance, and remove potential sites of refuge from disturbance. The actual risk is likely to depend on some of the follow-on decisions that the Council must make (as above).

*Regulatory Impact Review/Initial Regulatory Flexibility Analysis:* In the RIR, there are assertions made that are not supported by either data or logical extrapolation of the underlying arguments. These should be examined and, where appropriate, elaborated upon to more fully present the potential economic and operational trade-offs. There appear to be several opportunities to explore existing information to enhance these assertions within the RIR, for example, by consulting industry sources on distances and running times for vessels tendering herring or salmon when: (a) not permitted transit, and (b) if permitted transit. Simply asserting there "may" be fuel savings, or there "may" be product quality improvements owing to (presumably) substantially shorter run times, could be more rigorously assessed or fully characterized.

Likewise, records on VMS capability should be available for every FFP vessel with a potential to benefit from the proposed action, allowing a narrowing of the range of possibly adversely impacted operations. Currently, the text states that 43 vessels functioned as Togiak tenders, but only 18 have VMS. Given the requirements in most federal groundfish and crab fisheries, it seems surprising that such a large number of (implicitly) FFP vessels (i.e.,  $43-18=25$ ) would not have VMS. The SSC's expectation would be that some of the 43 are not FFP holders. This is an empirical question that should be answered.

Extending from this same point is the matter of the cost of extra VMS reports. If the frequency of VMS signaling must be increased for enforcement purposes, what is the cost to fishermen? It is not clear how one interprets and extrapolates the \$25.88/mo/additional VMS filing. Once that is clear, one should be able to estimate the approximate number of FFP vessels that typically serve as tenders, how many operational days each tender works on average, and what the per vessel and aggregate VMS increased costs should be. The same questions could be explored with respect to the yellowfin sole operations, should they be permitted transit privileges, or salmon or halibut fisheries, if necessary.

The IRFA awaits several decisions of the Council (e.g., PPA), and so cannot be developed at this stage.

*Minor editorial comments:*

- Figure 3.1 (p. 9): Please match the description of the closure areas in the legend to those in the text descriptions. Also, would it be possible to zoom in and allow for more detail in this figure?
- Figure 3.3 (p. 13): The text within the figure is too small to be read. Can the text or the figure be made larger?
- Figure 3.4 (p. 14): A key is needed for this figure. What is the difference between the black and red lines?
- 3.2.3 Halibut Fishery (p. 14): Please clarify the IPHC statistical areas referred to in the text.
- There are several locations where it is stated that Hagemeister Island is a part of the Togiak National Wildlife Refuge (e.g., top paragraph of p. 21). However, Figure 3.8 (p. 20) does not include this island as part of the Togiak NWR.
- Section 5.1 (p. 33): There is no mention of the expansion of the action to include vessels participating in the yellowfin sole fishery in these two paragraphs of the introduction.

Overall, these additions and corrections do not appear excessively burdensome, and should probably be undertaken before this package moves forward.

## **D-1 (d) Crab modeling report**

André Punt (University of Washington) presented an overview of the crab modeling workshop held in Anchorage, AK, during February 26 – March 1, 2013. He was assisted by Diana Stram (NPFMC). There was no public testimony.

The workshop was chaired by André Punt, and was attended by members of the Crab Plan Team, three members of the SSC, and individuals from the public and the fishing industry. The workshop focused on input data, CPUE standardization, and stock assessment models for the Aleutian Island golden king crab and Norton Sound red king crab stocks. General conclusions from the workshop report are: (1) CPUE standardization to remove factors that are not related to abundance does not guarantee that the resulting index will be proportional to abundance, (2) assembly of model input data should be reconstructed from the primary (raw) data and documented such that it is repeatable by the next generation of scientists, and (3) there is a need for thorough simulation testing of all assessment models. Progress toward a generic crab model was also reviewed and discussed. SSC comments on these three activities appear below. The SSC noted that the workshop was very productive and commended Drs. Punt and Stram for their organization and leadership.

### Aleutian Islands Golden King Crab

Available catch and effort data for Aleutian Islands golden king crab (AIGKC) show a large increase in CPUE after fisheries rationalization in 2004. Also, size composition data trend towards larger average size over time. It is unclear if these changes in size composition and CPUE are a result of changes in abundance or changes in fishing behavior. Post-rationalization in 2004, soak times in the fishery have increased significantly and the proportion of zero catch in pots has decreased, indicating a change in fishing practices that may have caused an increase in CPUE. But the change in soak time cannot be separated from a potential increase in abundance and a higher probability of catching crab. An industry survey, using modified pots with smaller mesh size and no escape rings, has demonstrated that the size composition of the population does contain sub-legal crab in the areas fished. The industry survey could be used in the future to develop an index of abundance for a broader range of size classes that are presently excluded in the standardized CPUE index.

There are two primary sources of data available for developing a CPUE index: observer data detailed on a pot-by-pot basis, and the fish ticket data detailed at the trip level. The fish ticket data lack information about soak time. Therefore, these data are not suitable for standardization. The workshop recommendation for CPUE standardization is to focus only on the observer data, including soak time as a covariate. Additional recommendations include splitting the CPUE series into pre- and post-rationalization (split at 1995/96), because the number of participating vessels decreased post-rationalization.

The AIGKC stock is currently a Tier 5 stock and an assessment model for this stock has been in development for a couple of years. The assessment is split into two areas, one east and one west of 174 degrees. Two separate models are currently in development for each of these areas. The workshop focused on model structure and not the model results. It was noted that there were a number of coding issues that may lead to spurious results associated with initial starting conditions and or constants that are hard-wired into the code. The model is not ready for adoption in its current form and requires a considerable amount of work to bring it up to standards where it would be recommended for guiding management advice. The workshop provided a long list of recommendations for the AIGKC model including issues relating to coding standards, simulation testing, and developing a standard set of model diagnostics and summary plots for residual fits to observed data.

The SSC recommends continued development of CPUE standardization and diagnostics for the AIGKC and recommends that the time series be split into pre- and post-rationalization periods. The SSC also

endorsed the list of recommendations for the AIGKC model in the workshop report (most of which involve recoding the existing model). The SSC also discussed and recommend including the AIGKC as a case study for the Generic Crab Model (GCM) that is being developed over the next year.

### Norton Sound Red King Crab

One of the most important data issues is re-analysis of the NMFS survey data. Large differences occurred when survey estimates were recomputed from raw data. So-called “pot survey” values were actually mark-recapture estimates; estimates from 1980-1982 were adjusted by a factor not based on data from those years. The choice of  $CV = 0.34$  for the “pot survey” estimates needs justification. The SSC agreed with the workshop recommendation regarding standardization that interactions not be considered for years 1978-1992, but that interactions with year should be considered for later years, perhaps treating them as random effects or performing additional data filtering to reduce the magnitude of interactions. The SSC did not necessarily agree with the workshop recommendation that imputation not be used, but recommended that, if used, they be accompanied by a thorough justification.

In terms of assessment issues, the SSC learned that harvest specifications will be made in April starting next year to accommodate management of the summer fishery. While there is an approved assessment model, there is concern that the model does not fit the 1976 and 1979 indices very well. There is also evidence that catchabilities differ between ADF&G and NMFS surveys but are assumed equal in the assessment. The SSC agreed with the workshop report that initial size composition should be estimated and that an additional variance term is needed for CPUE data. The SSC notes that additional work is needed to prevent incomplete convergence from occurring. Finally, the SSC recommends that the analyst conduct a sensitivity analysis of natural mortality, including examination of higher natural mortality and also time-varying natural mortality if time permits.

### Generic Crab Model

At the workshop, Athol Whitten, a post-doc working with André Punt at the University of Washington, discussed the development of a Generic Crab Model (GCM) based on equations developed by Mark Maunder and the development of a library of functions, compatible with ADMB, commonly used in fisheries stock assessments (<https://code.google.com/p/admb-cstar/>). The goal is to develop an open-source software platform that can serve as the basis for all crab stock assessment models. The principle is the same as the Stock Synthesis platform, but differs in that it is a completely open source project and the owners of the code are stock assessment authors who contribute to the project. If successful, this will greatly facilitate future crab stock assessment reviews, reduce errors in model formulation, expedite the development of new models for other stocks, and facilitate the transfer of models to future assessment scientists.

The SSC supports the development of a GCM, including the plan to test the GCM against two established assessment models (Bristol Bay and Norton Sound red king crab). It will be important to validate the GCM using simulation modeling. Also, a minimum set of coding standards, model documentation, and use of version control (“an undo button”) should be established and this may be better facilitated through a developer’s workshop. Due to the open source nature, the SSC also recommends a series of benchmark tests that must be satisfied to ensure any future changes to the code do not “break” the code. Finally, as Athol Whitten’s post-doc lasts only two years, it will be important to establish a permanent home for the administration of the GCM project, including identifying an administrator who is responsible for maintaining the GCM website, code-repository, and other administrator activities.

### **D-1 (e) Research Priorities**

The SSC received a report from Diana Stram (NPFMC) following up on our request from the June 2012 meeting to develop a more orderly process for submitting and prioritizing proposals for research priorities

through the Plan Teams. The Plan Teams and Council staff have proposed a process to identify and describe research priorities, which have been incorporated in a spreadsheet and will eventually be made available online as a searchable database. Diana summarized the discussions of the Plan Teams and the structure of the database as currently envisioned. Michael Fey (AKFIN) provided a brief overview of how the Plan Teams and the SSC would enter and update priorities through a web-based interface.

The SSC discussion focused on the proposed process and the structure of the database. The review of updated research priorities and their relative rankings suggested by the Plan Teams were delegated to an SSC working group. **The process should provide an efficient means for prioritizing research and monitoring activities that are needed to support the Council's needs.** The proposed database should be designed to make it easy for the Plan Teams and for the SSC to annually (or more frequently, as needed) review and update research priorities and for users to easily view and search the Council's research priorities. The target audience includes funders, in particular NPRB, agencies, and researchers who wish to identify research that is important to the Council, managers, and the public.

**The SSC suggests some fairly substantial modifications to the current database structure as the research priorities are moved from a relatively static document to an online database.** The rationale for the proposed modifications is that the research priorities should clearly flow from the management objectives and priorities of the Council. **Therefore, the SSC requests that the Council provides an updated list of ongoing (long-term), current, and upcoming management actions, along with a prioritization of these management actions, by April of each year.** These management priorities will guide the SSC in ranking corresponding research priorities and each research priority should be clearly linked to a management priority to clarify **why** the research is needed (purpose/management context). In addition, each research priority should have specific **scientific objectives** and should identify **what** type of research is needed to address these objectives and possibly **how** the research may be accomplished (data needs, analytical approaches). The research priorities should further identify the geographic scope, the species of interest, the fishery/fisheries affected, and the scientific expertise (discipline/sub-discipline) required to address the objectives. The SSC further suggests eliminating the categories 'ongoing' and 'immediate concerns' that have led to unnecessary confusion and instead rely on the prioritization of research activities (High, Medium, Low), regardless of whether they are routine monitoring activities (e.g., trawl surveys), relate to ongoing research (e.g., ocean acidification), or address immediate concerns (e.g., research on skate nurseries).

The SSC discussed and refined a draft proposal for modifying the current suite of fields and associated keywords/phrases in the proposed database. These specific recommendations will be finalized by e-mail correspondence and will be forwarded to Council staff for further input and for moving current research priorities and proposed changes to the new format. A separate SSC working group will review research priorities as modified and ranked by the Plan Teams, as well as halibut research priorities from the IPHC that may be relevant to Council actions.

#### **Other SSC matters**

Aleutian Islands groundfish stock assessment authors asked for a clarification from the SSC about its December 2012 recommendation for AI assessments to use the same set of years in the AI survey time series. The SSC was asked to comment on whether it would be acceptable for assessment authors to deviate from this recommendation if there was a strong rationale for doing so. The SSC had a brief discussion on this matter and determined that it would be acceptable for assessments to use different sets of years in the AI survey time series if this was accompanied by a scientific rationale for doing so.

**Enforcement Committee Minutes**  
Fireweed Room, Hilton Hotel, Anchorage, AK  
April 2, 2013

**Committee:** Roy Hyder (Chair), Acting Special Agent in Charge Matt Brown, CAPT Phil Thorne, LT Anthony Kenne, Martin Loefflad, Glenn Merrill, Jon Streifel, Will Ellis, Susan Auer, Nicole Kimball, and Jon McCracken (staff)

**Others present included:** Jane DiCosimo, Steve MacLean, Doug Marsden, Jonathan Snyder, Vince O’Shea, Kevin Heck, Guy Holt, Karla Bush, Ed Dersham, Doug McBride, Todd Loomis, David Polushkin, Jason Anderson, Rachel Baker, Brent Paine

**I. D-1(c) Retention of Area 4A halibut in BSAI sablefish pots**

Jane DiCosimo (Council staff) provided a brief update on this agenda item, which would allow fishermen with commercial IFQs for both halibut and sablefish to retain halibut in IPHC Regulatory Area 4A that were caught in sablefish pots. The Committee noted if the action proceeds forward for analysis, there would need to be some level of coordination between IHPC and the Council so both IHPC and federal groundfish regulations comport. The Committee did not comment on the specific enforcement actions that could be adopted that were discussed in the paper at this time.

**II. C-2(c) Round Island**

Council staff Steve MacLean provided an overview of the EA/RIR/IRFA for a regulatory amendment to address a problem related to enforcement concerns with analysis. Included in the analysis are options for remedying the transit of Walrus Protection Area around Round Island for federal vessels by creating a transit area through the EEZ during specific dates for Round Island, Cape Newenham, and Cape Peirce.

The Committee spent time discussing the potential implications of a Critical Habitat (CH) designation for Pacific Walrus. Although difficult to speculate this early in the process, U.S. Fish and Wildlife Service (USFWS) representative Jonathan Snyder noted that Hagemeister Island, Round Island, Cape Newenham, and Cape Peirce are likely to be considered for CH designation. It was noted that CH restrictions would likely apply to all vessels (both State and federally permitted).

The Committee spent time discussing alternative approaches to transit corridors, which are often complicated to establish and maintain. The Committee discussed that rather than establishing a transit corridor vessels are expected to stay within, another approach could be to choose to modify the current prohibitions on transit through 12 nautical mile circles around the defined walrus haulouts while still adhering to the USFWS guidelines. This could be achieved by establishing a single straight line south of which transit is prohibited, while allowing federally permitted vessels to transit anywhere north of that line. This essentially establishes a navigational transit area, meeting the intent of providing transit provisions through the region for federally permitted vessels, while removing the requirement that the Council or agency define safely navigable waters, or potentially changing right of way requirements in the region. The Committee noted that there appears to be a tradeoff between accommodating the stated objective of the proposed action and developing an approach that would better accommodate Critical Habitat designation for Pacific Walrus.



There was a brief discussion concerning the difficulty of using VMS for monitoring narrow transit corridors for vessels required to use these corridors. VMS only provides limited information on a vessel's position at a specified interval, and there have been several instances where VMS units have been turned off inadvertently or the vessel's fisheries endorsement requiring VMS is removed, consequently allowing a vessel to turn off their VMS unit. Without VMS, the ability of OLE to track vessel movement is limited and requires on-scene enforcement assets. For the narrow corridors proposed due to minimum safe passing distance between vessels, current VMS poll rates are insufficient to adequately monitor these areas, and these poll rates would have to be increased to facilitate better tracking of a vessel through this region. Another difficulty is that most vessels using these transit corridors are not federal fishing vessels, so they are not subject to existing closures or required to carry an operating VMS unit. The Committee discussed the potential advantage of increasing polling rates for vessels with VMS transiting through the corridors. However, even the advantages of increased polling rates would be limited in track vessels transiting through narrow corridors.

The Committee recommends the Council to expand the alternatives to include other approaches such as navigational transit areas. Navigational transit areas allow for safe navigation on a vessel-by-vessel basis and increases the flexibility of the vessels in transiting through these areas. Finally, if transient corridors are utilized, then the Committee recommends development of a work group composed of the different enforcement agencies as well as the user groups directly impacted by the transient corridors.

### **III. Revocation of VMS access for State fishery managers**

Karla Bush and Nicole Kimball (ADFG) provided an overview of the recent revocation of access to the current VMS database for State fishery managers by the NOAA Office of Law Enforcement Head Quarters. Since 2007, ADFG has had an agreement in place that allowed individual State managers/biologists to have access to the current VMS database through individual specific accounts. State enforcement personnel continue to have access to current VMS data. A letter was sent from Commissioner Campbell to NOAA OLE HQ outlining the need for current VMS access for area managers/biologists in December 2012. NOAA OLE HQ responded stating that it was their policy through the Joint Enforcement Agreement with all partner states to provide direct access to state enforcement personnel only, and it was determined that ADFG fishery managers' accounts had been provided in error (letters are attached at the end of the minutes). While ADFG managers can continue to access VMS data by request to NOAA OLE HQ, OLE HQ has stated that these recurring requests will be addressed on a monthly basis, which would clearly not support use of the data to manage fisheries. Alaska Regional OLE staff continues to try to communicate ADFG's need for access to current VMS data to OLE HQ staff.

ADFG managers need access to current VMS data for multiple fisheries jointly coordinated and managed with NMFS through Federal FMPs (specifically crab, scallop, and Pacific cod fisheries):

- To access fishery effort in-season and to anticipate when to close a fishery so as to be close to, but not exceed, catch limits (how many and which vessels are actively participating)
- To collect biological samples (tracking tenders or fishing vessels for delivery locations & ETA in order to have port samplers available)
- To access fleet distribution/harvest areas – the State is authorized to close areas if they have concerns about localized depletion
- To verify vessels are staying out of closed waters, most notably for SSL protection measures
- To verify actual fishing locations to amend fish tickets if the fish ticket notes an erroneous statistical area
- To notify Alaska Enforcement staff if a enforcement issue is identified

It was recognized by the Committee that the MSA provides the authority for sharing confidential data with state fishery managers for the purposes of managing fisheries. Given the authority for sharing current VMS data with State area managers/biologists and enforcement personnel exists, it appears to be a matter of the policies that establish the method of data sharing (access to current data through the database versus on a request basis) with State area managers/biologists. From the Committee's perspective, sharing access to the database (for real time information) with State managers/biologists is essential to effective management and enforcement of species managed under Federal FMPs.

To that end, the Committee recommends the Council send a letter to OLE HQ encouraging reinstatement of current VMS data for Alaska area managers/biologists. The Committee recommends the letter should note the MSA authority for sharing confidential data with State fishery managers, emphasize the collaborative approach of fisheries management in Alaska shared management under several FMPs, and the critical nature of the data necessary to manage the Alaska fisheries.

#### **IV. Update on definition of halibut charter guide**

Jane DiCosimo (Council staff) reported on a schedule for interagency staff meetings in April. Those meetings are intended to coordinate Federal and State efforts to develop proposed regulatory text for Council consideration to revise the definition of charter halibut fishing activities, including compensation and assistance. The first interagency meeting was held on April 1.

CAPT Phil Thorne provided a very brief update concerning work on halibut charter definition. Since the Council's February 2013 action relating to the alignment of the Federal and State definition of sport fishing guide services, NOAA OLE and the Coast Guard have had initial discussions relating to what alignment of these definitions may mean to enforcement on the water. It was noted in the update that OLE and the Coast Guard are cognizant that there is concern that charter-like activities are occurring in area 2C that may be outside of the intent of the Council's Charter Halibut Permit (CHP) program, and that any regulation changes that flow from Council decisions will likely affect how enforcement is conducted at-sea. Once the Council clearly states their intent through a preliminary preferred alternative, we will examine that intent for charter-like activities in an effort to provide clarity on what could reasonably be expected to be enforced at-sea.

#### **V. Implementation recommendation of other VMS features for vessels already subject to VMS requirements**

LT Anthony Kenne gave a short presentation on the progress NOAA OLE and the Coast Guard have made in looking at areas where consideration of enhanced VMS capabilities may be beneficial for the monitoring and enforcement of impending Council decisions. This first step looked at council actions currently in process that may benefit from the application of VMS capabilities that are not currently in use in the Alaska Region, including geo-fencing, increased poll rates, or gear, area, or species declarations. There was also discussion relating to management uses of VMS data. The committee has asked for an expanded review of management applications of VMS technologies. This preliminary review also highlighted several areas where additional data is required, and NOAA OLE has sent out work orders to the VMS vendors approved for the Alaska Region in an effort to determine potential costs and scope of work associated with expanding VMS capabilities on these vessels.

**Observer Advisory Committee – Meeting Report**  
**April 1, 2013**

Dillingham/Katmai Room, Hilton Hotel, Anchorage, AK  
3 pm – 10 pm

**Committee:** Dan Hull (Chair), Bob Alverson, Jerry Bongen, Julie Bonney, Dan Falvey, Kathy Hansen, Michael Lake, Todd Loomis, Paul MacGregor, Brent Paine, David Polushkin, Anne Vanderhoeven. **Not present:** Kenny Down, Joe Rehfuß (at sea), Darren Stewart.

**Agency Staff<sup>1</sup>:** Diana Evans, Chris Oliver (NPFMC); Martin Loefflad, Farron Wallace, Michael Vechter, Nick Thom, Paul Wilkins (NMFS FMA); Glenn Merrill, Mary Furuness, Rachel Baker, Josh Keaton (NMFS AKR); Nathan Lagerwey (NMFS Enforcement); Susan Auer (NOAA GC - Enforcement); Nicole Kimball, Cora Campbell (ADFG), Gregg Williams (International Pacific Halibut Commission).

**Other attendees included:** JoAnn Alvarez, Linda Behnken, Heather Brandon, Tim Carroll, Sam Cotton, Craig Cross, Jason Dean, Ed Dersham, Jeff Farvour, Paul Gronholdt, Kent Helligso, John Henderschedt, Rhonda Hubbard, David Long, Dorothy Lowman, Brian Lynch, Tracy Mayhew, Chuck McCallum, Liz Mitchell, Becca Robbins-Gisclair, Herman Squartsoff, Lori Swanson, Shawna Thoma, Matt Upton, Ernie Weiss, Elizabeth Wiley.

**Agenda**

- I. Introductions, review agenda
- II. Update on implementation of observer restructuring
- III. Update on national electronic monitoring initiatives
  - a. Pacific Council EM workshop
  - b. NMFS HQ EM papers and CCC discussion
- IV. Electronic monitoring strategic plan - outline
  - a. Presentation of EM strategic plan outline
  - b. Public comment
  - c. Discussion and recommendations
- V. Scheduling & other issues

**1 Introductions and agenda**

Introductions were made, and the agenda was approved. The Chair identified the two tasks that the Council provided for this meeting: to review the draft outline of the NMFS EM strategic plan, and to receive an update on implementation of the restructured observer program for the current year.

**2 Update on implementation of observer restructuring**

Martin Loefflad provided an update on the implementation of the new program, focusing on operations to date in the trip selection and vessel selection pools. He also reported about the agency's training and outreach activities, and the impacts of sequestration on hiring for the program. The Committee had various questions of clarification.

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<sup>1</sup> NPFMC – North Pacific Fishery Management Council; NMFS FMA – Fishery Monitoring and Assessment division at the National Marine Fisheries Service's Alaska Fisheries Science Center; NMFS AKR – NMFS Alaska Region; NOAA GC – National Oceanic and Atmospheric Administration General Counsel; ADFG – Alaska Department of Fish and Game.

### **3 Update on national electronic monitoring initiatives**

#### *Pacific Council EM workshop*

Various members of the OAC attended the Pacific Council's EM workshop, held at the end of February. It was noted that the Pacific Council is dealing with many of the same issues with implementing EM as the North Pacific, although they are trying to address different fishery objectives. The workshop was a good example of a collaborative process among all industry and agency stakeholders.

#### *NMFS HQ EM papers and CCC discussion*

Mr Loefflad updated the Committee on NMFS HQ's release, in late February, of five of six planned white papers on EM, and summarized key findings. The six white papers address the following topics: 1) Analysis of existing EM technologies/programs; 2) Enforcement issues/impediments; 3) Research and development requirements; 4) Re-alignment of management and monitoring; and 5) Funding options; and 6) Legal/confidentiality concerns (not yet released). Chris Oliver noted that the white papers were presented at the Council Coordination Committee (CCC) meeting last month, and provide a good summary of the current state of EM development and associated issues. The CCC will form a subgroup to provide input to NMFS as they work on turning the white papers into national policy guidance, with the hope that any guidance will enhance, not constrain, regional efforts.

### **4 Draft electronic monitoring strategic plan**

#### *Presentation of draft EM strategic plan*

Farron Wallace and Mr Loefflad gave a presentation of the March 26<sup>th</sup> draft of the Strategic Plan for EM/ER (electronic monitoring/electronic reporting) in the North Pacific. The plan includes a description of current observer program objectives, and whether EM, as it is currently available, can meet those objectives. The plan also describes the Council's objectives for EM, and efforts that are underway to address those objectives. Largely, Mr Wallace reported that information would be available to assess EM objectives in mid-2014, with the combination of results from the 2013 pilot program, and the performance evaluation of the first year of the restructured program. The Committee questioned whether other information can be used to assess data needs and identify objectives on an earlier timeframe.

The Committee clarified Mr Wallace's intent in comparing an audit compliance monitoring approach (such as is used with EM in Canada), and a sampling/estimation approach (which is currently used in the Alaska human observer program, but not yet in any EM programs). The intent was to clarify the relative merits and challenges of both approaches, about which there has been confusion in the past, and to present these alternative approaches, and their cost effectiveness, as an eventual decision point for the Council with respect to the use of EM in Alaska.

Finally, Mr Loefflad walked through the draft's vision statement, goals and objectives, and strategies and actions related to the objectives. Mr Loefflad noted that NMFS' intent with the strategic plan was to provide a broad perspective on EM/ER, and articulate multi-year goals that would apply across Alaska fisheries. The final section of the plan focuses on implementation, and provides the intersection with the Council's existing EM priority for discard monitoring on the IFQ small boat fleet, and the ongoing work to address that priority, as described by Mr Wallace.

### *Public Comment*

Two people provided public comment on this issue. The issues raised in public comment were subsequently captured in the Committee's discussions and recommendations. One of the Committee members, who could not be present at the meeting, also submitted a written letter.

### *Committee Discussion and Recommendations*

The Committee makes the following recommendations to the Council regarding the draft Strategic Plan for EM/ER.

**The OAC recommends the matrix presented in the strategic plan, beginning on page 4, be expanded to include:**

1. The list of tools identified in the draft EM roadmap (page 12, EM Fisheries Monitoring Roadmap - attached)
2. The high, medium and low rankings, notations describing handling procedures, and comments describing the integration of various monitoring tools to meet monitoring objectives in the fixed gear IFQ and Pacific cod fisheries similar to those included in the EM Roadmap (page 12).

The Committee commented that the current portrayal of EM capability in the strategic plan's matrix, as compared to the tasks that can be performed by a human observer, does not provide sufficient context about other reporting tools that are also available in an integrated fishery monitoring system. It was noted that a broader understanding of the available tools would help the Council evaluate the strategic uses of EM, in June. The referenced EM Roadmap is not a NMFS document, but is a draft document that was made available during the CCC meeting in late February. The recommendation is intended to reflect that the format of the attached table is a useful way to expand the existing version in the strategic plan; the Committee does not presuppose that the content of the table would necessarily be the same, and understands that in some instances (such as the small boat IFQ fleet), Alaskan data needs (as listed in the rows) have yet to be identified.

The Committee also discussed that the strategic plan for EM needs to include information to allow the Council to specifically identify monitoring objectives for EM. The Council may reaffirm its existing objective (discard monitoring on the IFQ fleet 40-57.5 ft), or may wish to identify different objectives. Including a discussion of the known data needs for different Alaska fisheries (e.g., data needs for the stock assessment program, or other observer program clients) would allow the Council to better determine appropriate objectives, which could then lead directly to a strategic choice of the appropriate combination of monitoring activities and EM/ER tools to meet those objectives. The Committee noted the interrelationship of these data needs with potential elements that may be reported to the Council in the June 2013 performance evaluation.

**The OAC recommends the following changes to the vision statement on page 7 (new text is underlined):**

A future where electronic monitoring and reporting technologies are integrated into NMFS Alaskan fisheries dependent data collection systems, where applicable, to ensure that scientists, managers, policy makers, and industry are informed with fishery dependent information that meets fishery specific data needs, is relevant to policy priorities, of high quality, available when needed, and is obtained in a cost effective manner that is designed to minimize economic and social impacts to the vessel.

The Committee discussed whether the vision statement should remain focused specifically on EM/ER, or be expanded to recognize that EM/ER is part of a diverse suite of tools in an integrated observer program. The Committee chose to have the vision statement remain focused, in part to avoid slowing down the impetus to move forward with implementation of EM.

**The OAC recommends that a tactical strategy appendix be added to the strategic plan identifying the following decision points for Council consideration:**

1. Regulatory options, EFPs, voluntary participation in pilot programs, and regulatory changes with their associated timelines
2. Funding options
3. Strawman alternatives, describing alternative timelines and implementation schedules
4. The more detailed description on how workplans and experimental designs for pilot program phases and design elements affecting cost effectiveness will be developed, reviewed, and coordinated with stakeholders.

The Committee would like the strategic plan to explicitly identify decision points for the Council with respect to the cost effectiveness of EM choices, the different pathways that could be taken to achieve them, the process to ensure that the data resulting from these choices will be credible, and different timing options for when these decisions might be made (including what information would be available to the Council with respect to these decisions at different times). The Committee had a brief discussion about the regulatory process for EFPs in Alaska (which is different than that in other regions). It was noted that many of the requested items relate more to deployment of EM, rather than strategic goals, and the Committee noted that these items could also appropriately be addressed in the final section of the document, "Implementing the strategic plan", beginning on page 13, rather than as an appendix.

**The OAC would like to reaffirm the sense of urgency, and the need to move EM ahead, as an alternative to human observers, and part of the integrated observer program.**

## **5 Scheduling**

The Committee discussed the need for and timing of future OAC meetings. The Chair suggests that the next OAC meeting should be in conjunction with the June 2013 Council meeting, to review the draft EM strategic plan, and also provide comment on the 2013 performance evaluation of the program. The meeting could either be during the meeting (likely Sunday or Monday), or the week before, depending on when documents are available for review, and may need to be two days. The Chair also recommends holding an OAC meeting in September, once the 2014 Annual Deployment Plan has been released, to provide recommendations for the Council discussion in October.

The Committee also discussed what the appropriate process should be for soliciting and reviewing potential regulatory amendments to the restructured program. The Committee did not feel that a formal call for proposals was required at this time, but noted several potential amendments that have been suggested in public testimony or Council discussion. The Committee suggests that a list of potential amendments be discussed by the OAC in June, for Council consideration, and that a more detailed review of these proposals could then occur at the September OAC meeting.

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# News & Notes

## North Pacific Fishery Management Council

April 2013

## Steller Sea Lion EIS

The Council received presentations from NMFS Alaska Region on several chapters of the Preliminary Draft EIS, including errata, Alternatives, RIR, Community Impacts, and Steller sea lion impacts, and received a presentation from the Steller Sea Lion Mitigation Committee that summarized the discussion from the SSLMC meeting on March 21-22, 2013 and outlined the recommended PPA from the SSLMC. The Preliminary Preferred Alternative recommended by the Council is available on the Council's website. The motion passed by the Council to identify a PPA also requested NMFS to provide additional information and analysis prior to releasing the DEIS for public review, particularly to include key metrics which the Council will need in order to make an informed decision. Specifically the analysis was found lacking in its ability to differentiate impacts to Steller sea lions among the alternatives, and does not specify which criteria and methodologies will be used to determine jeopardy or adverse modification. The Council will receive an update on these issues at our June meeting. Final action by the Council is currently scheduled for October of this year. Staff contact is Steve MacLean.



Photo: Peggy Kircher

## Observers and Electronic Monitoring

The Council received a presentation from NMFS on a draft EM strategic plan, as well as updates on implementation of the restructured program to date, and an outline of the type of information that will be presented to the Council in June for the first year performance evaluation. The agency cautioned that the June evaluation will be based on approximately three months of data, but will cover dockside and at sea implementation in all coverage categories, and will include information on the sampling rate and cost trajectories to date for vessels in the partial coverage fleet.

The Council requested that the agency complete the EM strategic plan for June, and asked for specific additions. The matrix on pages 4-7 that describes whether EM, as it is currently available, can meet observer monitoring activities, should be revised to include a broad list of tools, and a relative ranking of the ability of those tools to meet monitoring objectives. The Council also requests that the implementation section (page 13) be expanded to include funding options, timelines and implementation schedules, and a description of the EFP process.

The Council also approved the formation of an EM working group following the June Council meeting. The workgroup will be guided by the goals and objectives adopted by the Council in the strategic plan in June, but will help to design processes or proposals to inform the strategies and actions that

will implement those objectives for the Council's identified EM priority of the small boat (40'-57.5') fixed gear and Pacific cod fleets. The working group will likely include members of the Observer Advisory Committee (OAC), but may also include a broader membership as needed (for example, it may also include agency staff, stock assessment authors, or Plan Team members.) The group would report its proposals to the OAC, which in turn reports to the Council. The Council requested the agency to include, in its implementation section of the strategic plan, a description how the working group could most effectively collaborate with the agency with respect to the design of pilot EM programs (including the 2014 EM program), and the evaluation of alternative EM approaches. This description will allow the Council chair, in June, to best determine the appropriate membership of the working group, and the timing and scope of its meetings. The motion is posted on the Council website.

The Council chose to schedule an OAC meeting just prior to the June Council meeting, for the following purposes: (1) receive the report on the 2013 performance evaluation; (2) review the EM strategic plan; and (3) review regulatory amendment proposals already submitted for consideration, and develop recommended criteria for Council consideration of additional proposals under Staff Tasking. The Council also noted that the OAC will also meet in September to review the 2014 Annual Deployment Plan, and the Council will discuss any further tasking for that meeting in June.

Staff contact is Chris Oliver.

## Walrus Islands Area Transit

The Council reviewed a preliminary review draft of an Environmental Assessment/RIR/IRFA analyzing impacts of establishing areas through walrus protection areas around Round Island and Cape Peirce walrus haulouts. After public comment and Council discussion the Council passed a motion authorizing staff, in consultation with stakeholders, to develop additions to the existing alternatives to facilitate passage through the walrus protection areas. Staff contact is Steve MacLean.

## Crab Modeling

The SSC reviewed a report of a technical crab modeling workshop held in February to review developing models for the Aleutian Islands golden king crab and Norton Sound red king crab stocks. This is the 3<sup>rd</sup> NPFMC-sponsored crab modeling workshop in recent years and was attended by members of the Crab Plan Team, members of the SSC, the authors of crab and groundfish stock assessment models, outside technical stock assessment experts, and the general public. The SSC endorsed a number of recommendations in the report for moving forward in the development of those models. Revisions and further analyses to the Norton Sound red king crab model will be presented at the May Crab Plan Team meeting for use in specifications for the 2013/14 fishing year. The Aleutian Islands golden king crab model will not be used in this specifications cycle. The report from the modeling workshop is posted on the Council's website. Staff contact is Diana Stram.

## AFA Vessel Replacement

The Council took final action on the analysis of allowing vessel replacement of American Fisheries Act (AFA) vessels. The purpose of this action is to clarify AFA vessel replacement provisions of the Coast Authorization Act of 2010 (Coast Guard Act) and to prevent AFA vessels that are replaced from increasing fishing effort beyond historical catch levels in the Gulf of Alaska.

At this meeting, the Council selected Alternative 2 as the preferred alternative. This alternative would allow an owner of an AFA catcher processors, catcher vessel, or mothership to rebuild or replace its vessel for improved vessel safety and operational efficiencies. An AFA rebuilt or replacement vessel would be subject to no limitations on length, size or horsepower while participating in the BSAI. In the GOA, AFA replacement or rebuilt vessels can participate in this area as long as the replacement or rebuilt vessel does not exceed the MLOA specified on the GOA LLP groundfish license assigned to the vessel at the time of fishing. A replacement vessel will be eligible to participate in the BSAI and GOA in the same manner as the replaced vessel. If the replaced vessel was exempt from sideboard limitations, the replacement vessel will be exempt. If the replaced vessel was subject to sideboard limitations, the replacement vessel will be subject to the same limitations.

The Council also included the vessel removal provision in its preferred action. This provision clarifies that the sideboard exemption status will be extinguished upon removal of an exempt vessel. Specifically, the Coast Guard Act enables an owner of an AFA catcher vessel that delivers to a shoreside processor to remove the vessel from the BS pollock fishery and assign the vessel's directed pollock fishing allowance to other vessels in the cooperative.

Staff contact is Jon McCracken.

## BSAI Flatfish Specifications Flexibility

The Council adopted a preferred alternative (Alternative 3) for a proposed amendment that would allocate the ABC reserve (i.e., the difference between acceptable biological catch (ABC) and total allowable catch (TAC), minus a discretionary buffer amount that the Council could determine based on social, economic, or ecological considerations) for flathead sole, rock sole, and/or yellowfin sole, among the Amendment 80 cooperatives and CDQ groups, using the same formulas that are used in the annual harvest specifications process. These entities would be able to exchange their flathead sole, rock sole, or yellowfin sole quota share for an equivalent amount of their allocation of the ABC reserve for these three species. The Council also included Option 1 in their preferred alternative, which limits the number of exchanges that each entity can make to three per calendar year.

Additionally, the Council requested that Amendment 80 cooperatives provide draft annual reports to the Council no later than December 1<sup>st</sup>, each year, to include information on their use of ABC reserve exchanges and quota share transfers, actual harvest, and annual changes in catch capacity (for example, measured by a change in the number of harvesting platforms). The Council requested December drafts of the annual reports so that the current year's information could inform the Council's decision, during the harvest specifications process, as to whether to establish a buffer reducing the amount of the ABC reserve available to be exchanged by eligible entities. In their rationale supporting the preferred alternative, the Council identified different examples of how the discretionary buffer included in Alternative 3 will allow them to address any potential adverse impacts to other sectors, or environmental concerns, should they arise. With respect to implementation, NMFS noted that due to the changes that will be required to the catch accounting system, if the amendment is approved, it is unlikely to be effective before 2016. Staff contact is Diana Evans.



# Ecosystem Committee

The Council endorsed the Committee's proposed plan for upcoming meetings to develop a draft workplan of next steps with respect to ecosystem-based management planning, as requested by the Council in February. The workplan will encompass the next year to two years, identifying opportunities for further work, both with respect to the integration of emerging ecosystem science with management, and responding to changing environmental conditions, in order to allow the Council to continue its leadership role in the evolution of ecosystem-based management. The Committee will convene a workshop at the AFSC in the early fall.

The Council also opted to comment to the Corps of Engineers about proposed permitting of gold mining activity in waters deeper than 30 feet in Norton Sound, and express its concern about EFH implications for Norton Sound red king crab. The Ecosystem Committee forwarded the recommendation after hearing from both NMFS and ADFG staff about concerns about habitat disturbance from mining activity in deeper waters. The Council also requested that the Crab Plan Team review the issue at their upcoming meeting.

The Ecosystem Committee will meet during the Council meeting in June to review the AFSC report and staff discussion paper on Bering Sea canyons, and discuss plans for the ecosystem-based management workshop. Ecosystem Committee minutes on this issue are available on the Council website. Staff contact is Steve MacLean.

## Pacific cod Sector Split and AI Processing Sideboards

At this meeting, the Council reviewed a discussion paper on the implications of pending SSC action to set separate ABCs in 2014 for Bering Sea and Aleutian Islands (BSAI) Pacific cod. The discussion paper clarified that the combined BSAI sector allocations was the approach the Council determined most feasible in October 2011. This approach provides the greatest flexibility for sectors and is the simplest for NMFS to monitor relative to previous alternatives considered in the past. Under this approach, a sector's allocation could be fished in either the BS or AI, as long as ITAC was available in that area. Once the Pacific cod ITAC for either the BS or AI was reached, NMFS would issue a closure notice and all non-CDQ sectors would be required to stop directed fishing for Pacific cod in the closed area. The sectors with remaining allocation would then be allowed to continue directed fishing for Pacific cod in the remaining open area. The CDQ Program would have a specific allocation of the TAC in each area, managed separately.

The Council, concerned with shoreside processing protections in the context of the Steller sea lion EIS, had also requested an updated discussion paper of the Aleutian Islands (AI) Pacific cod processing sidebar analysis. After reviewing the discussion paper, the Council tasked staff to prepare a new discussion paper to evaluate the impacts of allocating a Pacific cod directed fishing allowance (TAC minus CDQ and ICA) in Area 541/542 to the catcher vessel sector, with a regionalized delivery requirement to shoreplants in the AI. Included in the discussion paper will be a discussion of a potential waiver to the delivery requirement in the event that there is insufficient shoreside processing capacity in the AI. The discussion paper will draw on the Western Aleutian Island golden king crab regional delivery requirements implemented in the BSAI crab rationalization program. The paper will also explore the need for and impacts of measures to avoid stranding AI ITAC, such as allowing catcher processor activity after a certain date or at higher ITAC levels. Finally, the Council requested the paper provide historical catch and processing distribution across the various sectors (gear and operational type) in Areas 541, 542, and 543, as well as a discussion of current processing capacity and activities in Adak and Atka.

Staff contact is Jon McCracken.

## Staff Tasking

During its Staff Tasking agenda item, the Council discussed several issues and took action on the following items (in addition to those noted elsewhere in the newsletter): (1) tasked staff to prepare a report on Chinook salmon bycatch in the Bering Sea Pollock fishery, including the status of stocks and fisheries, impacts of new genetic information, information on bycatch by sector, and mechanisms of the incentive plan; (2) requested letters be sent to the legislators and others who commented on salmon bycatch, informing them of the Council's action at this meeting; (3) tasked staff to prepare a discussion paper on requirements for cooperative reports, including a review of the types of information presented and suggestions for improvement; (4) outlined specific items to be addressed by the Observer Advisory Committee and the Ecosystem Committee; (5) provided direction on research priorities; (6) tasked BSAI crab plan team to review the proposal from the Adak Community Development Corporation to remove Adak red king crab (Area O east of 179 W) from the FMP; (7) and tasked staff to prepare a report on tendering in the GOA.

## June in Juneau!

As a reminder, the Council will be meeting in Juneau, Alaska for its next meeting, June 3-11, 2013. The meetings will be held at the Centennial Hall. For accommodation information, contact [www.traveljuneau.com](http://www.traveljuneau.com).

## Public Workshop on Stock Structure

The Council is sponsoring a public workshop on conservation, management, and policy in spatial management of catch limits on April 16, 2013. The identification of unique spatial structure within the broader distribution of a marine species raises the question of the appropriate spatial scale at which to establish harvest limits for that species. This decision making process assumes a tolerance for risk that reflects a fundamental balance of managing for both conservation and yield. This workshop is intended to:

- clarify the process by which stock structure determinations are made in the context of risk, costs, and benefits;
- explore existing and potential management tools that are responsive to discrete spatial catch limits or which can mitigate risk associated with broader stock management; and
- identify a process of incorporating considerations of policy, management, and fishery yield in future stock structure considerations.

The public is invited to attend in person at the Alaska Fisheries Science Center, Building 3, in Seattle or via webex. See the Council website for more information. Contact Jane DiCosimo or Diana Stram.

## Bering Sea Chinook Salmon Bycatch

The Council reviewed reports from the Bering Sea pollock industry on their current Incentive Program Agreements (IPAs) for Chinook salmon bycatch reduction as required under Amendment 91 as well as reports from the Inter-cooperative Agreement (ICA) for chum salmon bycatch rolling hotspot (RHS) management. The Council also reviewed genetic results for the 2011 pollock fisheries for Chinook salmon bycatch in the Bering Sea and GOA, as well as for chum salmon bycatch in the Bering Sea. This is the second year of Chinook salmon PSC management under this program in the Bering Sea. In conjunction with forthcoming chum PSC management measures, the Council also requested an update from the IPAs on progress towards including chum management in their existing program.

The Council discussed the information included in the IPA reports currently per the reporting requirements, as well as the need for additional information that would be relevant to understanding the efficacy of the Council's Chinook PSC management program. The Council also received public testimony regarding the status of Chinook stocks statewide and the recent subsistence and commercial restrictions.

Given the Council's responsibility to monitor whether its current bycatch reduction program is working as intended, the Council moved to evaluate the issue in relation to the most recent context of the directed salmon fisheries and the most recent genetic information and adult-equivalency (AEQ) analysis, similar to what was analyzed prior to the new program. As such the Council requested a report by staff on Chinook salmon bycatch in the Bering Sea pollock fishery which would provide additional information to best evaluate the efficacy of the current program. Information to be included in this report includes:

- A review of the status of Alaska Chinook salmon stocks, including subsistence, sport, and commercial fishery restrictions and whether escapement goals have been met
- A report of genetic stock identification (2011) along with stock-based adult-equivalency (AEQ), run reconstruction, and PSC harvest rate analyses for Chinook salmon stocks. The AEQ analysis should include an estimate of the impacts to each specific stock grouping of

bycatch at the current cap levels (47,591 and 60,000) and actual bycatch levels in 2011 and 2012.

- Information to evaluate fishing and bycatch performance under Amendment 91:
  - Numbers and rates of bycatch taken by month, by sector (2003-2013 to date)
  - Use of salmon excluders, by sector and season (or month if available)
  - Variability between bycatch rates per vessel within each sector (2011 – 2012),

The Council indicated that evaluation of the efficacy of this program remains a very high priority and that this report is to be reviewed no later than the October Council meeting in Anchorage. In conjunction with this report the Council also requested that industry provide a description of incentive measures contained within their IPAs.

The Council further intends to send responses to the Alaska state legislature to indicate the importance of this issue and the direction of the Council's review and schedule on this item. The Council also intends to consider additional outreach activities in rural Alaska communities on Chinook salmon bycatch through its Rural Community Outreach Committee. The full Council motion is posted on the website. Staff contact is Diana Stram.

## Upcoming Meetings

**Spatial Management workshop:** April 16, 2013 AFSC Seattle. 9-5pm. To participate via webex: [npfmc.webex.com](http://npfmc.webex.com)

**Crab Plan Team:** April 30-May 3, 2013. Clarion Suites, downtown Anchorage. Agenda posted on the Council's website. September 17-20, location TBA

**Pacific Cod Modeling Workshop:** May 13, via webex. 2:30 pm

**Managing Our Nation's Fisheries:** May 7-9, 2013, Washington DC

**Steller Sea Lion Mitigation Committee:** TBA

**Groundfish Plan Teams:** September 10-13 and November 18-22, 2013

# Fishing Cooperatives Report Review

The Council received reports from the BSAI and GOA fishing industry cooperatives on the 2012 fisheries overview as required by regulations. These included reports from the representatives of the Amendment 80 cooperatives which are allocated a portion of total allowance catches (TACs) for Atka mackerel, Pacific ocean perch, and 3 flatfish species (yellow sole, rock sole, and flathead sole), along with an allocation of prohibited species catch (PSC) quota for halibut and crab in the Bering Sea/Aleutian Islands,; from the cooperatives participating in the Central GOA of Alaska Rockfish Program; and from the AFA Bering Sea Pollock fishery cooperatives (including IPA reports on Chinook salmon bycatch avoidance measures). Throughout the course of this review the Council noted the variability in information being reported by each entity, both in written and oral reports. The Council requested that staff provide a discussion paper listing the regulatory requirements for cooperative reports, as well as a summary of what is usually reported, and some suggested additions based on comments and concerns noted by the Council during the report review. The Council intends to provide the industry further direction on what additional information would be most useful to include in written and verbal reports in order to best understand the function and results of each program. This would ideally provide a non-regulatory means to enhance these reports to better meet the needs of the Council and stakeholders in annually reviewing them. Staff contact is Chris Oliver or Jon McCracken.

# Scallop Management

The Council reviewed the annual stock assessment fishery evaluation (SAFE) report providing an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition. The SSC recommended an acceptable biological catch (ABC) level of 1.161 million pounds shucked scallop meats for the 2013/14 fishery. This ABC level is established statewide for the fishery and presents the maximum permissible ABC control rule.

The SSC noted some concerns with declining harvests following a decrease in guideline harvest levels for several regions due to indications of low recruitment, declining catch-per-unit-effort (CPUE) and other indications of management concern by the State. The SSC endorsed the Scallop Plan Team's recommendation to hold a workshop for discussing the management of data-poor stocks such as weathervane scallops, which are managed using primarily fishery-dependent data. The goal of the workshop would be to move forward on other techniques for estimating biological reference points (such as productivity-susceptibility analysis, depletion-corrected average catch) as well as additional management strategies employed elsewhere for scallop stocks such as rotational closures. The Council indicated its support for such a workshop. The Scallop SAFE report and Scallop Plan Team report are posted on the Council's website. Staff contact is Diana Stram.



# Research Priorities

The SSC reviewed research priorities submitted by the Joint Groundfish Plan teams and the Scallop Plan team and received reports from staff on a new process for reviewing, organizing and prioritizing research priorities on an annual basis. The SSC provided input to staff on the development of a relational database for organizing information relevant to research priorities and will continue to provide input to staff prior to the June Council meeting when research priorities are annually recommended to the Council for their review. Per SSC request, the Council moved to agenda a discussion of the Council's management priorities in conjunction with the June meeting to begin the process of annually defining these for use in both Council discussions of priority items as well as annual advice to the SSC. This would assist the SSC in their ability to highlight research which best meets the Council's current priority objectives for management. The Council requested that staff assemble information to assist the Council in their review, such as available policy-level tools like the groundfish workplan, compilation of recent council actions and other information that would assist them indicating their current management objectives. Additional research priorities from the Crab Plan Team will be available for review in June. At that time the SSC will combine and prioritize research priorities to forward to the Council for their review and recommendations. Staff contact is Diana Stram.

## CQE Small Block Restriction

The Council took final action on an amendment to remove a limitation that restricts community quota entities (CQEs) from purchasing small blocks of halibut and sablefish quota share (QS) in the Gulf of Alaska. The Council selected a preferred alternative that would allow CQEs to purchase any size block of quota share. The Council also adopted a modified problem statement emphasizing that removing the small block restriction is an incremental step in addressing the continued decline in the number of IFQ holders in small GOA fishery dependent coastal communities. During discussion, the Council highlighted the importance of providing a mechanism that allows former residents of CQE communities to sell their small blocks of QS to the CQEs that exist to preserve fishing opportunities for the residents of their home community.

The Council took into account the potential for this action to impact halibut and sablefish participants who do not live in CQE-eligible communities, particularly new entrants and small-vessel operators who did not receive large initial quota allocations. The Council noted that halibut quota for the smallest vessel class (Category D shares) would remain largely restricted from CQE purchase in Area 3A, and completely restricted in Area 2C. In addition, CQEs will remain limited to owning no more than 10 blocks of halibut quota and 5 blocks of sablefish quota in any one management area, which effectively preserves an amount of catcher vessel QS for purchase by individuals. Finally, discussion reflected a low likelihood that removing the small block restriction would have a direct impact on the price of quota share. Staff contact is Sam Cunningham.

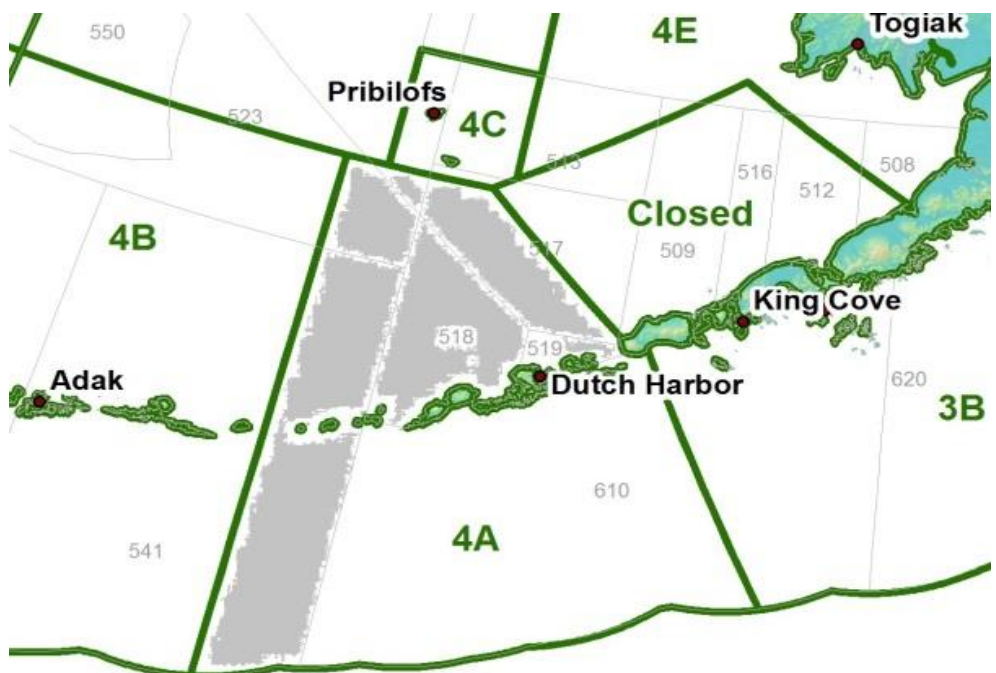
## Legal Gear for Halibut in 4A

The Council reviewed an expanded discussion paper on issues pertinent to a proposal to allow Area 4A halibut IFQ harvests to be retained in Bering Sea and Aleutian Islands sablefish IFQ pots (in the area of overlap between the halibut and sablefish regulatory areas – see map) and decided to recommend the proposed action to the International Pacific Halibut Commission. The Council noted the conservation benefit to the Pacific halibut resource by decreasing halibut mortality associated with current mandatory discards. The IPHC likely will schedule action on the proposal in January 2014, as regulating legal gear for halibut retention is under its management authority. Federal (and State of Alaska) regulations also would need to be revised to identify pots as legal gear, which requires a regulatory analysis and proposed and final rulemaking. Both sets of regulations would be timed to become effective simultaneously (2015 at the earliest). The Council noted it may consider adding management tools if the IPHC adopts the proposed action; possible tools include a discard mortality rate for the sablefish IFQ fishery and/or a maximum retainable

allowance (MRA), with a range between not implementing a MRA to 100% retention of halibut in the affected fishery. Two papers that were reviewed by the Council on this issue are posted on the Council website. Contact Jane DiCosimo for more information.

## Bering Sea Sablefish Quota

The Council reviewed a discussion paper on potential action to revise management of sablefish in order to attain higher optimum yield under the 2 million metric ton cap on BSAI Groundfish TACs. The Council reviewed two potential approaches to reapportion BS sablefish trawl TAC, which is allocated 50% of the total BS sablefish TAC under the FMP. The trawl fisheries take less than 10 percent of that allocation. A commercial fishing representative requested that the Council consider industry guidance at its October meeting. The Council took no action but will schedule an industry report under the proposed groundfish harvest specification agenda item in October 2013. Jane DiCosimo is the staff contact for BSAI groundfish issues.



Shaded area considered in proposal to allow Area 4A halibut IFQ harvests to be retained in Bering Sea and Aleutian Islands sablefish IFQ pots.