

North Pacific Fishery Management Council

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Certified Richard B. Lauber
Richard B. Lauber, Chairman
Date Oct 18, 1999

MINUTES

**138th Plenary Session
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
April 21-26, 1999
Hilton Hotel
Anchorage, Alaska**

The North Pacific Fishery Management Council met April 21-26, 1999, at the Hilton Hotel in Anchorage, Alaska. The Scientific and Statistical Committee met April 19-20, and the Advisory Panel met April 19-22, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

Council

Richard Lauber, Chairman
Dennis Austin for Jeff Koenings
RADM Cross/CAPT Vince O'Shea
Linda Behnken
David Fluharty
Dave Hanson
Joe Kyle

Walter Pereyra, Vice Chair
Bob Mace for J. Greer
Kevin O'Leary
Steve Pennoyer
H. Robin Samuelson, Jr.
Dave Benton for Frank Rue

NPFMC Staff

Clarence Pautzke, Executive Director
Darrell Brannan
Jane DiCosimo
Chuck Hamel
David Witherell

Chris Oliver, Deputy Director
Helen Allen
Gail Bendixen
Linda Roberts

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Support Staff

Lisa Lindeman/Jon Pollard NOAA-GCAK
Earl Krygier, ADFG
Sue Salvesson, NMFS-AKR
Jay Ginter, NMFS-AKR
John Lepore, NMFS-AKR
Lowell Fritz, NMFS-AFSC
Sally Bibb, NMFS-AKR
John Sproul, NMFS-AKR

Steve Meyer, NMFS Enforcement
Kent Lind, NMFS-AKR
Andy Smoker, NMFS-AKR
Tim Ragen, NMFS-AKR
Rich Ferrero, NMFS-NMML
Gretchen Harrington, NMFS-AKR
Shane Capron, NMFS-AKR
Michael Payne, NMFS-AKR

Scientific and Statistical Committee

Richard Marasco, Chair
Keith Criddle
Doug Eggers
Steve Hare
Sue Hills
Dan Kimura for Jim Balsiger

Jack Tagart, Vice Chair
Steve Klosiewski
Seth Macinko
Terry Quinn
Hal Weeks

Advisory Panel

John Bruce, Chair
Erica Acuna
Ragnar Alstrom
Dave Benson
Tim Blott
Al Burch
Craig Cross

Dan Falvey
Kris Fanning
Stephanie Madsen, Vice Chair
Dave Fraser
Arne Fuglvoag
Steve Ganey
Justine Gundersen

Spike Jones
Melody Jordan
Teresa Kandianis
Hazel Nelson
Jeff Stephan
Robert Ward
Lyle Yeck
Grant Yutrzenka

Other Attendees

The following people signed the attendance register:

Jerry Aiken
Bill Wolter
Steve Vanek
Sean Martin
Tony Hillegest
Mike Bethers
Tom Ohaus
Randy Moses
Ken Tippett
Patrick A. Day
John Iani
Doug Ogden
Peter Griffith
Jack Hill

Thorn Smith
George Hiller
Shirley Marquardt
Glenn Merrill
Shari Gross
Krag Johnsen
Dan T. Fogg
Peggy E. McNees
David Pinguoch
Gordon Blue
Steve Toomey
Leif Nordbo
Alec Brindle
Martin Spargo

David Spodobalski
Greg Balogh
Edward Melvin
Aimee Kniazowski
Brent Paine
Jim Chase
Paul Clarke
Deborah Swenson
Glenn Reed
Sinclair Wilt
Scott Diener
Steve Hughes
John Henderschedt
Gail K. Vick

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Bill Jacobson	Kent Helligso	Carol Foster
John Dooley	Jeff Stephan	Miriam Olson
Rion Vanele	Miriam Olson	Lisa Wilson
Jim McManus	Ken Roemhildt	Suzanne Ishii-Regan
Phil Cotter	Ruel Holmberg, Sr.	John Young
Joe Plesha	Ellen Lockyer	Jude Henzler
Tom Abel	Heather McCarty	Ian Pitzmar
Simeon Swetzof, Jr.	Harold R. Fencil	Kari Toivola
Frank Kelty	Bryce Edgmon	Tim Gerding
Charles Bingham	Steve Grabacki	Bob Alverson
Phillip Lestenkof	Matt Doherty	Denis P. Cox, Sr.
Al Burch	Joe Bersch	Marcus Alden
Rick Mezich	Terry Leitzell	Arni Thomson
Margie Bauman	Beth Stewart	Enoch Shieff
Russell Sinnott	Art Holmberg	Linda Kozak
Barry B. Ohai	Dwain A. Foster, Sr.	George Sookiayak
		Joe Childers

A list of those who gave public comment during the meeting is found in Appendix I to these minutes.

A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S)

Chairman Rick Lauber called the meeting to order at 8:15 a.m. on Wednesday, April 21, 1999.

Agenda and Minutes. The agenda was approved as submitted, with some schedule changes. Approval of the minutes of the November and December 1998 and February 1999 meetings was held until the end of the meeting for comments, with approval assumed if no changes were submitted.

Advisory Panel Officers. The Council confirmed the re-election of John Bruce and Stephanie Madsen as Chair and Vice Chair, respectively, of the Advisory Panel.

B. REPORTS

The Executive Director's report (B-1), reports on the status of the fisheries by ADF&G (B-2), NMFS (B-3), and enforcement reports by NMFS and the Coast Guard (B-4), were submitted in written form.

Discussions resulting from reports

NMFS. With regard to the amendment to require retention of DSR in the fixed gear fisheries, NOAA General Counsel advised that the Council cannot require the fish to be landed in Alaska or that inshore processors be required to accept the surrendered DSR. General Counsel and NMFS are currently working on an acceptable solution, but advised the Council that further work on the amendment should be temporarily suspended. Linda Behnken pointed out that the intent of the action was to provide a full accounting of the fish and to eliminate waste, not to require that the fish be landed in Alaska.

NMFS staff advised the Council that the bycatch rates under the VIP program will continue as currently in force unless the Council has other recommendations.

With regard to a current project between NMFS and ADF&G to develop an electronic shoreside delivery report, NMFS indicated that they hope to have the program implemented by 2000.

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NMFS reported that for the VMS program for the Atka mackerel fleet, NMFS initially will lend units to the fleet since they cannot require industry to purchase units until national specifications are approved. The national specifications are still under development by NMFS.

Linda Behnken asked about progress on the skipper licensing program initially discussed under the LLP, but later put on a separate time track. NMFS staff indicated that the shoreside electronic reporting program being prepared will aid in collecting this information. With regard to the at-sea fleet, the logbooks document the vessel operator, and for mothership operations fish tickets are required. Ms. Behnken pointed out that the Council passed a program to collect this information and urged that that be kept in mind when the current database is being developed for the electronic reporting program.

IPHC Report. Bob Trumble reviewed a number of items the Commission discussed during their recent annual meeting. In a written summary, the following items were discussed: (1) Commission support for the use of Local Area Management Plans; (2) reauthorization for an experimental halibut fishing quota of 20,000 lbs for the exploration of fishing opportunities in the Chukchi Sea; (3) approval of a regulation for 1999 that requires accounting of the number and weight of undersized halibut taken and retained in the Area 4E CDQ fisheries; (4) comments on Area 4D CDQ halibut to be fished in Area 4E; (5) collection of halibut landings data; (6) concern that target reductions in bycatch mortality have not yet been achieved; (7) discussion of landing of live fish, penning of fish for subsequent sale, or penning for the purpose of aquaculture; (8) establishment of a working group to address possible changes in season length; and (9) involvement of IPHC staff in various Council committees. The IPHC also stressed its intent that the Council and IPHC continue to meet jointly on an annual basis. Council members agreed to meet with the IPHC again in October.

FORMAT FOR COUNCIL MEETING MINUTES:

Each agenda item requiring Council action will begin with a copy of the original “**Action Memo**” from the Council meeting notebook. This will provide a “historical” background leading up to the current action. This section will be set in a different type than the actual minutes. Any attachments referred to in the Action Memo (e.g., C-1(a), etc.) will not be attached to the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be the **reports** of the Scientific and Statistical Committee, Advisory Panel, and any other relevant committee or workgroup on the subject. And, last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 Halibut Charter GHL

ACTION REQUIRED

Review GHL/moratorium discussion paper and give staff direction for analysis.

BACKGROUND

In December 1997, NMFS notified the Council that its GHL approved in September 1997, could not be implemented without companion measures to control halibut charter catches. The Council then formed the GHL Committee to develop measures that would be triggered once the GHL was exceeded. The Council approved the committee's recommendations with minor revision in April 1998 and requested a discussion paper from staff. The committee reviewed the discussion paper on January 12, 1999, and revised the alternatives, which now incorporate a new proposal from the State of Alaska, and other staff recommendations.

There have been several iterations of alternatives. On page 5-6 in the discussion paper is the Council's list from April 1998. Page 20 has a suggested revision. The GHL Committee minutes of January 12, 1999 have further revisions. The most current set of alternatives, that we will use as a point of departure at this April 1999 meeting, is that recommended by the AP in February and sent out with the newsletter as attachment 2. That list, along with comments of the AP and SSC, directly follows this action memo as Table 1. Item C-1(a) has the remaining materials from February including the discussion paper, committee minutes, State of Alaska proposal, preliminary results from the 1998 charter vessel logbook program, and public comments .

The Council needs to review the above materials, and the IPHC comments under Item C-1(b), and then decide which alternatives to analyze. Initial review is scheduled for October and final action in December. The Council needs to give staff direction on the following issues.

Best Available Data

In its October 1997 approval of the GHL, the Council recommended developing a halibut charter logbook to collect information that was unavailable in the original charterboat analysis. In 1998, ADF&G Sportfish Division instituted a charter vessel logbook program for a variety of saltwater fish, including halibut. The 1998 logbook program results are summarized in Item C-1(c), which is in your supplemental folders. Tables 3, 5, 8, and 9 are particularly relevant to the GHL/moratorium discussion.

To keep the timeline for initial review in October 1999, the Council may choose to recommend using 1998 logbook estimates or 1997 statewide harvest survey (SWHS) estimates in the analysis. The 1998 SWHS results will not be available until September 1999. Insufficient time is available to compare the 1998 logbook and SWHS, prepare the analysis using the data set identified as being the best estimator of charter removals, and send the document out for initial review in October.

The Sportfish Division intends to complete three years of comparisons between logbook data and independent estimates provided by the division's creel surveys and SWHS project before reaching any conclusion about the accuracy of the logbook reports. The first step in this process of validation of participation and harvest values will not be completed until fall 1999 when the estimates from the SWHS project will be completed. Until the division has completed three years of comparisons, information from the logbooks should be used with some caution.

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For the analysis, ADF&G staff recommends that the Council use the 1998 logbook data as the best information available (the only data currently available for 1998) and reevaluate the GHL program as the data are revised. Following the Council's current timeline, validation of the 1998 logbook data will not occur until after our initial review of the GHL analysis in October 1999. A comparison of the two survey vehicles may be possible between initial review and final action; however, it is unlikely that the alternatives could be completely re-analyzed by the December 1999 meeting. It should be noted that the two surveys may differ enough to significantly alter the outcome of the analysis. The Council may find itself faced with final action on an analysis of one set of data and possibly inconsistent results from the two surveys.

The issue of best available data could be resolved by allowing sufficient time for logbook data validation to be made prior to development of the analysis. ADF&G staff could report to the Council in October on the results of the comparison. Preliminary results of the 1999 logbook program may also be available then. Two additional State reports prepared this summer could also be incorporated into the analysis. A draft report of the recreational halibut fishery in Southcentral Alaska (Area 3A) that summarizes the harvest composition from the 1994-97 fisheries will be available in August 1999; the last published report was for the 1993 season. Additionally, vessel-specific harvest and effort information from the on-site creel survey could be compared with individual vessel logbooks.

Initial review and final action could be scheduled for December 1999 and February 2000. This schedule will not impede the ability of NMFS to implement the necessary regulations for 2001. It has been the Council's previously stated intent that any management measures necessary to keep the charter harvests under the appropriate GHL become effective only at the beginning of a season.

Should the Council decide to proceed with analysis over the summer, it may wish to consider the following pros and cons to using each data set in the context of the GHL and moratorium analyses.

1998 Charter Vessel Logbook

- Pro:**
- is recommended by ADF&G staff to be the only current data to provide an accurate estimate of harvest, in the absence of the 1998 SWHS results.
 - may be able to compare with 1998 mail survey results prior to final action in December 1999.
- Con:**
- first year of data collection may have some start-up problems.
 - may not have captured all known (via CFEC licenses, IPHC licenses, etc.) licensed charter operators.
 - estimates have not been compared with SWHS results.

1998 Annual Mail Survey

- Pro:**
- will provide the most current estimate of harvest using a data set consistent with the collection methodology that was the basis for the Council's 1997 decision.
- Con:**
- data not available until September 1999.

1997 Annual Mail Survey

- Pro:**
- uses the same data collection methodology as was used to determine catch in 1995; less sampling bias.
- Con:**
- using 1998 data may be more appropriate; however that would require rescheduling initial review to December 1999.

1995 Annual Mail Survey

- Pro:** • is the basis for the October 1997 Council decision to approve the GHL.
Con: • no longer the most current information available upon which to base an allocation.
• current charter landings, based on 1998 logbook data, may exceed the GHL in Area 2C.

A second data issue arises once the comparison between the SWHS and logbook occurs and the decision is made as to which data set to use. The original charterboat analysis is based on estimates from the 1995 SWHS. A decision to use the 1998 logbook estimates to measure the charter harvests against the GHL may introduce sampling bias (mixing apples and oranges). As stated above, we don't yet know whether using the logbook estimates against the SWHS-based GHL is appropriate. However, updating the GHL concept to use the 1998 logbook data as the base year may require additional analysis. If ADF&G decides to monitor the halibut harvests under a GHL using logbook data in the future, it may be best to base the initial allocation on the same data collection methodology (i.e., the 1998 logbook data). This additional analysis could be incorporated between now and October or December 1999.

Separation of Moratorium from Other Harvest Controls

As you will recall, the Council approved a control date of April 27 last year and, based on recommendations from the GHL committee and in public comments, added a proposed moratorium to the list of alternatives. The control date of June 24, 1998, was finally published as an Advanced Notice of Proposed Rulemaking in the Federal Register on that date.

The moratorium may help address overcapitalization in the long run, but in the near to mid-term, it will do little to control charter vessel harvests. Therefore, the staff suggests that the Council consider making any proposed moratorium, area-wide or local, a stand-alone alternative (#5), and remove it from the other alternatives. Local moratorium options are being considered by the Board of Fisheries on a different schedule. Additionally, separating the moratorium would simplify and speed the analysis of the remaining alternatives.

The moratorium issue is further complicated by the State of Alaska's opposition to state-wide or area-wide moratoria. The State has indicated its support of local moratoria in the local area management plan process. An issue of whether an area-wide or LAMP-level moratoria would have precedence remains unresolved and further complicates any moratorium analysis. The State LAMP process is on hold while the Council debates area-wide moratoria, and the Council development of a moratorium is confounded by the separate Board of Fisheries initiative.

One issue involving best available data as discussed above is affected by the Council's recommendation on the moratorium issue. The main qualification criteria in the current list of proposed alternatives for a moratorium require a 1998 logbook as a minimum qualification criteria. The 1998 logbook report identified approximately 1,250 vessels that were licensed in Southeast Alaska in 1998 by CFEC, but ADF&G issued logbooks to only 910 vessels, and 607 logbooks were returned indicating "active" vessels. Similarly, in Southcentral Alaska, approximately 1,320 vessels had 1998 CFEC licenses, but only 655 vessels were issued logbooks, and 515 logbooks were returned. While active sport charter vessel owners were required by ADF&G to obtain logbooks, staff has concerns about public notification and the potential for appeals by owners of vessels who did not contact ADF&G for a logbook, as required by regulations for sportfishing guides. We continue to receive calls from both active and inactive (in 1998) charter vessel owners regarding this criterion.

To finalize the preliminary 1998 data, ADF&G imposed a cutoff of January 7, 1999, for receiving 1998 logbooks; there are 1998 logbooks that have been submitted but are not included in the ADF&G report. This cut-off also serves to discourage late-reporting or speculation by truly inactive vessel

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owners. A deadline of January 15, 2000 is now listed on the 1999 logbooks. Staff has concerns about falsification of logbooks, slightly upwards (one logbook could potentially qualify an inactive vessel in a proposed moratorium) and downwards (from under-reporting halibut harvests from active vessels misreporting to keep the fleet under the GHL). Resolution of the State vs. Federal moratorium issue and the development of an adequate database upon which to make such a decision may be to separate the moratorium analysis from the GHL analysis entirely since they address two separate management issues.

Report of the Scientific and Statistical Committee

The SSC only addressed the issue of halibut charter logbooks. The SSC supported postponing initial Council review of the halibut GHL analysis until December so that more current data can be integrated.

Report of the Advisory Panel

The AP did not address this issue at this meeting. However, at the February 1999 meeting, they provided the following recommendations:

The AP requests the Council move forward with the Halibut Charter GHL analysis with the following revised list of alternatives and options:

Halibut Charter GHL Management Alternatives

As recommended by the Advisory Panel

February 1999

Alternative 1: Status quo. Do not develop regulations to implement a halibut Guideline Harvest Level.

Alternative 2: Convert the GHL to an allocation.

The guided sport halibut fishery would be allocated 12.76% of the combined commercial and guided sport halibut quota in area 2C, and 15.61% in Area 3A. The commercial fishery would be allocated 87.24% and 84.39% of the combined quota in Areas 2A and 3C, respectively. Under a GHL as an allocation, the guided sport fishery would close when that sector reached its allocation.

Option A: Area-wide moratorium

Sub-option: Prohibit new charter licenses upon attainment of the GHL.

Option B: Local moratorium

Alternative 3: Convert the GHL to an allocation range.

The allocation range will have an upper and lower limit and would be a fixed amount expressed in numbers of halibut. The allocation range would be set by IPHC Areas 2C and 3A. Some or all of the management measures listed below would be implemented up to 2 years after attainment of the GHL (1 year if data is available), but prior to January 1 for industry stability. If the guided sport halibut harvest exceeds the upper limit of the range in a year, the guided sport fishery would be restricted to reduce the harvest back within the allocation range using management actions listed below. If the guided sport halibut harvest is restricted and the harvest is reduced below the lower limit of the range guided sport fishery management measures would be liberalized to increase the harvest back within the allocation range.

- line limits
- annual angler limit
- vessel trip limit
- super-exclusive registration
- sport catcher vessel only area
- sportfish reserve

Option A: The upper limit of the allocation range would be set at 125% of the 1995 guided sport halibut harvest. The lower limit of the allocation range would be set at 100% of the 1995 guided sport halibut harvest.

Sub-option 1: Reduce the guided sport halibut allocation to a target range of 75-100% of base year amount during times of significant stock decline. This reduction would be IPHC area specific and would occur in any year that the guided sport allocation exceeds a specified percentage of the combined commercial and guided sport TAC. Percentages to be analyzed should include:

- a. 15%
- b. 20%
- c. 25%

Option B: The upper limit of the allocation range would be set at 125% of the 1998 guided sport halibut harvest. The lower limit of the allocation range would be set at 100% of the 1998 guided sport halibut harvest.

Sub-option 1: Reduce the guided sport halibut allocation to a target range of 75-100% of base year amount during times of significant stock decline. This reduction would be IPHC area specific and would occur in any year that the guided sport allocation exceeds a specified percentage of the combined commercial and guided sport TAC. Percentages to be analyzed should include:

- a. 15%
- b. 20%
- c. 25%

Option C: Moratorium (applies to all of the above)
a. area-wide
b. local

Alternative 4: Under a GHL, apply a range of management measures listed below to curtail catch rates of guided anglers once GHL is attained.

The GHL functions as a cap. Apply management measures up to 2 years after attainment of GHL (1 year if data is available, but prior to January 1 for industry stability).

- line limits
- boat limit
- annual angler limit
- vessel trip limit
- super-exclusive registration
- sport catcher vessel only area
- sportfish reserve
- rod permit

Option A: Area-wide moratorium

Sub-option: Prohibit new charter licenses upon attainment of the GHL.

Option B: Local moratorium

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Alternative 5: Moratorium (2C and 3A).

- Option A: area-wide moratorium
- Option B: local moratorium

The criteria for an area-wide halibut charter moratorium under Alternatives 2, 3, 4, and 5 are:

Years of participation

- Option 1: 1995, 1996, and 1997 IPHC licenses and 1998 logbook
- Option 2: 2 of 3 years (1995-97) plus 1998 logbook
- Option 3: 1 of 3 (1995-97), plus 1998 logbook
- Option 4: license or logbook in any one year (1995-98)

Owner vs Vessel

- Option 1: owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)
- Option 2: vessel

Evidence of participation

- mandatory:
 - IPHC license (for all years)
 - CFEC number (for all years)
 - 1998 logbook
- supplementary:
 - Alaska state business license
 - sportfish business registration
 - insurance for passenger for hire
 - ADF&G guide registration
 - enrollment in drug testing program (CFR 46)

Vessel upgrade

- Option 1: license designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at # of people, not vessel size)
- Option 2: allow upgrades in Southeast Alaska (certified license can be transferred to similar sized vessel)

Transfers

- will be allowed

Duration for review

- Option 1: tied to the duration of the GHL
- Option 2: 3 years
- Option 3: 5 years (3 years, with option to renew for 2 years)

The AP recommends the analysis include discussion of the feasibility and mechanism available to allow rollover of uncaught IFQ to the guided sport halibut harvest. The analysis should also include a list of the communities in Areas 2C and 3A developing tourism-related charter industry businesses, communities with LAMPs in process, and a discussion of the impacts of the five listed alternatives on those communities.

The AP further recognizes the need to facilitate and move LAMPs forward as quickly as possible and requests the Council respectfully request the Board of Fisheries facilitate and expedite this process.

DISCUSSION/ACTION

The Council received staff reports on the analysis and data collection from Jane DiCosimo, Council staff, and Rob Bentz, ADF&G staff. They also received a summary of IPHC's plan for calculation of GHLS and a caution that the issue of when the GHLS is likely to be limiting on catch by the guided sport sector may not be clear to all participants. The Council also received recommendations from their Halibut GHLS Committee at the February 1999 meeting.

Linda Behnken moved to initiate analysis of Alternatives 1-4 as identified by AP, with the following changes:

- (1) **Add bag limit adjustments, and develop analysis in such a way that the Council can elect to approve those restrictions to be implemented on an area specific basis;**
- (2) **Remove the moratorium option from the GHLS analysis and initiate analysis of a moratorium on a separate track;**
- (3) **Analysis to be available to Council in October for initial review, with final action in December for the GHLS issue.**

The moratorium analysis should be analyzed for both statewide and local area options with the options outlined by the charter fleet. The analysis would be back in December with final action in February.

The motion was seconded by Kevin O'Leary.

Bob Mace moved to postpone this issue to a time certain of the April 2001 meeting, and to continue with analysis of the moratorium issue separately from the GHLS. The motion was seconded by Dave Benton, and failed, 9 to 2, with Benton and Mace voting in favor.

During discussion on the moratorium analysis, the Council voiced concerns about the current lack of data. It was also stressed that it is important to get data on ADF&G areas, not just on Council management areas. With regard to the GHLS analysis, staff was urged to look at the bag limit alternatives in light of the way king salmon is dealt with under the Salmon Treaty. During discussion of timing, Ms. Behnken said that her intent would be to have implementation as close to the beginning of 2001 as possible. Steve Pennoyer stressed that he cannot make any commitment on implementation of a moratorium by 2001 until they have seen an analysis of the alternatives. He also stressed that he's not totally committed to the fact that the two issues are separable or implementable by 2001.

Ms. Behnken reiterated her hope that something could be drafted and provided for Council review by October.

Dennis Austin moved to amend the motion to reattach the moratorium alternative and set the schedule as December for initial review and February for final review. The motion was seconded by Dave Fluharty. Mr. Austin cited data concerns which he thinks would not allow a comparison of the years 1995-98. Mr. Pennoyer stressed that he thinks the two issues should be analyzed in one package because the impacts to participants will be intertwined.

The amendment carried, 7 to 4, with Behnken, Benton, Kyle and O'Leary voting against.

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Dave Benton moved to amend to add the following suboption for each option under Alternative 3:

Reduce the guided sport halibut allocation for conservation purposes by a set percentage in years of significant stock decline. The range of analysis for the percentage reduction would include 10%, 15%, and 20%. The trigger for implementing the reduction would be based on total removals and would be IPHC area-specific. For Area 2C, the analysis should review triggers of 4 million, 6 million, and 8 million pounds, or any value within that range. For Area 3A, the analysis should review triggers of 10 million, 15 million, and 20 million pounds, or any value within that range.

The motion was seconded and carried, 7 to 4, with Behnken, Fluharty, Pereyra and Samuelsen voting against.

Linda Behnken said she considers this suboption to be unreasonable.

Kevin O'Leary moved to include the list of communities in IPHC Areas 2C and 3A developing tourism-related charter industry businesses, communities with LAMPs in process, and a discussion of the impacts of the five listed alternatives on those communities.

This motion was accepted as a friendly amendment.

Wally Pereyra asked that some consideration of impacts of any alternatives on the non-guided sport sector be included in the analysis. There was no objection to this suggestion.

Joe Kyle moved to include the AP suggestion that the analysis include discussion of the feasibility and mechanism available to allow rollover of uncaught IFQ to the guided sport halibut harvest, however the motion died for lack of a second.

During discussion, Mr. Benton clarified that in his amendment, the term 'total removals' would include commercial plus legal-sized bycatch, plus sport, plus wastage, plus personal use, by area.

The main motion, as amended, carried, 10 to 1, with Mace voting against.

Linda Behnken moved that staff provide the 1997 analysis on possession limits in December along with the new analysis. The motion was seconded by Dave Benton and carried without objection.

C-2 Steller Sea Lions

ACTION REQUIRED

- (a) Receive report on Federal and State research activities.**
- (b) Initial review of Amendment package.**

BACKGROUND

Federal and State Research Activities

At the February meeting, the Council requested that NMFS and ADF&G provide more details of their research on Steller sea lions. NMFS staff will provide a report at this meeting.

Initial Review of Amendment Analysis

In December, the Council reviewed the Biological Opinion (Section 7 consultation) from NMFS, which concluded with a 'Jeopardy Finding' relative to the pollock fisheries in both the BSAI and the GOA. In order to allow these fisheries to be prosecuted in 1999, the Council took emergency action to implement measures consistent with NMFS' proposed Reasonable and Prudent Alternatives (RPAs). The RPAs, in summary, proposed spatial and temporal distribution of the pollock fisheries as well as additional closure areas around specific rookery and haul-out sites used by sea lions. For the BSAI, the Council's actions include: (1) separating the pollock fisheries into four seasons (A1, A2, B, and C seasons), with a limit of 30% of the total TAC coming from any one season; (2) reducing the overall roe season fishery to 40% of the annual total TAC; (3) limiting the overall A season removals from the sea lion critical habitat area/catcher vessel operational area (CH/CVOA) to 62.5% of the total TAC for those seasons; (4) eliminating a directed pollock fishery in the Aleutian Islands subarea; and, (5) expanding closure areas around rookery and haul-out sites. For the GOA, the Council also created four seasons with limits on the percentage of the TAC which can be taken from any one season, expanded the closure areas around rookery and haul-out sites, and established a 300,000 pound trip limit for pollock in the western and central Gulf areas.

These measures were implemented by emergency rulemaking for the first half of 1999. At the June 1999 meeting, the Council will need to take final action on permanent regulations to protect Steller sea lions for 2000 and beyond, as well as adopt additional emergency rules for the second half of 1999.

The Council is scheduled to make an initial review of the analysis at this meeting. NMFS staff will be on hand to discuss the results of their analysis.

Report of the Scientific and Statistical Committee

Because of a mix-up in the mailing, the SSC did not receive their draft analysis early enough for a thorough review. They did, however, report that the analysts were generally responsive to the SSC's recommendations from February. The SSC was impressed by the extensive information available about the 1999 'A' season and commended the Observer Program and analysts for their efforts. The SSC provided extensive comments on the draft analysis. Please see the SSC Minutes (Appendix II to these minutes) for specific comments.

Report of the Advisory Panel

The Advisory Panel recommended the draft analysis be released to public review; however they had extensive suggestions for additions to the document (please see the AP Minutes, Appendix III to these minutes).

DISCUSSION/ACTION

Bob Mace moved to send out for public review the EA/RIR with the additional measures proposed by the AP, and with the conditions and recommendations in the SSC report. The motion was seconded by Dave Benton.

The following additions were accepted as friendly amendments:

- 1. Add an option to analyze a 500,000 pound tendering limit in Areas 610 and 620 in the Gulf of Alaska, and to allow tendering in those areas.**

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- 2. Under Section 2.5.2, season exclusive registration, add a suboption to impose only on vessels 125 ft and greater; i.e., provide a table in the analysis showing those boats affected by the seasonally exclusive registration; how many over 125 ft and how many under 125 ft.**
- 3. Discussion that compares the efficacy in terms of distributed effort, temporally and spatially proposed trip limits and changing season dates relative to the haluout sites proposed, particularly Microfania and Spitz, but would be helpful to have that discussion relative to all the Gulf of Alaska closures.**
- 4. Section 1.4, Alternative 3(c), page 16 of analysis, to use equal access percentages for all sectors' catcher vessels.**
- 5. In the document, notice the public that the Council is contemplating the process discussed on the "B" and "C" seasons, i.e., that the Council may be able to comment to SOC during the SOC public comment period after having experience with the "B" season.**

The motion carried without objection. A recap of the Council's final action on this agenda item is attached as Appendix IV to these minutes.

During the entire discussion, it was made clear that because of the short timeline between the meeting and when the document needs to go out for public review, all of the requested information will be addressed to the extent possible within the time available.

C-3 American Fisheries Act

ACTION REQUIRED

- (a) Initial Review of AFA sideboard EA/RIR/IRFA.**
- (b) Initial Review of AFA housekeeping amendments.**

BACKGROUND

- (f) AFA Sideboard Caps**

The AFA requires that the Council submit measures to mitigate the impacts of cooperatives on the non-AFA fleet by July 1999. To meet this deadline, the Council must make a final decision on the sideboard amendment package in June, which requires an initial review of the analysis at this meeting.

Chapters 6, 7, and 8, from the analysis focus on the development of sideboard limits for catcher/processors, catcher vessels, and processors, respectively. AFA provided direction to the Council when developing protection measures. A summary for each sector is included below. However, it is important to note that the AFA also allows the Council to modify these sections of the Act.

Catcher/Processor Harvest Limits (Chapter 6)

For catcher/processors the Act specifies in section 211(b)(2) a not-to-exceed formulation for protecting non-pollock groundfish fisheries in the BSAI, paraphrased as follows:

(A) Non-pollock groundfish harvests by the 20 listed catcher processors cannot exceed the percentage of the harvest available that is equivalent to the total harvest by the 29 listed catcher processors in 1995-1997 relative to the total amount available for harvest in those years.

(B) Prohibited species limits for the 20 listed catcher processors cannot exceed the percentage of the PSC available that is equivalent to the total PSC harvested by the 29 listed catcher processors in 1995-1997 relevant to the total amount available for harvest in those years.

(C) Atka mackerel harvests are limited to 11.5% in the central Aleutians and 20% in the western Aleutians.

Catcher Vessel Harvest Limits (Chapter 7)

To mitigate the impact of AFA on the non-pollock fisheries, section 211(c) mandates that *“by not later than July 1, 1999 the North Pacific Council shall recommend for approval by the Secretary conservation and management measures to - (A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery”*.

Processing Limits (Chapter 8)

The AFA requires the Council to submit measures by July 1999 to *“protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery.”*

Specific language about processing restrictions for the 20 AFA-eligible catcher processors is found in §211(b)(3) and §211(b)(4):

(3) BERING SEA PROCESSING.—*The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—*

(A) processing any of the directed fishing allowances under paragraphs (1) or (3) of section 206(b); and

(B) processing any species of crab harvested in the Bering Sea and Aleutian Islands Management Area.

(4) GULF OF ALASKA.—*The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—*

(A) harvesting any fish in the Gulf of Alaska;

(B) processing any groundfish harvested from the portion of the exclusive economic zone off Alaska known as Area 630 under the fishery management plan for Gulf of Alaska groundfish; or

(C) processing any pollock in the Gulf of Alaska (other than as bycatch in non-pollock groundfish fisheries) or processing, in the aggregate, a total of more than 10 percent of the cod harvested from Areas 610, 620, and 640 of the Gulf of Alaska under the fishery management plan for Gulf of Alaska groundfish.

Section 211(c) includes specific language discussing processing limits for BSAI crab for AFA-eligible motherships and inshore processors:

(2) BERING SEA CRAB AND GROUND FISH.

(A) Effective January 1, 2000, the owners of the motherships eligible under section 208(d) and the shoreside processors eligible under section 208(f) that receive pollock from the directed pollock fishery under a fishery cooperative are hereby prohibited from processing, in the aggregate for each calendar year, more than the percentage of the total catch of each species

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of crab in directed fisheries under the jurisdiction of the North Pacific Council than facilities operated by such owners processed of each such species in the aggregate, on average, in 1995, 1996, 1997. For the purposes of this subparagraph, the term "facilities" means any processing plant, catcher/processor, mothership, floating processor, or any other operation that processes fish. Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity for the purposes of this subparagraph.

General guidance is also provided under Section 211(C)(1)(B) to *"protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery."*

Other sections of the AFA provide additional directives to the Council, paraphrased below:

1. The Council cannot alter the list of eligible processors, unless the TAC increases or an eligible plant is lost.
2. By July 1999 the Council must recommend measures to "protect processors not eligible to participate in the (BSAI) directed pollock fishery from adverse effects of the AFA or fishery cooperatives..."
3. The Council must have in place by January 2000 measures to prevent AFA motherships and shoreside processors from processing, in aggregate, a greater percentage of the total catch of BSAI crab than they processed in 1995-1997 (on average).
4. The Council must submit measures to establish excessive share caps for harvesting and processing of all groundfish and crab in the BSAI, though under no time certain.
5. The Council can develop any other measures it deems necessary (at any time) to protect other fisheries and participants under its jurisdiction from adverse impacts caused by the AFA or co-ops in the directed pollock fishery.

The EA/RIR/IRFA describing these issues, including the Executive Summary, was mailed to members of the Council, AP, and SSC on April 7, 1999.

(b) AFA Housekeeping Amendments

The AFA substantially changed the statutory climate in which the Council was acting during its deliberation for final action of I/O3 in June 1998. Along with other actions affecting the BSAI pollock fishery, the AFA allocated 10% of the BSAI pollock TAC to the Western Alaska community development program (increased from 7.5%) and divided the remaining directed pollock fishery allocation: 50% to catcher vessels harvesting pollock for delivery to the inshore component; 40% to catcher processors harvesting pollock for processing by the offshore component; and 10% to catcher vessels harvesting pollock for processing by a new mothership component. As a result, on December 15, 1998, the Secretary disapproved the inshore/offshore allocations recommended by the Council in BSAI Amendment 51 for the period January 1, 1999 through December 31, 2001 and substituted the AFA percentages for 1999. Changing these percentages through 2004 in the BSAI FMP to conform with the AFA is the subject of Action 1.

The Act also signed changes to replacement restrictions for AFA-eligible vessels into law. This is the subject of Action 2. Action 3 is the sole action under consideration for GOA Amendment 62. This action is not mandated by the Act, but conforms with Council intent to mirror the allocation sunset dates for pollock and Pacific cod allocations in the GOA and BSAI. During its discussion of

preparation of this analysis, the Council indicated that the actions under Alternative 2 for Actions 1, 2, and 3 were its preferred alternatives.

The analysis was mailed to you on April 6, 1999. The executive summary is attached as Item C-3(b). Final action is scheduled for June 1999.

ACTION 1. BSAI POLLOCK ALLOCATIONS

Alternative 1: No action.

Alternative 2: Change the current inshore/offshore directed pollock allocations in the Bering Sea/Aleutian Islands FMP to conform with those allocations mandated by the American Fisheries Act of 1998. Preferred

ACTION 2. GOA POLLOCK ALLOCATIONS SUNSET DATE

Alternative 1: No action.

Alternative 2: Extend the sunset date of the current pollock and Pacific cod allocations in the GOA FMP to conform with the date mandated for the Bering Sea/Aleutian Islands area in the American Fisheries Act of 1998. Preferred

ACTION 3. REPLACEMENT VESSELS IN THE BSAI DIRECTED POLLOCK FISHERIES

Alternative 1: No action.

Alternative 2: Change restrictions in the BSAI FMP to conform with replacement requirements for eligible vessels under the American Fisheries Act of 1998. Preferred

Report of the Scientific and Statistical Committee

The SSC determined that the analysis is generally complete and provides the Council with abundant descriptive statistics regarding the sideboard options being contemplated by the Council. However, the SSC had some major comments with regard to Chapters 10 and 11 and provided recommendations for staff revision before the document is released for public review. (See Appendix II to these minutes for specific SSC comments.)

Report of the Advisory Panel

The AP would have preferred to separate the document to allow required sideboard decisions to be made in June while allowing issues surrounding possible co-op structures and implementation issues to be developed for initial review in June and final review in October. However, during discussion it became clear that decisions regarding associated issues need to be made in June in order for catcher vessels to have necessary information to determine their interest in forming a co-op. Therefore, the AP recommended sending the entire analysis out for public review after incorporating a significant number of additions.

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DISCUSSION/ACTION

Bob Mace moved to adopt the AP recommendations (See AP Minutes, Appendix III to these minutes) with the following changes:

- **Under Section 6.6.2, add an option to remove squid and other small TAC species from consideration in limiting the pollock fishery.**
- **Under Section 7.5.3, Compensation for Inshore Catcher Vessels, add to the AP recommendation: include analysis of impacts of excluding vessels from being eligible for compensation in any year in which they have shoreside delivery history of 2,000 mt, 3,000 mt, and 5,000 mt.**
- **Under Section 8, Processing Limits on Species other than BSAI Pollock, – delete the AP’s recommendation to delete options 7 through 10 – i.e., include all 10 options.**
- **With regard to the AP recommendation that the Dooley-Hall proposal be included as an alternative, the motion would include the provision that problems identified by the SSC under the discussion of Chapter 10, be addressed.**

The motion was seconded by Robin Samuelsen.

Council members discussed the time available for analysts to revise the document and release for public review. Staff provided input on what they felt could be done, and what may not be accomplished. It was understood that, as with the Steller sea lion analysis, staff would attempt to cover as many of the recommendations as possible.

With regard to the industry implementation committee recommended by the AP, it was pointed out that it may be difficult for them to meet and provide guidance before the June Council meeting on a specific alternative, i.e., that envisioned under the AFA, or that proposed under the “Dooley-Hall” proposal. However, it was suggested that the committee could discuss implementation issues for co-ops in a general sense.

Council members asked staff to comment on the ability to accomplish the revisions to the analysis covered in the AP recommendations. Chris Oliver advised that, with two exceptions, they felt that they could address the recommendations. The first exception would be the recommendation to analyze superexclusive registration by fishery period and season. Staff also could not provide the table requested for PSC bycatch rates in the deep and shallow water flatfish target fisheries for AFA vessels and non-AFA vessels.

During discussion, the following amendments were approved:

- **Separate the “Dooley-Hall” proposal from the current amendment analysis being prepared for the June meeting, and that staff provide as much information and discussion as possible in June, along with the requested legal opinion as to whether it is possible. At that time, the Council can decide how to proceed with this particular proposal.
[Amendment proposed by Linda Behnken, seconded by Joe Kyle, and carried 8, to 3, with Fluharty, Mace and Pereyra voting against.]**

- By friendly amendment, item #2 and the suggested table of PSC bycatch rates under Section 7.6, GOA Sideboards, in the AP motion, were deleted after staff indicated this could not be accomplished at the current time.
- By friendly amendment, the squid box issue and the two suboptions found in the Executive Summary of the draft analysis, should be looked at in a more general context, not specifically relative to catcher processors, i.e., in the context of any pollock co-op.
- Staff was asked to consider the current requirement for catcher vessels wishing to change their affiliation with a processor to revert to the open access fishery for one year. It was pointed out that this would be an issue for consideration by the implementation committee, but that staff could possibly consider the issue when preparing information on the “Dooley-Hall” proposal.
- Relative to the “single geographic location” issue raised in the analysis, staff was requested to provide some clarification of the issue of “complete loss and replacement” with respect to vessels, and plant versus company, and also some clarification of possible unintended impacts on the non-pollock fisheries of a prohibition against a processor moving from the Gulf to the Bering Sea..

The main motion, as amended, carried unanimously.

With regard to the industry implementation committee to be formed, it was noted that although specifics of co-op structure will not be finalized until the June meeting, the committee could meet to organize and consider general implementation issues relating to co-ops.

C-4 Crab LLP Eligibility

ACTION REQUIRED

Consider revising October 1998 action for recent participation requirements.

BACKGROUND

During their June 1995 meeting in Dutch Harbor, the Council adopted a license limitation program for the Bering Sea/Aleutian Islands crab fisheries. That program was accepted by the Secretary of Commerce, and was expected to be implemented on January 1, 2000. However, prior to the original program being implemented the Council voted, in October 1998, to amend the qualification criteria. That amendment reduced the number of vessels that would qualify for a license by adding a new recent participation requirement.

The original crab data set developed for the Council indicated that 365 vessels would qualify for a crab license, when the Norton Sound summer red king crab fishery was excluded. Those vessels were expected to be issued the endorsements listed in the text box to the right under the Original column heading. When the Council selected alternative 9 the numbers of vessels were expected to be reduced to 298, including the <60' exemptions. The number of endorsements expected to be issued for each

Species/Areas	LLP Endorsements	
	Original	Alt 9
Tanner crab	323	279
Adak brown king	27	23
Adak red king	31	29
Bristol Bay red king	336	279
Dutch Harbor brown king	21	18
Pribilof red/blue king	175	155
St. Matthew blue king	201	183

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species are included in the Alt. 9 column of the box. These numbers show that the number of vessels that would qualify for the program are reduced by 67 under alternative 9.

NMFS is currently developing a data base to implement the LLP program. That source is considered the best information available. Preliminary estimates indicate that the numbers of vessels and endorsements will be lower than those reported in the text box above. Hopefully those estimates will be available by the Council meeting.

The data to determine eligibility for the crab LLP is based on fish tickets collected and compiled by ADF&G. Discrepancies between estimates are likely due to ongoing changes and updates to the fish ticket data sets as ADF&G continues to improve the quality of those files. We have not requested independent estimates of eligible vessels from ADF&G, rather, responsibility will lie with NMFS to determine the list of eligible vessels based on the criteria chosen by the Council. While the exact number of eligible vessels remains in question, our best current information indicates that the estimates provided in this April 1999 action memo likely overestimates the number of eligible vessels and endorsements.

Taking no further action at this meeting will reaffirm the Council's intent to adopt Alternative 9. If the Council does wish to amend the October action they may select an alternative from the August 1998 LLP package (summarized under Item C-4(a)), or direct staff to develop additional alternatives for a final decision at a future meeting. Delaying a final decision on the LLP package will likely impact NMFS ability to have the program in place by January 1, 2000. As discussed in October, interim licenses could be issued in the year 2000.

The AP took action on this issue in November 1998. They requested that the Council take no further action on this issue, under the LLP heading. Their minutes state:

"The AP believes that ... elimination of latent capacity in the crab fisheries was adequately dealt with by Council action in October 1998, and that further catcher vessel restrictions for vessels fishing in co-ops shall also restrict their catch from exceeding the aggregate of their traditional catch as far as SB 1221 is concerned. Motion carries 10/8/2."

The AP then went on to request that the Council direct staff to develop an amendment package looking at measures to mitigate the impacts of S1221 on the crab fisheries. Those measures were further revised in February and are incorporated in the AFA sideboards analysis you are considering under Item C-3.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

Dave Benton moved that the Council rescind previous action to adopt Alternative 9 for the Crab License Limitation Program. The motion was seconded by Robin Samuelsen and failed, 7 to 4, with Behnken, Benton, O'Leary, and Samuelsen voting in favor.

Mr. Benton advised the Council that he feels the number of licenses to be issued under Alternative 9 needs to be reconsidered. He suggested that there is new information which may indicate there are crossover vessels that are not dependent on the fishery and there is still concern on the part of the Board of Fisheries regarding management of the fisheries with the number of vessels currently eligible. The Board of Fisheries has indicated that 250 vessels would be the optimum number overall.

C-5 Ecosystem-based Management

ACTION REQUIRED

- (a) Receive final report from NMFS Ecosystem Principles Advisory Panel.
- (b) Council Discussion on Sustainable Fisheries Management.
- (c) Progress Report on developing Habitat Areas of Particular Concern.

BACKGROUND

Ecosystem Principles Advisory Panel

The Sustainable Fisheries Act amendments to the Magnuson-Stevens Fishery Conservation and Management Act mandated establishment of an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. The panel was tasked to report on the extent to which ecosystem principles are being applied in fishery conservation and management activities, including research activities, and propose actions by the Secretary and Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management. The report follows this action memo. Council member Dave Fluharty chaired this panel, and will give us a final report of their findings.

National Research Council Report on Sustainable Fisheries Management

The National Research Council recently released a report containing recommendations for achieving sustainable fisheries management. Essentially, the NRC has recommended an ecosystem-based approach to fisheries management. The report's executive summary is provided as Item C-5(a). The Ecosystem Committee is in the process of drafting an evaluation of the NPFMC management programs for groundfish and crab relative to the NRC recommendations. Staff will discuss the work in progress at the informal Ecosystem Committee get-together this week.

Habitat Areas of Particular Concern

Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. HAPC is defined on the basis of its ecological importance, sensitivity, exposure, and rarity of the habitat. Several habitat types have been identified already as HAPC as part of the essential fish habitat amendments. These HAPC's included:

1. Living substrates in shallow waters (e.g., eelgrass, kelp, rockweed, mussel beds, etc.)
2. Living substrates in deep waters (e.g., sponges, coral, anemones, etc)
3. Freshwater areas used by anadromous fish (e.g., migration, spawning, and rearing areas)

In October 1998, the Council approved for analysis several proposals regarding habitat areas of particular concern (HAPC). These proposals requested that a gap analysis be prepared, and additional habitat types and areas be designated as HAPC. Proposed HAPC habitat types included seamounts and pinnacles, the ice edge, the shelf break, and biologically-consolidated fine-grained sediments. Proposed specific HAPC areas included a deep basin in Prince William Sound, the Chirikov Basin north of St. Lawrence Island, and the red king crab bycatch areas around Kodiak Island.

The EFH Core Team met in March to discuss how to analyze these proposed HAPCs and recommend protection measures. They adopted the procedure proposed by AMCC, with the analysis conducted by an EFH Technical Team (composed of Witherell, Heifetz, and Ackley). Available information will be examined to identify specific areas where existing and proposed HAPC habitat types occur. Given

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limited FTE's and time, the Core Team recommended that analysis of existing HAPC focus on deepwater corals and eelgrass. Current fisheries practices (location, gear, existing regulations) will be evaluated to determine if any of these areas are potentially impacted by fishing. From this information, the Core Team will prioritize potential for impacts to these areas, if any, based on ecological importance, sensitivity, exposure, and rarity.

By October, the Technical Team anticipates completing a preliminary HAPC type evaluation and developing proposed alternatives to minimize potential impact. The Council would then determine alternatives to be analyzed, with initial review scheduled for December and final action in February 2000.

The Core Team also has been developing a draft plan for Council consultation on EFH. NMFS has indicated that they require a more formal process for review of proposed development activities. A draft plan is attached for Council comment and approval (Item C-5(b)).

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

Because of the lengthy agenda for this meeting, the Council was unable to discuss this topic at this meeting.

C-6 Seabird Protection

ACTION REQUIRED

- (a) Final action to revise regulations for seabird avoidance measures in the hook-and-line fisheries off Alaska.
- (b) Council discussion of net debris.
- (c) Review two applications for experimental fishing permits to test seabird avoidance devices.

BACKGROUND

Seabird avoidance measures

Measures implemented in 1997 to protect seabirds in the groundfish and halibut fixed gear fisheries have not prevented additional takes of the endangered short-tailed albatross in these fisheries. Two short-tailed albatross were taken in late September 1998 in the BSAI Pacific cod fishery. Both vessels that hooked these birds were using the required seabird avoidance devices.

At its December 1998 meeting, the Council approved the development of an analysis of additional seabird avoidance measures at the request of industry. The Council approved the analysis for public review at the February 1999 meeting. It was released to the public on March 17, 1999. The alternatives in the analysis are listed in the executive summary, which is attached as Item C-6(a).

Net debris

In December 1998, Western Pacific Council Chairman Jim Cook requested information on marine debris, specifically nets and plastics. His request referred to mortality caused by net fragments thought to originate from trawl nets in the demersal trawl fisheries in the Bering Sea and adjacent waters. The Western Pacific Council requested comments from the North Pacific and Pacific Councils on ways to deal with these MARPOL issues. His letter and my reply are attached as Item C-6(b) for additional Council comment.

Experimental fishing permits

NMFS has forwarded two experimental fishing permit (EFP) applications from Ed Melvin, University of Washington Sea Grant on two grants he has received to study the effectiveness of seabird avoidance devices in the IFQ longline fisheries in the GOA and Pacific cod longline fisheries in the BSAI (Item C-6(c)(1)). The proposal will test two seabird avoidance measures for comparison to a control in the GOA sablefish and halibut longline fisheries and BSAI P. cod fisheries. The research will be an industry-university collaboration and use three GOA and two BSAI longliners. The research is scheduled to begin May 1, 1999 and extend to mid-November 2000 and will be conducted during the open commercial fishing season. Observers will be onboard the vessels.

Mr. Melvin is available to present his applications. The first application requests an exemption from current seabird avoidance requirements to test the controls in his experiments. The second application requests an allocation of 877 mt of Bering Sea Pacific cod for each of two freezer longliners vessels for the Bering Sea experiments (Item C-6(c)(2)). The Council may wish to provide a recommendation to NMFS on these applications.

Report of the Scientific and Statistical Committee

The SSC noted that seabird bycatch reduction measures were implemented early in 1997 and there is not yet an evaluation of the efficacy of those measures and therefore there is no basis on which to estimate potential further reductions. The SSC advised that they endorse the issuance of the experimental fishing permits requested by Ed Melvin, UW Sea Grant, but noted that as a consequence of limited funding, there will be a small expected take in the control segment of the IFQ portion of the study, making it difficult to establish statistical significance of any reduction due to bycatch avoidance measures in this portion of the study.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt Alternative 2, Option 1, suboption (a), with minor changes or additions. [See AP Minutes, Appendix III to these minutes for complete motion.] The AP also recommended NMFS provide programmatic funding for further study of seabird avoidance measures be conducted, and made suggestions for research topics.

DISCUSSION/ACTION

Linda Behnken moved to approve the recommendation of the Advisory Panel to adopt Alternative 2, Option 1, amending it to apply only to vessels greater than 35 ft, and rewording item 4(b) for clarity. The motion was seconded by Joe Kyle.

Through friendly amendment, **Item 4(e)**, was deleted from the motion. The motion, as amended, carried without objection.

Linda Behnken moved to approve the remaining AP recommendations with regard to the experimental fishing permits, funding, and research. The motion was seconded by Kevin O'Leary. For voting purposes, the motion was bifurcated to address the experimental fishing permits separately from the funding and research issues.

The Council approved the experimental fishing permit applications without objection. Dr. Fluharty recused himself from the vote because of his affiliation with University of Washington. Ms. Salveson

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pointed out that one of the permits is for a two-year operation and that NMFS will have to consider re-approval for the second year. NMFS will consult with the Council at that time.

The Council also approved the recommendation for programmatic funding, with Sue Salveson abstaining from the vote.

C-7 Fishery Monitoring Programs

ACTION REQUIRED

Receive Committee report and take action as necessary.

BACKGROUND

In October 1998, the Council reviewed a proposal from NMFS Enforcement on a weighmaster program for IFQ fisheries. The Council adopted a recommendation from the Advisory Panel to refer enforcement issues identified in the weighmaster proposal to a joint committee of the Enforcement Committee and IFQ Implementation Team subcommittee. The joint committee was tasked with evaluating the following: (1) adequate compliance monitoring levels; (2) the potential for involving personnel from ADF&G, USCG, NMFS and the IPHC in achieving the compliance monitoring program; and (3) proposals to address the remaining enforcement needs at adequate compliance monitoring levels.

The joint committee convened on December 8, 1998 and will meet again on April 22, 1999. The December minutes are attached as Item C-7(a). The April minutes will be provided this week. Relevant background material for this discussion includes Steve Meyer's weighmaster discussion paper which was distributed at the October 1998 Council meeting. It also contains the IPHC weighmaster discussion paper. The Dayna Mathews report on the Alaska IFQ programs that was distributed in April 1997 is also useful. A few extra copies of these documents will be available at the meeting for reference.

Lastly, the advance copy of the National Research Council report entitled "Sharing the Fish: Toward a National Policy on Individual Fishing Quotas" also reviews the Alaska program. We have ordered copies of the final report, as well as the final NRC report on the CDQ program, for the Council family and will distribute them when available. The Council may wish to consider the findings in the IFQ report in order to provide further staff direction.

Neither the AP nor the SSC addressed this agenda item.

DISCUSSION/ACTION

Due to the press of time, the Council did not address this agenda subject. However, they did receive a written report from the combined Enforcement and IFQ Implementation Team weighmaster subcommittee. The subcommittee had the following recommendations:

- To not proceed, at this time, with the weighmaster program as presently described.**
- That the Council submit a letter to the Assistant Administrator for Fisheries and the Chief of NMFS enforcement emphasizing its strong interest in continued funding for IFQ enforcement and to request funding of the nine positions previously identified under AFA to address additional enforcement workload in other groundfish fisheries, particularly BSAI pollock co-ops.**

- That the Council request NMFS Enforcement to prepare a report on a reassessment of the recommended 20% IFQ enforcement coverage by determining an appropriate coverage rate, including USCG IFQ enforcement efforts, in determining current coverage levels. The report should reexamine the materials used in developing the original determination of the 20% target IFQ enforcement coverage and the four-tier enforcement concept. This would include an assessment of additional agency coordination, although the committee commends the current levels of NMFS/USCG coordination. The report should be presented at the October IFQ Implementation Team meeting, which would then submit recommendations to the Council.
- Request NMFS Enforcement to prepare an annual report on IFQ enforcement to be provided at each February Council meeting.

C-8 Magnuson-Stevens Act Reauthorization

ACTION REQUIRED

Initial discussion of potential reauthorization issues.

BACKGROUND

The Magnuson-Stevens Act was significantly revised in October 1996 by the Sustainable Fisheries Act. It is my understanding that the next round of oversight hearings may occur later this spring or in early summer for the House and Senate. Final action will not occur until next year. So we have some time to develop proposals and review those coming out of the other regions. Toward that end, the Council established a reauthorization committee in February, comprised of Rick Lauber (chair), Linda Behnken, Dave Benton, and Wally Pereyra. They will hold an informal scoping meeting at 7 p.m., Thursday evening in the Council chambers, to gather public input on issues that should be considered in this next reauthorization. The committee will report their findings to the Council.

The Council did not have sufficient time to address this agenda item, which has been rescheduled for the June Council meeting.

C-9 MS-CDQ Program Issues

ACTION REQUIRED

- (a) Receive status report on eligible communities.
- (b) Comment on the analysis to reduce observer coverage on longline catcher vessels ≥ 60 ft.
- (c) Review analysis and take final action to reduce CDQ observer coverage at shore plants.
- (d) Review analysis for AFA omnibus amendments to the MS-CDQ program.
- (e) Comment on proposed regulatory changes to the State-managed CDQ program.
- (f) Receive status report and CDQ Implementation Committee report on staff tasking of amendments.

BACKGROUND

Eligible communities

NMFS staff will report on the agency's response to the State's recommendation that eight additional Bering Sea communities (listed below) be deemed eligible to participate in the CDQ programs. The State letter of recommendation is attached as Item C-9(a). The proposed communities were originally

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excluded in 1992 because eligibility determinations were based on statute miles instead of nautical miles.

Levelock Ekwok	Oscarville Napakiak	Napaskiak Mountain Village	Grayling Portage Creek
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Observer coverage on longline catcher vessels \geq 60 ft

At the February 1999 meeting, the Council requested that NMFS require 30 percent observer coverage in all CDQ fisheries for longline catcher vessels meeting the following requirements: (1) the vessel is between 60 ft and 80 ft LOA, (2) the vessel participated in a CDQ fishery prior to December 31, 1998, and (3) has sufficient halibut IFQ or CDQ to cover halibut bycatch in their groundfish CDQ fisheries.

After the February Council meeting, NMFS completed analysis of this issue and developed a preferred alternative that differs slightly from the Council's recommendation. Sally Bibb, MS-CDQ Coordinator, will summarize the draft EA/RIR and NMFS's preferred alternative. The draft proposed rule currently is under review in the Alaska Region and will be published as soon as it completes the DOC review process. The analysis contains the four alternatives listed below. Alternatives include no action, the Council recommendation, the NMFS preferred alternative, and a fourth alternative. It was mailed to you on April 7.

Alternative 1: No Action Do not change observer coverage requirements for catcher vessels using non-trawl gear while participating in the CDQ fisheries.

Alternative 2: The Council's Recommendation

Require "30% observer coverage" for catcher vessels between 60 ft LOA and 80 ft LOA using non-trawl gear while groundfish and halibut CDQ fishing if these vessels (1) had participated in the fixed gear halibut and sablefish CDQ fisheries before December 31, 1998, and (2) have sufficient amounts of halibut IFQ or CDQ so that any legal sized halibut caught while CDQ fishing could be retained rather than discarded as prohibited species.

Alternative 3: The Preferred Alternative

Require "30% observer coverage" for catcher vessels equal to or greater than 60 ft and less than 125 ft LOA using non-trawl gear (hook-and-line, pot, or jig) while groundfish or halibut CDQ fishing if vessel operators have sufficient amounts of halibut IFQ or CDQ so that any legal sized halibut caught while CDQ fishing could be retained rather than discarded as prohibited species. Vessel operators without sufficient halibut IFQ or CDQ would be required to carry one CDQ observer at all times while groundfish CDQ fishing. In addition, NMFS would revise regulations to clarify catch accounting and equipment requirements for observed and unobserved trips.

Alternative 4:

Require "100% observer coverage" for catcher vessels equal to or greater than 60 ft LOA using non-trawl gear while groundfish or halibut CDQ fishing. Revise NMFS regulations to allow unsampled sets so that no more than one CDQ observer would be required and to clarify catch accounting and equipment requirements.

Observer coverage at shore plants

In February, the Council also requested that NMFS reduce CDQ observer coverage at shore plants. Sally Bibb has prepared an analysis for Council review. The Council may take final action at this meeting, however, it is unlikely that a final rule could be implemented by NMFS until late 1999. The alternatives in the analysis, which was mailed to you on April 7, are listed below.

Alternative 1: Status Quo - continue to require that each delivery by all catcher vessels groundfish CDQ fishing and by all catcher vessels \geq 60 ft LOA be observed by a CDQ observer at the shoreside processor.

Alternative 2: Groundfish and halibut CDQ deliveries would be monitored by observers required under the general groundfish regulations based on a processor's monthly groundfish production.

Option 1: Require that the CDQ deliveries that occur when an observer is required be monitored by a "lead CDQ observer."

Option 2: Do not require that the observers in the shoreplants be qualified as a "lead CDQ observer."

Alternative 3: Base CDQ observer coverage on one or more characteristics of the vessel or the CDQ delivery.

Option 1: Require a lead CDQ observer for all deliveries from catcher vessels \geq 60 ft LOA while groundfish CDQ fishing or halibut CDQ fishing. This option would remove the requirement for a CDQ observer to monitor deliveries by catcher vessels less than 60 ft LOA.

Option 2: Require a lead CDQ observer for all deliveries from catcher vessels \geq 60 ft LOA while groundfish CDQ fishing. This option would remove the requirement for a CDQ observer to monitor deliveries by catcher vessels less than 60 ft LOA while groundfish CDQ fishing and to monitor deliveries by a vessel of any size while halibut CDQ fishing.

Option 3: Require a lead CDQ observer for all CDQ deliveries by catcher vessels using trawl gear.

Option 4: Require a lead CDQ observer for all CDQ deliveries by catcher vessels using non-trawl gear.

Option 5: Require a lead CDQ observer for catcher vessels delivering more than a specific amount of CDQ species in the CDQ delivery as measured by the total round weight of groundfish CDQ species and halibut CDQ in the delivery. Select a minimum delivery weight ranging from 1,000 pounds to 500,000 pounds.

AFA omnibus amendments

An emergency interim rule was published on January 26, 1999 to implement CDQ Program-related requirements of the American Fisheries Act for the start of the 1999 fishing year. This emergency rule is effective through July 19, 1999 and will need to be extended by NMFS for the remainder of 1999. The EA/RIR for the emergency action serves as the initial review document for permanently implementing these same regulatory amendments for 2000 and provides the Council the opportunity to identify any other alternatives that should be analyzed. Final action is scheduled for June 1999. The analysis was mailed to you on April 7; the alternatives are listed below.

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Alternative 1: No action.

**Alternative 2: THE PREFERRED ALTERNATIVE
Implement regulations that would:**

- (1) allow pollock bycatch in the non-pollock groundfish CDQ fisheries to accrue against the allowance for incidental catch of pollock established by section 206(b), and**
- (2) remove the allocation of squid from the CDQ Program to allow the CDQ groups to fully harvest the pollock CDQ directed fishing allowance.**

Under Alternative 2, directed fishing for pollock CDQ will be defined as fishing that results in the following catch composition:

- (a) For each haul by a catcher/processor, the round weight of pollock represents 40 percent or more by weight of the total weight of all groundfish in the haul; and**
- (b) For each delivery by a catcher vessel, the round weight of pollock represents 40 percent or more by weight of the total weight of all groundfish delivered to a processor from a fishing trip.**

State CDQ regulatory changes

The State of Alaska is proposing revisions to the CDQ program regulations. The revisions aim to clarify the role of the state in the CDQ program, provide a more defined framework for administrative procedures, and address issues brought forth by the CDQ groups and the National Academy of Sciences report (Item C-9(e)). The comment period for the State regulatory package is scheduled to end on April 19, but the State will accept Council comments on the proposed changes. The changes are scheduled to become effective in August 1999. State CDQ Manager Glenn Haight is available to present a summary of these proposed changes.

If revisions are adopted by the State, it is anticipated that complementary changes to the federal CDQ regulations would likely be necessary at a later date, thereby requiring Council action. NMFS comments on the proposed changes may be available at the time of Council discussion.

Committee Report

An updated schedule of NMFS activities in implementing changes to the MS-CDQ program is attached as Item C-9(f)(1). Part I indicates those actions already published as proposed and final rulemakings. Part II, Items 1-8 are currently being prepared. Analyses for Items 9-11 have not yet been prepared.

The CDQ Implementation Committee convened on April 9, 1999 to review the schedule and analyses described above. Committee recommendations are provided in Item C-9(f)(2).

Neither the SSC nor the AP addressed this agenda item.

DISCUSSION/ACTION

Linda Behnken moved the following statements:

The Council reaffirms its intent that day to day monitoring and implementation of the CDQ program continue to be carried out by the State of Alaska with general oversight by the Secretary of Commerce.

The Council also reaffirms its intent that the program be targeted towards fishery-related economic development in Western Alaska. However, in light of the recommendations of the National Academy of Science report on the CDQ program, and some of the public testimony heard today, that some non-fisheries related projects in the villages or the vicinity of the villages could be beneficial and appropriate.

The Council also encourages the State to work with NMFS and the CDQ groups to revise regulations to improve monitoring to ensure that adequate performance standards are applied, and to determine the scope and nature of projects which are non-fishery related but which may be appropriately conducted as part of the CDQ program.

General guidelines should ensure that these non-fishery related projects contribute to sustainable economies and resource health in Western Alaska.

The motion was seconded and carried, 9 to 2, with Austin and Mace voting against.

During discussion of the subject of the use of CDQ resources to fund non-fishery related projects, Mr. Benton said that the State would be working with NMFS to develop criteria and controls for such projects and then request Council consideration of its role in the process.

Joe Kyle moved to table until the October Council meeting further action on the issue of reducing CDQ observer requirements at the shore plants. The motion was seconded by Linda Behnken and carried without objection.

With regard to observer coverage on longline catcher vessels over 60 ft, Linda Behnken moved to adopt Alternative 3, with some revision:

Require 30% observer coverage for catcher vessels equal to or greater than 60 feet and less than 125 feet LOA using non-trawl gear (hook-and-line, pot or jig) while sablefish or halibut CDQ fishing if vessel operators have sufficient amounts of halibut IFQ or CDQ so that any legal sized halibut caught while CDQ fishing could be retained rather than discarded as prohibited species. Vessel operators without sufficient halibut IFQ or CDQ would be required to carry one CDQ observer at all times while groundfish CDQ fishing. In addition, NMFS would revise regulations to clarify catch accounting and equipment requirements for observed and unobserved trips.

In addition, require 100% observer coverage for catcher vessels equal to or greater than 60 feet LOA using non-trawl gear while groundfish CDQ fishing for species other than sablefish. Revise NMFS regulations to allow unsampled sets so that no more than one CDQ observer would be required and to clarify catch accounting and equipment requirements.

The motion was seconded by Joe Kyle and carried, 8 to 3, with Krygier, Salveson and Lauber voting against.

Sue Salveson indicated NMFS still has concerns with any measure that may compromise its ability to accurately account for removals and discards.

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Linda Behnken suggested that if NMFS doesn't feel comfortable with the entire motion, that perhaps Alternative 3 for the halibut CDQ fishery be implemented. If concerns over sablefish remain a problem, then NMFS could bring that issue back to the Council for more discussion.

Wally Pereyra moved to reaffirm that the northern boundary of the Bering Sea for purposes of eligibility for the CDQ program is the Bering Strait, defined for these purposes as a straight line running from Cape Prince of Wales, Alaska, to Cape Dezheva, Russia. The motion was seconded by Dennis Austin and carried with Linda Behnken abstaining and Earl Krygier objecting to the motion.

Ms. Behnken said she wasn't on the Council when the original boundaries were set and would feel uncomfortable voting on this issue. Mr. Krygier also indicated that he had not had the opportunity to review the information surrounding the issue.

C-10 NMFS Budget

This agenda item was not taken up because of time constraints.

D. FISHERY MANAGEMENT PLANS

D-1(a) Report on Board of Fisheries/NPFMC Joint Committee Meeting

ACTION REQUIRED

Report on March 4, 1999 Joint Committee Meeting

BACKGROUND

The Board of Fisheries/North Pacific Council Joint Committee Meeting convened on March 4, 1999, in Anchorage. Agenda items included: (1) state waters fisheries; (2) forage fish proposals; (3) demersal shelf rockfish; (4) chinook salmon bycatch; (5) license limitation for scallop fishery; and (6) crab license limitation program. The minutes from the meeting are attached as Item D-1(a). The next committee meeting is scheduled for sometime this summer.

Earl Krygier, ALASKA DEPARTMENT OF FISH AND GAME, will provide a report on Board actions related to the above items that were taken at its March meeting. Board action concerning crab fishing seasons and stand-down requirements will be discussed under a separate agenda item (D-2).

This was an informational item; no Council discussion was held.

D-1(b) Shortraker/Rougheye (SR/RE) and Thornyhead MRB Reduction

ACTION REQUIRED

Final action to revise maximum retainable bycatch percentages for shortraker, rougheye, and thornyhead rockfish in the GOA.

BACKGROUND

At its October 1998 meeting, the Council requested that NMFS prepare an analysis of alternatives to reduce MRB percentages for shortraker/rougheye (SR/RE) and thornyhead rockfish in the Gulf of Alaska. This was in response to a proposal submitted by the Alaska Longline Fishermen's

Association during the summer 1998 call for proposals. The analysis addresses a number of factors: (1) high rates of SR/RE and thornyhead bycatch in other groundfish fisheries; (2) concerns that the existing MRB percentages are higher than incidental catch levels, which has allowed for undesirable levels of "topping off;" and (3) in 3 out of the last 4 years total removals of SR/RE rockfish have exceeded the ABC amount. As a result, the following alternatives were developed for analysis. The Council would have to take final action at this meeting for proposed changes to be in effect in time for the directed summer rockfish fishery so that the 1999 TACs would not be exceeded.

Alternative 1: Status Quo - Do not revise existing MRB percentages.

Alternative 2: Revise MRB percentages for SR/RE and thornyhead rockfish in the GOA as follows (options for a reduced MRB percentage relative to the deepwater species complex and shallow water species complex).

	MRB percentage for SR/RE and thornyhead rockfish relative to the deep water complex (sablefish, rockfish, rex sole, arrowtooth ^{flounder} , deep-water flatfish)	MRB percentage for SR/RE and thornyhead rockfish relative to the shallow water complex (pollock, P. cod, shallow-water flatfish, flathead sole, Atka mackerel, "other species", non-groundfish species)
Current MRB (Alternative 1)	15	5
Alternative 2 options	10	3
The MRB percentage relative to arrowtooth flounder would remain at 0%.	7	2
	5	1

Alternative 3: Prohibit the use of non-pelagic trawl gear in the POP fishery.

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

The AP recommended the Council adopt Alternative 2, modified as follows:

MRB for SR/RE in the eastern Gulf be adjusted to 7% for the deepwater complex fisheries and hook-and-line fishery.

Additionally, the AP recommended:

- (a) Any adjustment to the MRB be limited to SR/RE in the eastern Gulf of Alaska regulatory area.
- (b) No further action in regard to prohibiting fishing for POP with non-pelagic trawl at this time.

Further, the AP recommends the Council continue the analysis of:

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1. Hook-and-line bycatch of SR/RE and thornyhead in the halibut ITQ fishery.
2. The natural bycatch rates of SR/RE and thornyhead in the halibut/sablefish ITQ fishery.
3. Spatial and temporal analysis of SR/RE bycatch in the halibut and sablefish ITQ fisheries.
4. Possible changes in distribution of fishery with a mid-water trawl fishery.
5. Review of size/age composition of POP in mid-water versus bottom trawl fishery.
6. Analysis of GOA trawl catch of thornyhead before and after change in sablefish MRB.
7. SR/RE bycatch in hook-and-line DSR fishery.
8. Examine a gear split for SR/RE by TAC management areas.
9. Include effects of the final action on SR/RE and thornyhead catches and any other conservation concerns identified in other areas.

DISCUSSION/ACTION

Linda Behnken moved to adopt Alternative 2, as modified:

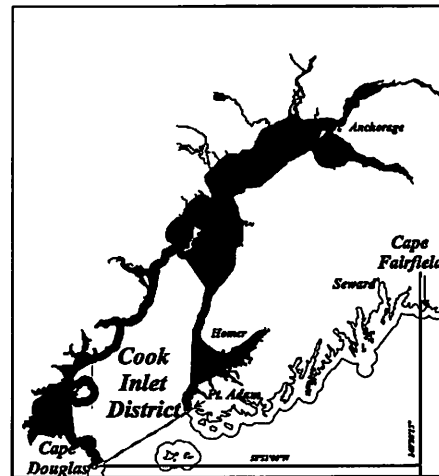
The maximum retainable bycatch (MRB) for shorttraker/rougheye in the eastern Gulf of Alaska be adjusted to 7% for the deepwater complex fisheries and hook-and-line fishery.

The motion was seconded and carried without objection. (Robin Samuelsen was not present for the vote.)

Linda Behnken moved to request staff to continue analysis of:

1. Hook-and-line bycatch of SR/RE and thornyhead in the halibut ITQ fishery.
2. The natural bycatch rates of SR/RE and thornyhead in the halibut/sablefish ITQ fishery.
3. Spatial and temporal analysis of SR/RE bycatch in the halibut and sablefish ITQ fisheries.

The motion was seconded by Joe Kyle and carried without objection, with the understanding that this would be accomplished as staff time is available.



D-1(c) Cook Inlet Non-pelagic Trawl Ban

ACTION REQUIRED

Initial review of an analysis to prohibit the use of non-pelagic trawl gear in Cook Inlet.

BACKGROUND

At its October 1998 meeting, the Council requested that staff prepare an analysis of alternatives to prohibit the use of non-pelagic trawl gear in federal waters of Cook Inlet in the Gulf of Alaska (GOA).

This was in response to a proposal submitted during the summer 1998 call for proposals by the Alaska Department of Fish and Game.

Historically, Cook Inlet supported significant fisheries for king and Tanner crab and currently supports limited fisheries for Pacific cod. King and Tanner crab resources in the Cook Inlet portion of the GOA remain depressed. King crab fisheries have remained closed since 1984. Commercial Tanner crab fisheries have remained closed since 1994. In the absence of federal management of crab stocks in the GOA prior to August 1, 1996, the State has jurisdiction for managing all crab stocks in the GOA EEZ.

To protect and promote rebuilding of king and Tanner crab resources, the Alaska Board of Fisheries prohibited the use of non-pelagic trawl in state waters of Cook Inlet. However, a significant portion of critical habitat for these crab resources occurs in federal waters of Cook Inlet. Although little fishing effort has occurred with non-pelagic trawl gear, previous efforts to prohibit non-pelagic trawling in this habitat have largely been reactive. Greater long-term, proactive protection is needed for this habitat to promote rebuilding of these resources. The EA/RIR for this change to the GOA FMP analyzes four alternatives for gear specifications for the federal portion of Cook Inlet in the GOA. The following alternatives were developed for analysis, which was mailed to you on April 6, 1999. The executive summary is attached at Item D-1(c).

Alternative 1: No action.

Alternative 2: Prohibit the use of non-pelagic trawl in federal waters of Cook Inlet.

Alternative 3: Defer management of groundfish in federal waters of Cook Inlet to the State of Alaska.

Alternative 4: Remove waters of Cook Inlet from the Gulf of Alaska FMP.

Report of the Scientific and Statistical Committee

The SSC considered the analysis document well structured and recommended that it be released for public review after several additions and expansion of discussion points (see SSC Minutes, Appendix II to these minutes, for specific recommendations).

Report of the Advisory Panel

The AP recommended the Council postpone action on the current EA/RIR until an analysis identifying less stringent alternatives is developed. The AP recommended the following alternatives be explored:

1. Observer coverage requirement whin area.
2. Time and area closures.
3. Commissioner's permit.

Additionally, the AP recommended any analysis include a discussion regarding other fisheries currently prosecuted in the area and their effect on habitat, and an examination of the suitability of this area as a marine sanctuary.

DISCUSSION/ACTION

The Council did not have adequate time to address this agenda subject, which was rescheduled for the October 1999 meeting.

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D-1(d) HMAP Proposals

ACTION REQUIRED

Review proposals received for Halibut Mortality Avoidance Program (HMAP) pilot programs.

BACKGROUND

In February 1999, the Council reviewed the VBA/HMAP committee's findings and recommended that NMFS initiate regulatory action as required to implement a HMAP pilot program. The Council requested that Groundfish Forum, and others interested in developing a HMAP program, submit detailed proposals to NMFS and the Council for analysis. The Council also recommended that NMFS and the observer program work with industry to discuss monitoring and rulemaking necessary to implement a VBA program and report back to the Council at a future meeting. These same issues will be considered within the context of the Council's AFA sideboard analysis, as PSC sideboard limits for sectors as co-ops likely will function much like a VBA pool.

One proposal for a HMAP pilot program was received (Item D-1(d)(1)). The pilot proposed by Groundfish Forum is a finalized draft of what was discussed and recommended by the HMAP Committee. John Gauvin will be on hand to discuss the specifics of his proposal.

The SSC did not address this agenda item.

Report of the Advisory Panel

The AP recommended that the Council approve the HMAP pilot program for analysis and rulemaking for implementation in the year 2000, or as soon as possible.

DISCUSSION/ACTION

Joe Kyle moved to approve development of a pilot program for HMAP. The motion was seconded by Linda Behnken and carried without objection. (Robin Samuelson was absent for the vote.)

Sue Salvesson pointed out that with current staff obligations, development of an analysis will have to be delayed until higher priority issues are completed.

D-1(e) Shark Management

ACTION REQUIRED

Initial review of an analysis to revise the management of sharks and skates in the BSAI and GOA.

BACKGROUND

The potential for rapid growth in commercial fishing, and the potential for over-exploitation in combined state and federal managed fisheries convinced the Alaska Board of Fisheries in February 1998, to close the directed commercial fishery for sharks and establish a Commissioner's permit requirement to commercially fish skates and rays in state waters of Alaska. Under these actions, the bycatch of sharks was allowed to continue consistent with general state regulations for the incidental take of fishery resources. The Board also took action to place an annual statewide harvest limit on the sport take of sharks.

The Alaska Department of Fish and Game submitted a proposal to revise management of sharks and skates in Alaska EEZ waters during the summer 1998 call for proposals. The Board brought the

issue to the Council at the July 29-30, 1998 meeting of the Joint Committee of the Board of Fisheries/North Pacific Fishery Management Council. At this meeting, complementary federal action was discussed and the joint committee recommended that the Council proceed with development of an analysis of the proposed alternatives. In conformance with the precautionary approach for management of these long-living, slow-growing, and low fecundity April 9, 1999 fishes, the Council initiated analysis of the following four alternatives for plan amendments to the BSAI and GOA groundfish FMPs at its October 1998 meeting. Final action is scheduled for June 1999. The analysis was mailed to you on April 6, 1999. The executive summary is attached as Item D-1(e).

Alternative 1: No action.

Alternative 2: Separate sharks and skates from the "other groundfish" species category and enact specific federal regulations.

Alternative 3: Separate sharks and skates from the "other groundfish" species category and defer management to the state.

Alternative 4: Delete sharks and skates from the BSAI and GOA groundfish FMPs.

Report of the Scientific and Statistical Committee

The SSC recommended the document be released for public review after several issues are addressed. (See SSC Minutes, Appendix II to these minutes, for specific recommendations).

The Advisory Panel did not address this agenda item.

DISCUSSION/ACTION

The Council did not have sufficient time to address this agenda item at this meeting. It will be rescheduled for October.

D-1(f) Allocation of BSAI Pacific Cod Among Fixed Gear Vessels

ACTION REQUIRED

Develop alternatives and timeline for analysis.

BACKGROUND

The non-CDQ Pacific cod TAC in the BSAI is currently allocated 51 percent to fixed gear, 47 percent to trawl gear, and 2 percent to jig gear. Within the fixed gear sector, Pacific cod is harvested by vessels using longline and pot gear. Fixed gear vessels are further broken down by whether they are catcher vessels or catcher/processors.

For the week ending March 27, 1999, 34 catcher/processors targeted Pacific cod using fixed gear. They were mostly freezer longliners, however pot catcher/processors also participate in this fishery. Traditionally freezer longliners have accounted for the majority of the BSAI fixed gear Pacific cod harvest.

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Pacific Cod Harvests (mt) by Fixed Gear Vessels, 1993-98

Year	Pot CV	Pot CP	Longline CV	Freezer Longliner
1993	2,000	1,000	0	66,000
1994	6,000	2,000	1,000	85,000
1995	16,000	5,000	3,000	101,000
1996	24,000	8,000	0	94,000
1997	17,000	5,000	0	124,000
1998	14,000		100,000	

Source: Economic Status of the Groundfish Fisheries off Alaska, 1997, for 1993-97 data. Data for 1998 were derived from the NMFS AKR web site (www.fakr.noaa.gov/1998/bsa98g.txt).

The License Limitation Program (LLP) would issue approximately 100 fixed gear groundfish licenses to BSAI catcher/processor vessels. These licenses would be valid for either longline or pot gear. Approximately 350 additional fixed gear licenses would be issued to catcher vessels that participate in the BSAI. Licenses are not species specific and any of these vessels could participate in the fixed gear Pacific cod fishery. Prior to adding gear endorsements to the license, all 548 licensed vessels in the BSAI could have fished Pacific cod using either pot or longline gear. Therefore the number of vessels eligible to use fixed gear in the BSAI has been reduced by about 100, as a result of the Council actions in October 1998. Appendix I provides detailed information on the gear types used by LLP qualified vessels.

Members of the freezer longliner fleet have expressed concern that effort flowing into the Pacific cod fishery could negatively impact their viability. They rely on Pacific cod for the majority of their revenue, and there is a limited number of other fisheries in which they participate.

Because of these concerns, members of the freezer longline sector are requesting that the Council develop a program that would maintain the current fishery structure. Developing that analysis will require that the Council design a suite of alternatives, and set a timeline for initial and final review of the document.

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

The AP expressed concern that they were unable to provide input on this issue because of time constraints and requested that the Council defer action until the AP has the opportunity to address the subject.

DISCUSSION/ACTION

Kevin O’Leary moved the following:

Request the staff to begin an analysis to split the fixed gear Pacific cod Total Allowable Catch (TAC) in the Bering Sea/Aleutian Islands between the following gear components.

- Freezer Longline**
- Catcher Longline**
- Pot**

Split of Fixed Gear Total Allowable Catch

- Option 1: 1996, 1997
- Option 2: 1997, 1998
- Option 3: 1996, 1997, 1998

Trawl or Jig TAC Roll-Overs:

Future trawl or jig roll-overs to be apportioned according to the same formula applied to the overall allocation of the BSAI Pacific cod TAC between fixed gear.

Interim Trimester apportionment of Fixed gear TAC:

During each year that an allocation of P. cod between the components of the fixed gear sector that is under Council consideration is not implemented, the Council is requested, at the time that it adopts final groundfish specifications in December of each year, to apportion 10% of the BSAI P. cod fixed gear TAC to the 2nd Trimester, and to apportion no halibut PSC bycatch to the 2nd Trimester.

The motion was seconded by Joe Kyle.

By friendly amendment, the following additions were made to the motion:

- **Longline vessels and all pot gear vessels** was added as an additional option under gear components.
- Under "Split of Fixed Gear TAC," a fourth option was added, as follows:
Option 4: 1994, 1995, 1996, 1997, 1998
- The analysis should include a **discussion of 1999 fisheries participation where data are available. This is not to be a specific alternative for 1999 as a qualifying year; it is only for information in decisionmaking.**

The amended motion carried unanimously.

With regard to the AP's concerns, Council members felt that the AP would have ample opportunity to provide input during initial review of the document at the June meeting.

Kevin O'Leary offered the following motion:

Request National Marine Fisheries Service to issue interim licenses in 2000 under the License Limitation Program.

Request NMFS to extend the 1999 control date on qualification for the License Limitation Program to 2000.

Request the staff to begin an analysis as soon as possible to provide for separate licenses with Pacific cod species endorsements for the fixed gear components of freezer longline, catcher longline and pot vessels in the Bering Sea/Aleutian Islands.

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To further analyze minimum catch requirements to qualify for a BSAI Pacific cod license as follows:

Freezer Longline:

Minimum catches in 1996, 1997 or 1998 of:

- Option 1: 100 Metric Tons**
- Option 2: 200 Metric Tons**
- Option 3: 300 Metric Tons**

Catcher Longline:

Minimum catches in 1996, 1997 or 1998 of:

- Option 1: 7.5 Metric Tons**
- Option 2: 15 Metric Tons**
- Option 3: 25 Metric Tons**

Pot:

Qualification years:

- Option 1: any 3 years of 1995, 1996, 1997, 1998**
- Option 2: any 2 years of 1995, 1996, 1997, 1998**
- Option 3: any 2 years of 1995, 1996, 1997**
- Option 4: any 2 years of 1996, 1997, 1998**

AND

Qualification landings (minimum landing requirements):

Minimum pounds required for delivery during each qualifying year:

- Option 1: 50,000 lbs to 100,000 lbs**
- Option 2: 100,000 lbs to 300,000 lbs**
- Option 3: >300,000 lbs**

OR

Minimum pounds required for delivery during any of the qualifying years:

- Option 1: 50,000 lbs to 100,000 lbs**
- Option 2: 100,000 lbs to 300,000 lbs**
- Option 3: >300,000 lbs**

The motion was seconded by Joe Kyle.

Through friendly amendment, the following additions were made to the motion:

- The request for issuance of interim licenses is **To apply generically across the entire groundfish LLP.**
- Another option was added under Qualification Years:
Option 5: any 1 year of 1995, 1996, 1997, 1998
- An additional option of **25,000 lbs to 50,000 lbs** was added under both of the minimum pound delivery requirement alternatives.

The motion carried without objection.

D-1(g) Species Endorsements Under Groundfish LLP

ACTION REQUIRED

Develop alternatives for analysis.

BACKGROUND

In June 1995 the Council adopted the Groundfish License Limitation Program (LLP) for the Federal waters off Alaska's coast. Groundfish licenses were issued for the Gulf of Alaska (GOA) and the Bering Sea/Aleutian Islands (BSAI) areas based on landings made between January 1, 1988 and June 27, 1992. Sub-area endorsements were then applied to the general licenses based on landings made during a more recent qualifying period (January 1, 1992 through June 17, 1995). The sub-area endorsements identify where vessels will be allowed to fish when the LLP goes into place, which is expected to be January 1, 2000.

During the October 1998 Council meeting, the Council voted to add gear endorsements to the groundfish licenses. The Secretary of Commerce has yet to approve this amendment, but if he does each license will be designated whether it is eligible to use trawl gear, non-trawl gear, or both gear classes.

Table 1 provides the most recent estimate of the number of vessels that would qualify by size and gear type. Overall it appears that about 2,435 vessels will qualify for a groundfish license.

Table 1: Estimates of the Number of Vessels Qualified for Groundfish Licenses by Gear Type

Gear	GOA	BSAI	Total
Non-Trawl	1,935	295	2,060
Trawl	89	104	124
Both	193	133	225
Choice of Gear Types	18	16	26
Total	2,235	548	2,435

At this meeting the Council must consider whether they wish to have an analysis developed that would study adding species endorsements to the license. This issue was considered when the original program was being developed. Pages 94 through 105 from the September 17, 1994 EA/RIR are included as Attachment 1. Much of the discussion in the attachment deals with species grouping, target fisheries, and directed fishing standards.

Issues such as levels of species aggregation and minimum landings requirements will need to be addressed when developing alternatives for analysis. The discussion in Appendix I focused on issuing licenses for pollock, Pacific cod, rockfish, flatfish, and other groundfish. These species groups may still be appropriate, or additional detail may be requested. Minimum landings requirements will set a level of historic participation which must be met to earn a species endorsement. Differential levels could be set based on gear type, vessel size, or processing designation.

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NMFS has already indicated that species endorsements could not be implemented by January 1, 2000. Given that advice, this analysis would need to be completed by April 2000 to be implemented on January 1, 2001.

Neither the SSC, the AP nor the Council addressed this agenda item because of a lack of time.

D-1(h) Review EFP to Assess Sampling for Species Composition

ACTION REQUIRED

Provide recommendation on EFP application.

BACKGROUND

Groundfish Forum has submitted an application to NMFS for an experimental fishing permit to test species composition sampling methods (Item D-1(h)). The Bering Sea Flathead sole fishery in August/September 1999 is the subject of the experiment. The goal of the test is to: (1) evaluate the accuracy of basket sampling; (2) develop an automated random sampling method to select fish from the haul; and (3) provide preliminary information on the effects of stratification of catch on current size composition methods. John Gauvin, Groundfish Forum, will present the industry application and answer questions.

Report of the Scientific and Statistical Committee

The SSC recommended approval of the EFP because of the possibility of useful information that may be obtained. They had extensive comments on the composition of the EFP application and methodology, which can be found in the SSC Minutes, Appendix II to these minutes.

Report of the Advisory Panel

The AP recommended the Council approve the EFP application to test species composition testing methods.

DISCUSSION/ACTION

The Council received a presentation from John Gauvin, Groundfish Forum, on details of the application for the experimental fishery.

Joe Kyle moved to recommend approval of the application for an experimental fishing permit to test species composition testing methods. The motion was seconded by Wally Pereyra and carried without objection. (Robin Samuelsen was absent for the vote.)

D-2 Crab Management

ACTION REQUIRED

- (a) Review recent Board of Fisheries actions on crab seasons and stand-down requirements.**
- (b) Initial review of Bering Sea Tanner crab rebuilding plan.**

BACKGROUND

Recent Board of Fisheries Actions

At its March 1999 meeting the Board of Fisheries took a number of management actions for the crab fishery. These actions included adoption of several proposals that affect vessels fishing for both groundfish and crab. Proposal 287 (as adopted) moves the red king crab fishing season start date from November 1 to October 15th. Proposals 291 and 355 (as adopted), extend the exclusion period when no pot gear can be fished from 14 to 30 days for the king crab and *C. bairdi* Tanner crab fishing season and include trawl gear in the exclusion period for the king crab and *C. bairdi* and *C. opilio* Tanner crab fishing seasons. The proposals are under item D-2(a)(1).

Both NMFS and I have written to the Board seeking justification for the changes (item D-2(a)(2)). It is my view that the crab FMP allows the Board to change the crab season as a category 2 measure that is at the discretion of the State, but needs justification. Once a decision is made on changing seasons, there is an appeals procedure available in the plan to persons not pleased with the change.

The stand-down for trawlers (as well as for pot fishermen), however, is a more difficult situation, and somewhat confounded in the plan. Stand-downs were not contemplated in the original drafting of the plan, and therefore fall under section 8.3.8 "Other" which states:

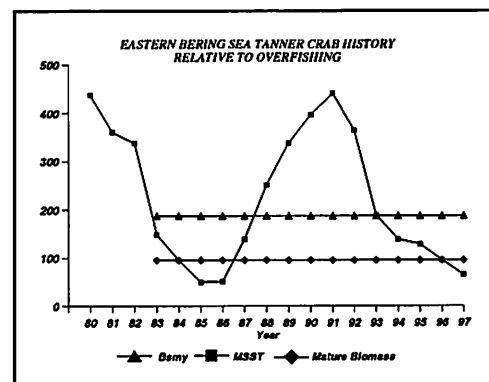
"As previously noted, the State government is not limited to only the management measures described in this FMP. However, implementation of other management measures not described in the FMP must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law, and may occur only after consultation with the Council. This management measure provides for an expanded scope of Federal review. Other management measures that the State may wish to implement are subject to the review and appeals procedures described in Chapters 9 and 10 of this FMP."

Therefore, stand-downs need to be brought to the Council for consultation before implementation. It should be noted that the placement of "Other" under Category 3 measures (discretion of State) is confusing. Nonetheless, the FMP is clear in requiring any measure not described in the FMP to be the subject of consultation. This is in the introduction to chapter 8 and reiterated in section 8.3.8 (see item D-2(a)(3)). The Council should consider the proposed stand-down and any background material or justification received from the State and determine its next course of action.

Tanner Crab Rebuilding Plan

The Bering Sea Tanner crab (*C. bairdi*) stock was declared "overfished" on March 3, 1999, because the 1997 *C. bairdi* spawning biomass (64.2 million pounds) was below MSST (94.8 million pounds of biomass; see adjacent figure). The stock has continued to decline 1998, with spawning biomass estimated to be 36.9 million pounds.

Section 304 of the Magnuson-Stevens Act requires that a rebuilding plan be developed within one year of an overfishing determination. The national standard guidelines further require a rebuilding period less than 10 years unless dictated otherwise by life history characteristics.



A rebuilding plan has been drafted and analyzed; the executive summary is provided as Item D-2(b)(1). At this meeting, the Council is scheduled to make an initial review of the analysis.

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Report of the Scientific and Statistical Committee

The SSC addressed only the crab rebuilding issue. The SSC recommended that the analysis be augmented to provide an estimate of the probability of rebuilding to MSY biomass levels within the allotted time interval under an explicit set of assumptions. For more detailed suggestions, please see the SSC Minutes, Appendix II to these minutes.

The Advisory Panel did not have enough time to address this agenda item.

DISCUSSION/ACTION

(a) Board of Fisheries Action

During discussion, the consensus of the Council was that an effort should be made to have more direct and clear communication between the Board and the Council. While some members were not in agreement with actions taken by the Board that affect vessels fishing for both groundfish and crab, it was agreed that the current management system can work with better communication. The following motion was adopted without objection:

The North Pacific Fishery Management Council requests a joint meeting with the Alaska Board of Fisheries to discuss mutual responsibilities under the Crab Fishery Management Plan and concerns raised during public testimony regarding recent Board action on season start dates and stand-down provisions for Bering Sea crab.

During discussion Dave Benton expressed concern that representatives from NOAA General Counsel and NMFS are not present at Board meetings to provide comment and direction on issues of mutual interest, and urged that an effort be made to have those representatives available during Board meetings.

(b) Crab Rebuilding Analysis

The Council did not have sufficient time to address this agenda issue.

E. PUBLIC COMMENTS

There were no further public comments.

F. ADJOURNMENT

Chairman Lauber adjourned the meeting at approximately 5:31 p.m. on Monday, April 26, 1999.