



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

December 8, 2015

Agenda B-2: NMFS Management Report

Status of Actions Report online

A status of Actions report is provided in **Attachment 1** and is updated daily at:
<http://alaskafisheries.noaa.gov/sustainablefisheries/status/amendments.pdf>.

Progress on Rulemaking

Highlights on progress since the June 2015 meeting include:

- Advance Notice of Proposed Rulemaking to Establish a Control Date for the Bering Sea and Aleutian Islands (BSAI) Trawl Limited Access Fishery for Yellowfin Sole.
Published November 19, 2015: <http://alaskafisheries.noaa.gov/prules/80fr72408.pdf>
- Advance Notice of Proposed Rulemaking to Establish a Control Date for Aleutian Islands (AI) Trawl Groundfish Fisheries.
Published November 30, 2015: <http://alaskafisheries.noaa.gov/prules/80fr74744.pdf>

Notice of Availability and Proposed Rule for Amendment 44 to the BSAI King and Tanner Crab FMP - Revise the BSAI Crab Rationalization Program right of first refusal (ROFR) provisions.

Notice of Availability – October 9, 2015 - Comment through December 8, 2015

<http://alaskafisheries.noaa.gov/prules/80fr61152.pdf>

Proposed Rule – October 22, 2015 -- Comment Period Closed

<http://alaskafisheries.noaa.gov/prules/80fr63950.pdf>

- Notice of Availability and Proposed Rule for Amendment 111 to the BSAI FMP - Revise halibut bycatch limits in the BSAI. November 16, 2015
Notice of Availability – October 29, 2015 – Comment through December 28, 2015
<http://alaskafisheries.noaa.gov/prules/80fr66486.pdf>
Proposed Rule – November 16, 2015 – Comment through December 16, 2015
<http://alaskafisheries.noaa.gov/prules/80fr71650.pdf>



- Proposed Rule for the 2016-2017 Groundfish Annual Harvest Specifications for the BSAI and the Gulf of Alaska (GOA)
BSAI Proposed Rule – December 9, 2015
GOA Proposed Rule – December 9, 2015
([Links not yet available](#))

Final 2016 Observer Annual Deployment Plan (ADP)

The Final 2016 ADP describes how observers will be deployed in the partial coverage category of the North Pacific Groundfish and Halibut Observer Program (Observer Program). The Draft 2016 ADP was released in September 2015 and was reviewed by the Council’s Groundfish Plan Teams and Observer Advisory Committee (OAC). The Council reviewed and expressed its support of the Draft 2016 ADP during its October 2015 meeting. The Final 2016 ADP is posted at: <http://alaskafisheries.noaa.gov/sustainablefisheries/observers/final2016adp.pdf>.

The key changes are summarized here. In the Final 2016 ADP, NMFS will use the trip-selection method as the sole method of assigning observers to fishing events. The three sampling strata in the 2016 Final ADP will be:

- *Trawl trip-selection pool*: This pool comprises all catcher vessels fishing trawl gear on a trip.
- *Hook-and-line trip-selection pool*: This pool comprises vessels in the partial coverage category that are greater than or equal to 40 ft length overall (LOA) that are fishing hook-and-line gear.
- *Pot trip-selection pool*: This pool comprises vessels in the partial coverage category that are greater than or equal to 40 ft LOA that are fishing pot gear.

The Final 2016 ADP NMFS projects deployment rates, using optimal allocation, for the three trip-selection strata very similar to those presented in the Draft 2016 ADP. They are:

28% for the trawl trip-selection pool;
15% for hook-and-line trip-selection pool; and
14% for the pot trip-selection pool.

In the Final 2016 ADP, the “no selection pool,” which is the pool of vessels that will have no probability of carrying an observer on any trips for the 2016 fishing season, will be composed of two categories:

- Catcher vessels less than 40 ft LOA, or vessels fishing with jig gear;
- *EM selection pool*: fixed gear vessels that elected to opt-in to the EM selection pool. A total of 58 vessels that have opted-in will participate in the 2016 EM cooperative research and carry EM as described in the EM pre-implementation plan.

NMFS has modified the Final 2016 ADP and will make no changes to ODDS in 2016. Users will be able to log up to three trips in advance. In addition, there will be no change to the programming in ODDS that automatically releases a trip from observer coverage if the two

previous trips were observed trips (i.e., if two trips in a row were observed and a third trip was selected, then the third trip will be released from coverage).

Under the Final 2016 ADP, NMFS will not grant any conditional releases or temporary exemptions to any vessels subject to observer coverage for life raft capacity. Instead, NMFS will mitigate the impact of human observation on vessels through the EM pre-implementation plan and place vessels into the EM selection pool with no requirement to carry an observer. Vessels that had received a conditional release in a previous year (2013, 2014, and 2015) had an opportunity to opt-in to the EM selection pool and were given priority to participate in the EM research.

Supplemental Information Report (SIR) for the 2004 Programmatic Supplemental Environmental Impact Statement (2004 PSEIS)

Council and NMFS staff completed the SIR, which evaluated the need to supplement the 2004 PSEIS. The National Environmental Policy Act (NEPA) requires agencies to prepare a supplemental environmental impact statement (EIS) if the agency (1) makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. In April 2014, the Council evaluated the information in the draft SIR, and concluded that a supplemental EIS was not required. We invited public comments on the draft SIR and respond to the comments in the final SIR. We finalized the SIR and determined that the 2004 PSEIS continues to provide NEPA compliance for the groundfish FMPs and no new EIS is required at this time. The SIR is posted at <http://alaskafisheries.noaa.gov/sustainablefisheries/seis/>.

Cost Recovery Programs for Aleutian Islands Pollock, Amendment 80, American Fisheries Act, and Community Development Quota Programs

By mid-December 2015, we expect publication of a final rule to implement cost recovery programs for the Aleutian Islands pollock, Amendment 80, American Fisheries Act, and CDQ Programs. We plan to send out additional documentation in the coming weeks to Amendment 80 vessel owners and shoreside processors and motherships that process BSAI Pacific cod describing their obligations to begin tracking catch and deliveries in 2016. These volume and value reports are not due until November 10, 2016. Persons subject to cost recovery under these programs would be responsible to submit fees by December 31, 2016. We would determine the amount of fees due on December 31, 2016 based on management costs incurred from the effective date of the final rule (likely mid-January 2016) through September 30, 2016. Fishery participants subject to cost recovery fees should plan their business operations appropriately in 2016 to accommodate these fees and additional reporting requirements. The final rule will be posted on the NMFS Alaska Region website as soon as it is available.

Halibut and Sablefish IFQ Program Cost Recovery Fee Percentage for 2015

Under the IFQ Program cost recovery program, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The fee percentage for 2015 is 3.0 percent. Section 304(d)(2)(B) of the Magnuson

Stevens Act specifies a maximum fee percentage of 3 percent of the ex-vessel value of fish harvested under an IFQ Program. NMFS calculates the fee percentage by dividing the annual incremental costs of management, monitoring, and enforcement for the IFQ Program by the standard ex-vessel value of the catch subject to the IFQ Program cost recovery fee for the current year.

The 2015 fee percentage of 3.0 percent is an increase of 0.4 percent from the 2014 fee liability of 2.6 percent. The change in the fee percentage from 2014 to 2015 is due to an increase in management and enforcement costs for NMFS, ADF&G, and the IPHC of approximately \$1,000,000. These costs primarily reflect the addition of staff to the NOAA Office of Law Enforcement, additional costs needed to maintain the interagency Internet-based landings system used for the IFQ program, and increased costs for the IPHC port sampling program. The value of halibut and sablefish harvested under the IFQ Program increased by \$7,000,000 from 2014 to 2015, and offset some of the increase in management and enforcement costs.

NMFS Alaska Region Website Design

We are planning to launch a new and improved web site in mid-December 2015. The new website will provide improved navigation and performance and be more compatible for use with mobile devices. The main website link will continue to be <http://alaskafisheries.noaa.gov/>. All information on the current website will be migrated to the new website and presented in a streamlined and more user-friendly format.

Attachment 1: Status of Actions
(Changes since October 2015 Council meeting in red)

B2 NMFS Report
December 2015

FMP Amendment Status	Lead Council and SF Staff	Date of Council Final Action	Start Regional Review	Received by GCAK	Transmittal Date of Action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published in <i>Federal Register</i>	Proposed Rule Published in <i>Federal Register</i>	Final Rule or Notice of Approval Published in <i>Federal Register</i>
Amendment 44 (KTC) BSAI Crab ROFR Decision Date: January 7, 2016	Marrinan Baker	October 2014	PR: 01/05/15	PR: 01/08/15	PR: 10/2/2015	Oct 9, 2015 80 FR 61152 EOC: 12/08/15	Oct 22, 2015 80 FR 63950 EOC: 11/23/15	
Amendment 101 (GOA) Allow port longline gear in GOA sablefish IFQ Fishery	Cunningham Murphy	April 2015						
Amendment 102 (GOA) Revise allowances for small catcher/processors to be in the partial observer coverage category	Eich	June 2015	PR: 09/30/15	PR: 10/2/15				
Amendment 109 (BSAI) - CDQ Small Vessel Groundfish Fishery	Marrinan Bibb	February 2015	PR: 08/11/15	PR: 08/21/15				
Amendment 110 (BSAI) Salmon prohibited species catch management in the Bering Sea pollock fishery	Harrington Stram	April 2015	PR: 09/18/15	PR: 09/28/15				
Amendment 111 (BSAI) Revise halibut prohibited species catch limits	Evans McKeen	June 2015	PR: 08/28/15	PR: 08/28/15	PR: 10/23/15	Oct 29, 2015 80 FR 66486 EOC: 12/28/15	Nov 16, 2015 80 FR 71650 EOC: 12/16/15	
Amendment 113 (BSAI) Aleutian Islands Pacific cod shoreplant delivery requirements	McCracken Scheurer	October 2015						

Regulatory Amendment Status	Lead Council and SF Staff	Date of Council Final Action	Start Regional Review	Received by GCAK	Transmittal Date of Action to NMFS HQ for Review	Proposed Rule Published in <i>Federal Register</i>	Final Rule Published in <i>Federal Register</i>
Changes to authorized cost recovery fee payments (Halibut & Sablefish, and Crab IFQ)	Kent	NMFS initiated	PR: 10/28/15	PR: 10/28/15			
Cost recovery for AFA, Amendment 80, AI pollock, and CDQ program	Brannan Harrington	NMFS initiated -MSA Mandate-	PR: 08/22/14 FR: 04/23/15	PR: 08/29/14 FR: 05/01/15	PR: 12/09/14 FR: 12/04/15	January 7, 2015 80 FR 936 EOC: 02/06/15	
Revise Skate MRAs for GOA Groundfish	MacLean Murphy	December 2014	PR: 04/29/15 FR: 09/02/15	PR: 05/05/15 FR: 09/03/15	PR: 06/22/15	July 10, 2015 80 FR 39734 EOC: 08/10/15	
Western Aleutian Islands Golden King Crab Full Offload Delivery Exemption	Marrinan Kent	October 2015					
2016 and 2017 BSAI Harvest Specifications	Stram Whitney	December 2015	PR: 10/16/15	PR: 10/19/15	PR: 11/24/15	PR: 12/09/15	
2016 and 2017 GOA harvest specifications	Armstrong Davis	December 2015	PR: 10/15/15	PR: 10/19/15	PR: 11/24/15	PR: 12/09/15	